

Law 70 (Old Bill 308) - For Domestic Animal Protection

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BILL 308

FOR THE PROTECTION OF PETS AND DOMESTIC ANIMALS

NATIONAL ASSEMBLY

Decrees:

Chapter I

General Provisions

Article 1. The purpose of this law is to prevent, eradicate and punish mistreatment, neglect and acts of cruelty against domestic animals.

Article 2. For purposes of this decree, the following terms shall be understood as follows:

1. *Domestic animal (Pet)*. That species that lives or is likely to coexist with humans, posing a sentimental value, and whose life cycle takes place entirely in reliance on this. Whether as pets, for work, for show, for sport, for farm production purposes or any activity related to humans.
2. *Acts of cruelty*. Inhumane actions that create pain and suffering to another living being.
3. *Breeding Centers (hatcheries)*. Site intended for animal breeding.
4. *Euthanasia*. Quiet death, without suffering and induced or performed by a qualified and licensed veterinarian.
5. *Exploitation*. Commercial use of an animal species.
6. *Overcrowding*. Stacking and agglomerating animals in conditions that threaten their physical integrity and health.
7. *Owner*. One who has power, rights and duties of a pet.
8. *Dignified Treatment*. Action taken to prevent pain and suffering of the animals during breeding, transport, capture, holding, quarantine, marketing, development, training and sacrifice, among others.

Article 3. The animal that an individual has chosen as a pet is entitled to a life span according to their natural longevity; and during the duration of his life, their attention, care and protection, and consequently should not be subjected to abuse or acts of cruelty.

Article 4. Domestic Animals used for work shall be entitled to adequate food and nutrition, including reasonable limitation of time and intensity of work, rest and not be forced to work beyond their physical capacity.

Article 5. Should it take the death of an animal, this measure should be applied by a qualified, licensed veterinarian using a suitable method. One that is instant, painless and does not generate distress.

Chapter II

Animal Experiments

Article 6. Animal experiments may be conducted only when there is justification that the desired results cannot be obtained by other methods and that such experiments are necessary for monitoring, prevention, diagnosis or treatment of diseases affecting humans or the animal species as well as for advancing basic science knowledge.

Experimentation or testing on any animals for commercial or cosmetics is prohibited.

Article 7. For purposes of the provisions of the preceding article, the following rules shall apply:

1. No animal may be used more than once in experiments, if these affect its quality of life.
2. The animals will be cared for, fed and cured, before, during and after the experimental practice.
3. The animals will have to be sedated, tranquilized and anesthetized by a qualified veterinarian and must be treated fairly before, during and after the experiment.
4. The animal shall be euthanized by a qualified veterinarian, if as a result of the experiment the animal's quality of life is severely diminished.
5. The laboratories of accredited universities will have to be run by a qualified, licensed veterinarian and must have trained personnel to provide the proper humane treatment of animals.

Chapter III

Breeding Centers and Trade

Article 8. A person who establishes a center for breeding and / or exploitation of domestic animals must comply with, in addition to the requirements in other legislation, the following:

1. Look after that the animals are born; ensure, that the animals grow, live, eat, reproduce and develop in a suitable clean, healthy environment which is not overcrowded and that they receive humane treatment.
2. Guarantee the wellbeing of the animal and provide the basic conditions for its life. This includes but is not limited to food, water, healthy environment, veterinary care, prevention and treatment of diseases.
3. Pregnancies and births will be programmed in a staggered manner to ensure that the females can recover adequately.

Article 9. Trade of domestic animals is permitted provided that the exhibition and sale are conducted in rooms with adequate facilities for each species and that health regulations are met.

Every natural or legal person may sell dogs and cats as long as these are at least two months old.

The sale of domestic animals will not be allowed on public roads or highways.

Chapter IV

Liabilities

Article 10. Who owns a domestic animal or pet must meet the following animal health measures:

1. . Collect the feces when defecating in public or private land.
2. Maintain free access to water and food for animals in its habitat or intended place.
3. When the animal is tied for safety reasons, keep the chain or rope at a safe distance that allows it to move, access its food and water supply, rest and defecate without having direct contact with stool.
4. Keep visible and up to date veterinary control or vaccination records.
5. Hygienically dispose of the body of the animal when it dies.

