

**9 GAR ANIMAL REGULATIONS**  
**DIV. 1 - CARE AND CONSERVATION OF ANIMALS**  
**CH. 3 ANIMAL CONTROL**

**CHAPTER 3**  
**ANIMAL CONTROL**

**2007 COMPILER NOTE:** The 1997 soft-cover publication of this Chapter contained four articles as follows: Article 1 Zoonosis Control Section - Dog Control; Article 2 Commercial Quarantine Regulations; Article 3 Animal and Non-Domestic Animal Control; and Article 4 Harboring Wild Deer.

On June 5, 1998, rules and regulations concerning the Control and Licensing of Pets, Animal Quarantine, and Permits for Animal Facilities and Humane Animal Care were filed with the legislature by the Director of Public Health and Social Services and became effective through legislative inaction. The Animal Quarantine Regulations enacted in 1998 were replaced by Executive Order 2000-19 (July 19, 2000).

The rules concerning the Control and Licensing of Pets replaced Article 1 (Zoonosis Control Section - Dog Control). Rules concerning Animal Quarantine replaced Article 2 (Commercial Quarantine Regulations). Rules concerning Permits for Animal Facilities and Humane Animal Care were codified as a new Article 5 by the Compiler of Laws. Articles 3 and 4 remain unchanged from the 1997 soft-cover publication.

Public Law 26-76:57 (Mar. 12, 2002) transferred responsibilities for Control and Licensing of Pets (10 GCA Chapter 34 Article 1) and Quarantine (10 GCA Chapter 34 Article 3) from the Department of Public Health and Social Services to the Department of Agriculture. Public Law 28-111 (April 14, 2006) transferred responsibilities for Permits for Animal Facilities and Human Animal Care from the Department of Public Health and Social Services to the Department of Agriculture. Therefore, all applicable references to Department or Director of Public Health and Social Services were replaced with Department or Director of Agriculture.

Article 1. Control and Licensing of Pets.

Article 2. Animal Quarantine.

Article 3. Plant and Non-Domestic Animal Quarantine.

Article 4. Harboring Wild Deer.

Article 5. Permits for Animal Facilities and Humane Animal Care.

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**ARTICLE 1**  
**CONTROL AND LICENSING OF PETS**

- Part 1. General Provisions.
- Part 2. Pet Licensing.
- Part 3. Stray Dogs.
- Part 4. Impoundment.
- Part 5. Authority of Officers.
- Part 6. Repealer.
- Part 7. Separability.

**PART 1**  
**GENERAL PROVISIONS**

- § 3101. Purpose.
- § 3102. Authority.
- § 3103. Application.
- § 3104. Definitions.

**§ 3101. Purpose.**

The purpose of these rules and regulations is to control the population of stray and feral dogs and cats to prevent nuisances and the spread of diseases through the licensing and imposition of penalties.

**§ 3102. Authority.**

Section 20105, Chapter 20 of Title 10, Guam Code Annotated on General Provisions empowers the Director of Public Health & Social Services to adopt and promulgate these rules and regulations.

**2007 COMPILER NOTE:** *See opening Note.* These rules were originally adopted by the Director of Public Health and Social Services in 1998. Pursuant to P.L. 26-76:57 (Mar. 12, 2002), responsibilities under this Article were transferred to the Department of Agriculture.

**§ 3103. Application.**

These rules and regulations shall be liberally construed and applied to promote their purpose.

**§ 3104. Definitions.**

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(a) 'Animal' means any live non-human vertebrate creature, domestic or wild.

(b) 'Department' means the Department of Agriculture.

(c) 'Director' means the Director of the Department of Agriculture.

(d) 'Division' means the Division of [ ], Department of Agriculture.

(e) 'Euthanasia' means putting an animal to death by administering drugs in a manner provided by regulations of the Department.

(f) 'Harbor' means providing a place of refuge, safety, retreat, food, shelter or protection for pets. A pet is deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more on the same property.

(g) 'Impoundment' means strict confinement under restraint by leash cage or padlock upon premises specified by the Director.

(h) 'Officer' means an Animal Control Officer from the Department, a member of the Guam Police Department, a Mayor of Guam or a person authorized by the Director.

(i) 'Person' means any natural person, association, partnership, firm, corporation or any government entity.

(j) 'Pet' means a cat or a dog.

(k) 'Pet Control Unit' means the unit of the Department which is responsible for providing and carrying out a territory wide plan to collect and place under observation biting pets, reduce the number of pets running at large and, upon request, collect and dispose of humanely any sick, aged, injured or unwanted small animal.

(l) 'Pet owner' means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any pet to remain on premises occupied by that person or legal entity.

(m) 'Pet Pound' means the place where any animal apprehended by the Pet Control Unit is impounded.

(n) 'Running at large' means any dog that:

(1) is not restrained on private property in a manner that physically prevents the dog from leaving that property or reaching any public areas: or

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(2) when on public property, or any public area, is not restrained by a leash, tether or other physical control device not to exceed eight (8) feet in length and under the physical control of a capable person.

