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HOUSE BILL NO. 2313

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 11, 2025)

(Patron Prior to Substitute—Delegate Lopez)

A *BILL to amend and reenact §§ 3.2-6555, 3.2-6564, and 3.2-6568 of the Code of Virginia, relating to boarding establishments; inspections by animal control officers; work group; report.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6555, 3.2-6564, and 3.2-6568 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6555. Position of animal control officer created.

A. The governing body of each county or city shall, or each town may, employ an officer to be known as the animal control officer who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals. The governing body may also employ one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, ~~providing~~ *provided that* the execution of such warrant shall be carried out by any law-enforcement officer as defined in § 9.1-101, to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed. Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

B. *In order to perform his duties under this chapter, an animal control officer may enter and inspect any animal boarding establishment, except establishments or facilities regulated by the Board of Veterinary Medicine, with the consent of the owner or person in charge, or pursuant to a warrant as provided for in § 3.2-6568, upon receipt of a complaint or twice annually upon their own motion to ensure compliance with state animal care laws and regulations.*

C. Any locality where an animal control officer or deputy animal control officers have been employed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officers or deputy animal control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

D. Every locality employing an animal control officer shall submit to the State Veterinarian, on a form provided by him, information concerning the employment and training status of the animal control officers employed by the locality. The State Veterinarian may require that the locality notify him of any change in such information.

§ 3.2-6564. Complaint of suspected violation; investigation.

A. Upon receiving a complaint of a suspected violation of this chapter, any ordinance enacted pursuant to this chapter or any law for the protection of domestic animals, any animal control officer, law-enforcement officer, or State Veterinarian's representative may, for the purpose of investigating the allegations of the complaint *and with the consent of the owner or person in charge*, enter upon, during business hours, any business premises, including any place where animals or animal records are housed or kept, of any dealer, pet shop, groomer, or boarding establishment. Upon receiving a complaint of a suspected violation of any law or ordinance regarding care or treatment of animals or disposal of dead animals, any humane investigator may, for the purpose of investigating the allegations of the complaint *and with the consent of the owner or person in charge*, enter upon, during business hours, any business premises, including any place where animals or animal records are housed or kept, of any dealer, pet shop, groomer, or boarding establishment.

Upon obtaining a warrant as provided for in § 3.2-6568, the law-enforcement officer, animal control officer, State Veterinarian's representative, or humane investigator may enter upon any other premises where the animal or animals described in the complaint are housed or kept. Attorneys for the Commonwealth and law-enforcement officials shall provide such assistance as may be required in the conduct of such investigations.

B. If the investigation discloses that a violation of § 3.2-6503 has occurred, the investigating official shall notify the owner or custodian of the complaint and of what action is necessary to comply with this chapter.

§ 3.2-6568. Power of search for violations of statutes against cruelty to animals.

60 When an affidavit is made under oath before a magistrate or court of competent jurisdiction by any animal
61 control officer, humane investigator, law-enforcement officer, or State Veterinarian's representative that the
62 complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have
63 been, are being, or are about to be violated in any particular building or place, such magistrate or judge, if
64 satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any *animal control*
65 *officer*, sheriff, deputy sheriff, or police officer to search the building or place. After issuing a warrant under
66 this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After
67 executing the warrant, the animal control officer, humane investigator, law-enforcement officer, or State
68 Veterinarian's representative shall return the warrant to the clerk of the circuit court of the city or county
69 wherein the search was made.

70 **2. That the Department of Agriculture and Consumer Services, in consultation with the State**
71 **Veterinarian employed pursuant to § 3.2-5901 of the Code of Virginia, shall convene a work group**
72 **composed of relevant stakeholders to consider whether to propose a state license and other regulatory**
73 **requirements for animal boarding establishments similar to the current licensing requirements for**
74 **animal shelters. The work group shall submit its report to the Chairmen of the Senate Committee on**
75 **Agriculture, Conservation and Natural Resources and the House Committee on Agriculture,**
76 **Chesapeake and Natural Resources by December 1, 2026.**