Article 11. Owners of dogs and cats must be identified with tags or distinctive elements which includes the animal's name and telephone number of the owner. If the animal is not identified in the indicated manner, the owner shall be subject to the provisions of Article 18.

Article 12. The possession and cohabitation of pet living inside homes or apartment units incorporated into the Horizontal Property Regime shall be subject to special rules of hygiene and health approved by the board of owners, in addition to the measures provided in this Act and provisions in the regulation of co-owners.

Chapter V

Prohibitions

Article 13. Dog fighting, racing between animals and bullfights, whether Spanish or Portuguese style, these activities are prohibited. With the exception of cock fights, horse racing, equestrian sports, and other animal competitions will be regulated by special laws.

Article 14. Circuses that are installed in the country, in whose shows use animals of any species that engage in acts of cruelty against them, may be suspended by the competent authority. In such cases, protective measures will be adopted for the affected animal.

Chapter VI

Fouls and Penalties

Article 15. The following conducts, constitute offenses against domestic animals, subject to criminal liability:

1. Causing injury or death to a pet provisions of paragraph 1 of Article 2. Exceptions to this rule are euthanasia, death by emergency sacrifice, farm animals for consumption or production which must comply with local law and international conventions which Panama has signed to.

Death or serious injury caused by acts of cruelty to an animal considered a pet shall be punished as provided in Article 421 of the Penal Code.

2. Practice or encourage acts of zoophilia.

3. Abandonment of a domestic animal.
4. Not providing food or water to a pet or domestic animal or the provision of a undersized amount and low quality.
5. Keeping a pet or domestic animal, intentionally or negligently, under inadequate sanitary hygienic conditions, failure to provide veterinary medical treatment if necessary, and shelter against weather.
6. Keeping pets or domestic animals in inadequate cages by species and size.
7. Contravention of the provisions of this Act by the owner of a, or responsible for, pet or domestic animal.

Article 16. . Failure to comply with the established in items 1 and 2 of the preceding article shall be punished by a fine of five hundred dollars (\$ 500.00) up to, one thousand dollars (\$ 1, 000.00) and community work.

Article 17. Failure to comply with the established in items 3, 4, 5, 6 and 7 of Article 15 shall be punished by a fine of one hundred dollars (\$ 100.00) up to, five hundred dollars (\$ 500.00) and community work.

Article 18. In addition to the penalty provided in the preceding article, an order for the rescue of the pet or domestic animal will be issued and temporary transfer to an animal protection organization or shelter of the municipality for safekeeping, care and safety will be arranged, when an owner or responsible for custody of pets or domestic animals contravenes the provisions of this Act. The pet or domestic animal will be treated and admitted in accordance to the guidelines of each association or protective entity.

In this case, the costs incurred will be paid by the owner or responsible for the pet or domestic animal.

Chapter VII

Competency and Procedure

Article 19. Any person who is in the national territory should report any act that violates the rights of pets.

For this purpose the following may receive complaints: the National Police, the Judicial Investigation Department, mayor, municipal inspectors, the National Environmental Authority, the Water Resources Authority, the Ministry of Health, Ministry of Agriculture and any another competent authority established in the future.

Article 20. It will be up to the police authorities to apply the penalties provided in this Act.

Article 21. For purposes of this Act, the procedures established in the Administrative Code and Law 38 of 2000 shall apply, as appropriate.

Chapter VIII

Final Provisions

Article 22. The Executive Branch shall regulate this Law within one hundred eighty days of its effective date.

Article 23. This Act shall take effect the day following its promulgation.
NOTIFY AND COMPLY.

Project 308 of 2011, was approved after a third round of debates at the headquarters of the National Assembly of Panama, Palacio Justo Arosemena; city of Panama, on the third day of October two thousand twelve.