(o) ‘Small animals’ mean any animal, whether domestic or wild weighing less than fifty (50) pounds. Such animals include, but are not limited, to dogs, cats, rabbits, chickens, goats, ducks and other fowl.

(p) ‘Sterilization’ means the surgical operation on a pet to remove the reproductive organs, commonly called spaying for female pets and neutering for male pets.

(q) ‘Unlicensed pet’ means any pet not exempted under the provisions of Article 1, Chapter 34 of Title 10 Guam Code Annotated, for which the license for the current year has not been issued or to which the license tag is not attached.

**COMPILER COMMENT:** Subsection (d) made reference to the Division of Environmental Health, Department of Public Health and Social Services. Per P.L. 26-76:57 (Mar. 12, 2002), reference here should be made to a Division within the Department of Agriculture.

**PART 2**  
**PET LICENSING**

- § 3105. Pet License Required.
- § 3106. Pet License and Fees.
- § 3107. Application for License.
- § 3108. Exemption from Payment of License Fee.
- § 3109. Requirements of Rabies Vaccination prior to Licensing.
- § 3110. Issuance and Description of the License.
- § 3111. Description and Attachment of the Pet License Tag.
- § 3112. Lost License Tags.
- § 3113. Seizure of Unlicensed Pets.

**§ 3105. Pet License Required.**

It shall be unlawful for a person to own a pet unless it is currently licensed and wearing a license tag as prescribed in Section 34102, Chapter 34 of Title 10, Guam Code Annotated. This does not apply to pets less than three (3) months old, pets under quarantine, and pets brought into Guam for a temporary term not to exceed one (1) month for the purpose of entering

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such pets in a show or exhibition.

**§ 3106. Pet License and Fees**

(a) Each pet shall be licensed by its owner or an authorized representative of the owner.

(b) The license year shall be from January first to December thirty-first. Renewal of a license shall be within ninety (90) days before December thirty-first.

(c) Imported pets coming from rabies-free areas, government-owned pets or guide dogs for the blind or hearing-aid dogs shall obtain the license within thirty (30) days upon arrival into Guam.

(d) Pets exempted under § 3105 shall be licensed by the owner when such exemption expires.

(e) The Director shall set the annual license fee for pets on the basis of operating costs related to the issuance of licenses. Until changed by the Director and issuance of a public notice, the annual license fee shall be Five Dollars (\$5.00). Payment of the fee may be made at the Department or any other place authorized by the Director, and shall be made payable to the Treasurer of Guam. The fee shall be paid in full for any fraction of the year for which the license is issued.

(f) A penalty of One Dollar (\$1.00) per month shall be assessed for late renewal of a license. The penalty shall be in addition to the license fee and shall be paid in full at the time of issuance.

(g) The pet license is not transferrable to another pet. The license number shall be assigned to one pet and shall remain with that pet upon transfer to another owner for the entire life of the license.

**§ 3107. Application for License.**

Before a pet license is issued to the pet owner, the pet owner shall fill out an application for a license containing the following information in addition to the requirements stipulated in § 3109:

(a) The name and address (street address and mailing address) of the pet owner;

(b) The date of application;

(c) A description of the pet for which the license is issued including

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its sterilization status (whether spayed or neutered), its breed, age, color and sex;

(d) The date of rabies vaccination, vaccine expiration date, the type of vaccine used, the manufacturer's name and the serial number of the vaccine lot used; and

(e) Other information, such as phone or facsimile numbers, etc. as required by the Director.

**§ 3108. Exemption from Payment of License Fee.**

Guide dogs for the blind and hearing-aid dogs to assist the deaf are exempted from payment of the license fee but are still required to obtain the license.

**§ 3109. Requirements of Rabies Vaccination Prior to Licensing.**

A pet license shall be issued only upon presentation of a valid rabies certificate and a rabies tag. The agency copy of the Rabies Vaccination Certificate providing immunity during the period of licensure and duly signed by a licensed veterinarian shall be submitted to the Division. Procedures for immunization shall be as follows:

(a) All rabies vaccines shall be administered by or under the direct supervision of a licensed veterinarian.

(b) Vaccines with a three (3) year duration of immunity shall be administered if available. This constitutes the most effective method of increasing the proportion of immunized pets in any population.

(c) All vaccines must be administered in accordance with the instructions on the product label or package insert, and if given intramuscularly, at one site in the thigh.

(d) All licensed veterinarians shall adopt the National Association of State Public Health Veterinarians, Inc. (NASPHV) standard tag system. Pet license tags shall be distinguishable in shape and color from rabies tags. Anodized aluminum rabies tags shall be no less than 0.064 inches in thickness.

(e) Vaccination certificates shall be as follows:

(1) All licensed veterinarians shall use the NASPHV form #50 or #51, "Rabies Vaccination Certificate," which may be obtained from vaccine manufacturers. Computer generated forms containing the same

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information are acceptable.

(2) When a vaccination is renewed the third copy of the certificate shall be submitted by the pet owner to the Division.

**§ 3110. Issuance and Description of the License.**

Upon compliance with the requirements of § 3109 and receipt of the license fee, the Department shall issue to the pet owner a license stating the information required under § 3107 above except for (d), and shall also include the following:

- (a) The date of payment of the license fee;
- (b) The expiration date of the license;
- (c) The serial number of the license tag issued for the pet;
- (d) The rabies tag number, issue and expiry dates.

**§ 3111. Description and Attachment of the Pet License Tag.**

(a) The form and design of the license tag shall be determined by the Department and the serial number of the tag and the year of the license shall be inscribed on the tag.

(b) The form and design of the tag shall be determined annually by the Department in conjunction with the NASPHV.

(c) The tag shall be attached to a collar around the neck of, or to a harness worn by the pet for which the license tag was issued.

(d) Pets will be exempted from wearing the license tag when they are displayed in an exhibition or a pet show; when the pet is being kept in an approved kennel or veterinary hospital; or when the pet is being trained provided that in each of these cases, the person in charge of the pet shall have in his possession the license tag and shall display such tag when requested by an officer.

(e) It shall be unlawful for any person to remove any tag from any pet not owned by him or under his control, or to affix to any pet any license tag not issued as required herein or to make or have in his possession or to place on any pet any counterfeit or imitation of any license tag required herein.

**§ 3112. Lost License Tags.**

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If any license-tag is lost, mutilated or stolen, the pet owner to whom such tag was issued shall be entitled to receive a replacement by presenting to the Department the original license certificate and a notarized affidavit stating that such tag was lost, mutilated or stolen. Upon determination that the required information is legitimate, a substitute tag shall be issued upon payment of a fee equal to one-half (1/2) the annual license fee.

**§ 3113. Seizure of Unlicensed Pets.**

An officer is authorized to seize any unlicensed pet, as defined above in § 3104(n), found running at large or found upon any public property or any private property, including the pet owner's, whether in the immediate presence of the owner or otherwise, and confine it in the Pet Pound in accordance with Part 4 of Article 1 of these rules and regulations.

**PART 3**  
**STRAY DOGS**

- § 3114. Prohibition of Dogs Running at Large.
- § 3115. Applicability.
- § 3116. Pet Trespassing on Private Property.
- § 3117. Pet Owner's Liability.
- § 3118. Vicious Pet.
- § 3119. Persons Attacked by Pets or Animal.
- § 3120. Special Methods of Apprehending and Controlling Pets Running at Large.

**§ 3114. Prohibition of Dogs Running at Large.**

It shall be unlawful for an owner of a dog, whether such dog is licensed or not, to willfully allow his dog to run at large. A dog running at large as defined in § 3104 is a stray dog.

**§ 3115. Applicability.**

The provisions of this chapter shall not apply to:

- (a) Seeing-eye dogs trained to assist blind persons and hearing-aid dogs trained to assist the deaf while such dogs are being used by blind or deaf persons for the purpose of aiding them in going from place to place.
- (b) Dogs trained and used by the Guam Police or Guam Customs in law enforcement work while such dogs are engaged in the performance of



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such work;

(c) Hunting dogs when accompanied by their owner during legal hunting activities;

(d) Obedience trial, tracking and show dogs accompanied by and under the direct supervision of their owner provided permission is first obtained from the proper authorities for such use.

**§ 3116. Pet Trespassing on Private Property.**

(a) Any person who sees a pet trespassing on land or premises not owned or possessed by the owner of the pet shall report such trespass to the Pet Control Unit immediately. The person shall give the exact location of the place where the pet trespassed and the time at which the trespass occurred. If the investigation by an officer proves that the pet has trespassed on another's property. the pet shall be seized and impounded by the Pet Control Unit in accordance with Part 4 of Article 1 of these rules and regulations and the officer shall issue a citation in accordance with § 3131 to the owner or other person charged.

(b) It shall be unlawful for any person to kill a pet not owned by him except as otherwise provided in any applicable laws or rules, or in the following circumstances:

(1) The pet is found in the act of killing, wounding or persistently pursuing another person, livestock or poultry on land or premises not owned or possessed by the pet owner;

(2) The person has such proof as conclusively shows that the pet has recently engaged in killing or wounding another person, or his livestock or poultry while on land or premises owned by the person.

(c) Any person killing or injuring a pet pursuant to action taken by him as authorized under these regulations shall not incur any financial liability to the owner of such pet.

**§ 3117. Pet Owner's Liability.**

(a) When a pet causes injury to a person or another animal or property damage to that of another person, the pet's owner shall be liable to the extent that his negligence was the proximate cause of such injury or damage.

(b) For animals that by nature or species are known to be dangerous,

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wild or vicious, the animal's owner is absolutely liable for all personal or property damage caused by such animals,

(c) For a pet which has bitten a human being, the pet's owner shall take reasonable steps necessary to prevent the recurrence of other similar incident.

(d) For a pet that has injured a person or caused damage to property belonging to another, and the pet's owner neglects or refuses to take necessary precautions to prevent similar occurrences and the pet causes further injury or damage, then in addition to paying the person injured for the damage or injuries, the pet owner shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

**§ 3118. Vicious Pet.**

Any pet which, while running at large has bitten a person or persons two or more times, is a vicious pet and shall be ordered confined at the Pet Pound. The pet shall be observed for ten (10) days for possible signs of rabies, and at the end of the observation period may be returned to the pet owner, or adopted after payment of applicable charges; or humanely disposed of by the Pet Control Unit. The decision to humanely dispose of the pet shall be based upon whether conditions of treatment or confinement of the pet or other circumstances existing at the time of the bites have not changed so as to remove the danger to other persons. The pet owner may voluntarily request the pet to be humanely disposed of.

**§ 3119. Persons Attacked by Pets or Animal.**

(a) Any person who is being attacked by a pet or animal or any person witnessing such attack may kill such, pet or animal while so attacking or thereafter if deemed necessary to prevent further attack by the pet or animal or to prevent otherwise unavoidable escape of the pet or animal without incurring any financial liability to the pet or animal owner. Such person killing a pet or animal shall notify the Department immediately, and shall remain with the pet or animal until an officer takes possession of the carcass, or other arrangements acceptable to the Department are made for the recovery of the carcass. Upon taking possession of the carcass, the officer shall immediately deliver it to the Department for examination.

(b) Any person may apprehend by any means deemed necessary a pet or animal which has bitten or is reasonably believed to have bitten any

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person without incurring any financial liability to the pet or animal owner. The Pet Control Unit shall be immediately notified, and the investigating Unit Officer shall determine the place at which the pet shall be observed for ten days for signs of rabies.

(1) For pets, the 10-day post-bite observation period shall be done in accordance with § 3123.

(2) For other animals the Director shall determine the need for observation, and if so required, the location for ten days of observation.

(c) Following the observation period, the Director shall make a determination as to the appropriate disposition of the pet or animal, including humanely disposing of the pet or animal.

(d) This Section shall not apply to pets attacking persons who are not authorized by the owner to enter into the owner's property while the pet is within the owner's property or the person bitten provoked the pet to attack him. The pet, however, must still be subjected to a 10-day post bite observation period.

**§ 3120. Special Methods of Apprehending and Controlling Pets Running at Large.**

When the Director shall determine that the use of poison baits, tranquilizer guns, or any other methods are necessary beyond the regular methods of using snare and traps to reduce the number of pets running at large, the following guidelines shall be observed:

(a) Poison baits may be placed on private property only upon the written consent of the owner or tenant of such property;

(b) Poison baits may, after public announcement, be placed on public lands within a municipality only with the written consent of the mayor of that municipality or without the mayor's written consent during a public health emergency due to rabies;

(c) Handling of poison baits shall be done only by an authorized person of the Department;

(d) Only poison baits approved by GEPA and the Food and Drug Administration: shall be used for this purpose;

(e) Tranquilizer guns shall be used only by an authorized person

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of the Department;

(f) Any other method which the Director deems reasonably necessary under the circumstances shall only be carried out by trained personnel authorized by the Department.

**PART 4**  
**IMPOUNDMENT**

§ 3121. Licensed Stray Dog.

§ 3122. Unlicensed Pet.

§ 3123. Biting Pet.

§ 3124. Unwanted Pet.

§ 3125. Other Pets.

§ 3126. Disposition of Diseased or Unadoptable Pets.

§ 3127. Adoption of Impounded Pets.

§ 3128. Impoundment Fee.

**§ 3121. Licensed Stray Dog.**

(a) Any dog that is licensed whether wearing a license tag in accordance with § 3111, or not and found to be running at large, is subject to being apprehended by an officer and impounded at the Pet Pound.

(b) The owner, as shown on the license, of any licensed dog that has been impounded shall be notified of such impoundment and the dog, if not claimed within ten (10) days after the notification, may be given for adoption in accordance with § 3126, or the dog may be humanely disposed of.

(c) The notice in (b) immediately above shall be delivered personally to the owner or left at his place of residence on Guam or sent by regular mail to his last known address. The owner may also be informed by phone or facsimile at the number(s) as shown on the license.

(d) The owner of any licensed dog impounded at the Pet Pound may redeem the dog within ten (10) days after notification, upon payment of the impoundment fee and any applicable penalties.

**§ 3122. Unlicensed Pet.**

(a) Any pet over three (3) months old that is not currently licensed or is not wearing a license tag in accordance with § 3111 shall be subject to

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apprehension by an officer and impounded at the Pet Pound.

(b) Any unlicensed pet that is impounded at the Pet Pound shall be kept for three (3) days and may be claimed by the owner upon presentation of reasonable proof of ownership and after obtaining a license and payment of the impoundment fee and any applicable penalties.

(c) At the end of three (3) days of impoundment an unlicensed pet not claimed shall either be given up for adoption in accordance with § 3116 or humanely destroyed.

**§ 3123. Biting Pet.**

The following requirements shall be observed for the impoundment of biting pets:

(a) Every reasonable effort shall be made to apprehend and impound a pet, whether owned or not, that has bitten a person or animal. The owner of a pet that bites a person or animal, or the person bitten by the pet shall report such biting incident to the Pet Pound within twenty-four (24) hours of the incident.

(b) The biting pet shall be observed for ten (10) days immediately following the incident and the apprehension for possible signs of rabies.

(c) Impoundment may be done in the home of the pet owner if the pet has been vaccinated against rabies or is less than three (3) months old.

(d) Impoundment shall be done at the Pet Pound if the pet is more than three (3) months old and was not vaccinated before the biting incident or the age and the vaccination status is unknown.

(e) A person who has custody of a biting pet showing any signs or symptoms of rabies shall immediately notify the Pet Pound. Such pet shall be impounded immediately at the Pet Pound. Signs or symptoms that the pet is rabid may include multiple unprovoked attacks, frenzy, foaming at the mouth or paralysis.

(f) If a pet under home impoundment dies during the observation period the owner shall immediately notify the Department and make arrangements for decapitation in the presence of an officer. The head shall be immediately be taken to the Department for necropsy at an approved laboratory.

(g) For other domestic animals like pigs, horses or cows which have

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been involved in a biting incident, impoundment shall be done at the home of its owner.

(h) If a wild animal capable of being a rabies carrier is involved in a biting incident, the animal shall be apprehended and immediately decapitated, and necropsy of the brain conducted.

(i) A biting pet may be declared to be vicious in accordance with § 3118.

(j) At the end of the observation period, the pet owner may reclaim a biting pet if the pet shows no symptoms of rabies and after payment of the impoundment fee and compliance with all license requirements of Part 2 of Article 1 of these rules and regulations if the pet is unlicensed.

(k) The pet owner may voluntarily choose to give up his rights of the ownership of a biting pet.

(l) In general, a biting pet cannot be put up for adoption if the biting incident was unprovoked.

**§ 3124. Unwanted Pet.**

(a) A pet owner who voluntarily turns his pet over to the Pet Pound is required to sign a form relinquishing his rights to the pet before he turns the pet over to the Pet Pound.

(b) The pet will either be humanely disposed of, or put up for adoption in accordance with § 3126.

**§ 3125. Other Pets.**

Any pet may be impounded and held at the Pet Pound when it requires protective custody and care because of mistreatment or neglect by its owner, or when otherwise ordered impounded by a court.

**§ 3126. Disposition of Diseased or Unadoptable Pets.**

All pet turned over to the Pet Pound which by reason of age or disease or other cause are unlikely to be adopted or are dangerous to keep impounded need not go through any impoundment period and maybe be humanely destroyed as soon as possible. This Section shall not apply to biting pets under the post bite observation period.

**§ 3127. Adoption of Impounded Pets.**

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(a) The Department shall not release a pet for adoption without taking reasonable measures to place the animal in a safe and humane environment. Such measures shall include that:

(1) The adopter can provide the pet with sufficient food. Water, shelter, veterinary care, and humane care and treatment;

(2) The adopter will not mistreat the pet nor permit it to engage in fights or other forms of combat;

(3) The adopter will sign a document stating that he will not abandon the pet;

(4) The adopter will provide such enclosure or adequate physical restraint to ensure that the pet will not be permitted to become a stray in violation of § 3114.

(5) Licensing requirements are complied with if the pet is not licensed;

(6) All pets over the age of six (6) shall be sterilized before being released to the new owner(s). Any expense incurred for such operations or vaccinations shall be included with the costs of care and keep and borne by the new owner(s).

(7) All pets below the age of six (6) months shall not be released to the adopter unless a written agreement signed by the adopter guaranteeing that such pets will be sterilized prior to the pets reaching the age of six (6) months.

(8) A minimum sterilization guaranty deposit shall be paid by the adopter for the following pets under six (6) months of age:

(A) \$ 75.00 - male puppy

(B) \$125.00 - female puppy

(C) \$ 50.00 - male kitten

(D) \$ 60.00 - female kitten

(9) The impoundment fees, regardless of the age of the pet, shall be paid by the adopter.

(10) The payment of the sterilization guaranty deposit may be waived under the following conditions:

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(A) The pet to be adopted is ready to be sterilized and the pet has a confirmed appointment for sterilization with a licensed veterinarian, and;

(B) The pet will only be released to the adopter after the pet has been sterilized

(b) For pets below six (6) months of age at the time of adoption, failure to perform the sterilization within thirty (30) days after the scheduled date of sterilization as indicated in the adoption agreement shall result in forfeiture of the sterilization deposit and the pet shall be confiscated and returned to the Pet Pound.

(c) The Department may delegate pet adoption activities to a non-profit organization or society formed for the humane treatment of animals. If the Department so delegates, the private non-profit organization shall run the adoption activities in accordance with the provisions of these rules and regulations and the policies, procedures and directives of the Department.

(d) A person who has been convicted of inhumane treatment of animals shall not be qualified to adopt a pet.

**§ 3128. Impoundment Fee.**

A per diem charge to be fixed annually by the Director on the basis of operating costs shall be charged for every day or part thereof, for any pet kept in the pound for any reason and regardless of the age of the pet. The per diem charge shall be Ten Dollars (\$10.00) per day for calendar year 1997.

**PART 5**  
**AUTHORITY OF OFFICERS**

§ 3129. Seizure of Pets.

§ 3130. Right of Entry.

§ 3131. Citations.

§ 3132. Wrongful Interference with Officers.

**§ 3129. Seizure of Pets.**

An officer shall have the authority as peace officer to carry his duty as required by law. In particular, he may seize a pet under the following conditions:



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(a) When an unlicensed pet as described in §§ 3108 and 3122 is found upon any public or private property except inside the pet owner's dwelling;

(b) When a pet is a stray dog, whether licensed or not, as described in § 3121;

(c) When a pet trespasses on property other than his owner's;

(d) When a pet becomes a vicious pet;

(e) When home impoundment of a biting pet is not practical or the pet owner wants the pet to be impounded at the Pet Pound;

(f) When a pet is so obviously diseased that it becomes a menace to the health of persons and other animals. Such a pet, if unlicensed shall be humanely disposed of, and if licensed, the owner shall be notified as stipulated in § 3121, and be given the option to have the pet put to sleep or treated by a veterinarian as per guidelines and procedures of the Department;

(g) When any other pets are found in violation of any of the provisions in Chapter 34 of Title 10, Guam Code Annotated;

(h) Nothing herein shall give any officer the right to kill any pet that is an immediate threat to any person if other reasonable means of controlling the pet exist.

**§ 3130. Right of Entry.**

An officer is authorized to enter upon any premises other than a private dwelling at any reasonable time or as the circumstances dictate under these rules and is authorized to remove or seize any pet under conditions stipulated in § 3129.

**§ 3131. Citations.**

Any officer is authorized to issue citations to owners of pets found in violation of any part of Article 1, Chapter 34 of Title 10 Guam Code Annotated or these rules and regulations. The penalty for such violation shall be punishable by a fine of not less than Fifty Dollars (\$50.00) or by imprisonment not to exceed six (6) months, or both. Unlawful acts for which citations may be issued include, but are not limited to the following acts:

(a) Attaching a license tag to a pet other than the one for which it was

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issued:

(b) Willfully allowing a dog to run at large;

(c) Killing a pet that has trespassed on property other than in the manner prescribed by § 3116 of these rules and regulations;

(d) Shooting, wounding or killing a pet involved in a biting incident unless to prevent further attack or unavoidable escape of the pet.

**§ 3132. Wrongful Interference with Officers.**

Any person resisting or obstructing an officer in the exercise of his duties as provided in these: rules and regulations shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one (1) year or by a fine not to exceed One Thousand Dollars (\$1,000), or both.

**PART 6**  
**REPEALER**

**§ 3133. Repealer.**

On the effective date of these rules and regulations all other regulations or parts of other regulations that conflict with these rules and regulations are repealed.

**PART 7**  
**SEPARABILITY**

**§ 3134. Separability.**

If any provision or application of these rules and regulations are held invalid by a competent court of law, all other provisions or applications of these rules and regulations shall remain in effect.

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**ARTICLE 2**  
**ANIMAL QUARANTINE**

**2006 COMPILER NOTE:** The 1998 adoption of these Animal Quarantine rules and regulations were originally intended to replace Article 3 of Chapter 4 of Title 26 GARR governing Public Health and Social

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Services. However, P.L. 26-76:57 (March 12, 2002) transferred all animal quarantine responsibilities from the Department of Public Health and Social Services to the Department of Agriculture. Thus, the regulations concerning Animal Quarantine were placed in this Title 9 of the GARR by the Compiler of Laws. The 1997 soft-cover publication of the GARR actually contained the same Commercial Quarantine Regulations in both Title 9 (Animal Regulations) and Title 26 (Public Health & Social Services).

- § 3201. Purpose.
- § 3202. Authority.
- § 3203. Definitions.
- § 3204. Requirements for Entry into Guam.
- § 3205. Illegal Entry.
- § 3206. Pre-Arrival Requirements for Entry Permit.
- § 3207. Health Certificate Requirement.
- § 3208. One-Hundred Twenty-Day Quarantine Program.
- § 3209. Thirty-Day Quarantine Program.
- § 3210. Pre-Arrival Requirements for Thirty-Day Quarantine Program.
- § 3211. Post-Arrival Requirements for Thirty-Day Quarantine Program.
- § 3212. Carrier Responsibility.
- § 3213. Transportation to Quarantine from Port of Entry.
- § 3214. Post-Arrival Examination.
- § 3215. Exemptions to Quarantine.
- § 3216. Entry Restrictions.
- § 3217. Release from Quarantine.
- § 3218. Breeding in Quarantine Not Permitted.
- § 3219. Death of Quarantined Animal.
- § 3220. Animals Born in Quarantine.
- § 3221. Handling of Quarantined Animals.
- § 3222. Responsibilities of Commercial Quarantine Facility.
- § 3223. Housing of Quarantined Animals.
- § 3224. Authorization to Construct and Occupy.
- § 3225. Application for and Issuance of Sanitary Permit to Operate.
- § 3226. Structural, Functional, and Related Requirements.
- § 3227. Sanitation Requirements.
- § 3228. Inspections of and Access to Commercial Quarantine Facility.
- § 3229. Report of Inspections.
- § 3230. Posting of Sanitary Permit and Inspection Report.
- § 3231. Development of Rabies in Quarantine.
- § 3232. Biting Animal in Quarantine.

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- § 3233. Termination of Commercial Quarantine Facility
- § 3234. Certain Violations as Crimes.
- § 3235. Suspension or Revocation of Permits for Violations
- § 3236. Fines of Carriers for Illegal Boarding of Animals.

**§ 3201. Purpose.**

The purpose of these rules and regulations is to protect the people of Guam and their pets from the potential introduction and spread of rabies and other diseases.

**§ 3202. Authority.**

Section 20105 of Title 10, Guam Code Annotated, General Provisions, empowers the Director of Public Health and Social Services to adopt and promulgate such rules and regulations as may be necessary. Further authority is also provided for in United States Code, Title 48, Section 1421g (a).

**§ 3203. Definitions.**

For the purpose of these rules and regulations, the following meanings shall apply to the words indicated, whether capitalized or not, unless the context requires otherwise:

(a) “Carrier” means any person engaged in the business of transporting any dog or cat into through or upon Guam by airplane, ship or any other form of conveyance.

(b) “Commercial Quarantine Facility” or “CQF” means a quarantine facility approved by the Director to confine dogs or cats under quarantine, and shall include a facility owned and operated by the U.S. military.

(c) “Department” means Department of Agriculture.

(d) “Designated Inspection Area” means an area designated by the Director.

(e) “Director” means Director of the Department of Agriculture or his designated representative.

(f) “Dog” or “Cat,” or the plural term of each, means those animals belonging to the order *Carnivora* which includes dogs, wolves, foxes, skunks, raccoons, cats, civets, hyenas, weasels, wolverines; and the order *Marsupialia* which includes opossums, koalas, kangaroos; and the order

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*Chiroprera* which includes bats.

(g) “Impoundment” means strict confinement under restraint by leash, cage, or paddock upon premises specified by order of the Director.

(h) “Officer” means a member of the Guam Police Department, Customs and Quarantine Agency, a Mayor of Guam, or a person authorized by the Director.

(i) “Operator” means the name of the person appearing on any permit to construct or to operate a CQF.

(j) “Permit” means a sanitary permit to construct or a sanitary permit to operate a CQF.

(k) “Person” means any natural person, association, partnership, firm, corporation or any government entity.

(l) “Quarantine” means strict isolated confinement in accordance with the provisions of these regulations, and other conditions as may be designated by the Director.

(m) “Rabies” means an acute infectious disease of the central nervous system in mammals, including man, caused by a virus of the genus *Lyssavirus*, and frequently transmitted through the bite of an infected dog or cat.

(n) “Rabies-Free Area” means an area as may be designated from time to time by the Director as having been free from rabies for the immediately preceding two (2) years and which area has maintained stringent entry and quarantine requirements to prevent the introduction of rabies and other zoonotic diseases.

(o) “Thirty-Day Quarantine Program” or “30-Day Quarantine Program” means an alternative quarantine program to the normally required 120 days of quarantine at a CQF, where an animal is placed in a CQF for the first thirty days and then monitored outside the facility for the remaining ninety days upon qualification.

(p) “Government Veterinarian” means an individual licensed and authorized to practice veterinary medicine on Guam and who is employed, whether part-time or full-time, by the Department or, another government of Guam entity.

(q) “Veterinarian” means an individual licensed to practice veterinary

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medicine in the jurisdiction in which the license is issued.

**§ 3204. Requirements for Entry into Guam.**

(a) Every dog or cat entering Guam, including through military installations, must be accompanied at the time of arrival by valid entry permit issued by the Department.

(b) A dog or cat shall be permitted entry only at the A.B. Won Pat International Airport, unless written authorization indicating entry elsewhere is given by the Director prior to the animal's entry.

(c) A pregnant dog or cat, past forty-five (45) days gestation, shall not be permitted entry into Guam.

(d) Once issued, an entry permit may not be altered by anyone, except that the Director may amend the permit at his discretion if necessary.

**§ 3205. Illegal Entry.**

Any dog or cat arriving at a port without having been issued a valid entry permit shall remain in the custody of the carrier at the port in a designated area. Transfer of custody to anyone other than the carrier is absolutely prohibited. The animal must be deported by the carrier within seventy-two (72) hours unless the Director consents to a longer period. If the carrier is unable to deport the animal, then it shall be disposed of humanely by the Department. The carrier shall be responsible for all expenses while holding the animal and for the costs of deportation and disposal, and shall promptly reimburse the Department if any costs are incurred by the Department stemming from the illegal entry.

**§ 3206. Pre-Arrival Requirements for Entry Permit.**

The following shall be required prior to the issuance of an entry permit:

(a) Submission of an original application in a form prescribed by the Department, signed and certified by the applicant as to the information's truthfulness and completeness;

(b) Payment of the required fee. The entry permit fee shall be fixed annually or from time to time as may be necessary or practicable, by the Director on the basis of the Department's operating costs in connection with monitoring the entry of animals into Guam and payable to the "Treasurer of Guam." The initial entry permit fee for each imported dog or cat shall be

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Sixty Dollars (\$60.00);

(c) Submission of proof of vaccination of all dogs and cats ninety (90) days of age or older at the time of arrival on Guam against rabies, with an approved inactivated rabies vaccine recommended by the National Association of State Public Health Veterinarians.

(1) An animal entering Guam under the 120-Day Quarantine Program shall be vaccinated for rabies not less than thirty (30) days prior to its entry.

(2) An animal entering Guam under the 30-Day Quarantine Program shall undergo a pre-arrival rabies blood test in addition to complying with the provisions of §§ 3207 and 3209 herein;

(d) Submission of proof of vaccination of all dogs, not less than ten (10) days and not more than one-hundred eighty (180) days prior to arrival. A document attesting to the administering of the vaccinations must include the name and address of the pet owner; name and description of the animal, indicating its age, sex, breed, color, and markings; date or dates of vaccinations; and the name, address, and signature of the veterinarian who administered the vaccination. The Director, in his discretion and in writing, may waive any vaccination required by this section if the dog or cat originates from a rabies-free area. The following vaccinations are required:

- (1) Canine distemper virus;
- (2) Canine infectious hepatitis virus or canine adenovirus-2;
- (3) Canine *leptospirosis*;
- (4) Canine parainfluenza;
- (5) Canine coronavirus;
- (6) Canine parvovirus; and
- (7) *Bordetella bronchiseptica* (kennel cough);

(e) Submission of proof of vaccination of all cats, which vaccinations must be completed not less than ten (10) days and not more than one-hundred eighty (180) days prior to arrival. A document attesting to the administering of the vaccinations must include the name and address of the pet owner; name and description of the animal, indicating its age, sex, breed, color, and markings; date or dates of vaccinations; and the name, address, and signature of the veterinarian who administered the vaccination.

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The Director, in his discretion and in writing, may waive any vaccination required by this section if the dog or cat originates from a rabies-free area:

- (1) Feline *panleukopenia* virus (feline viral enteritis);
- (2) Feline viral *rhinotracheitis* (feline herpesvirus-I);
- (3) Feline *calicivirus*; and
- (4) *Chlamydia psircaci* (pneumonitis);

(f) Submission of a confirmed reservation document from a CQF. It shall be the pet owner's responsibility to contact the CQF directly for kennel reservation, rates, etc. Such reservations may be transmitted to the Department by the CQF;

(g) Submission of an original health certificate in accordance with these rules or other applicable laws within fourteen (14) days of arrival;

(h) Submission of an affidavit for export in accordance with these rules or other applicable laws for dogs or cats originating from rabies-free areas; and

(i) If qualifying for the 30-Day Quarantine Program, submission of proof of implantation of an electronic microchip issued by the Department.

**§ 3207. Health Certificate Requirement.**

The health certificate shall be written in legible English and must include the following information:

(a) The name, address, and telephone number of the certifying veterinarian;

(b) A complete description of the animal, including age, markings, sex, breed and any additional identifying characteristics;

(c) A statement, with date of treatment and name of insecticide, indicating that the animal is free of external and intestinal parasites, and indicating whether the animal was dipped, sponged, sprayed, or dusted for external parasites within fourteen (14) days prior to arrival;

(d) Certification that the animal is free of any evidence of infectious or contagious disease;

(e) If applying for the 30-Day Quarantine Program, the number and date of implantation of the Department-issued electronic microchip.



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(f) Record of all pertinent vaccinations listed in § 3206.

(g) Record of rabies vaccination which includes the name of the vaccine, lot or serial number, expiration date and route of administration. An animal qualifying for the 30-Day Quarantine Program shall list information on the two (2) most recent rabies vaccination. Excluding dogs and cats qualifying for the 30-Day Quarantine Program under § 3209, the rabies vaccination shall be administered thirty (30) days prior to the dog or cat's departure for Guam.

**§ 3208. One-Hundred Twenty-Day Quarantine Program.**

All dogs and cats entering Guam are subject to one hundred twenty (120) days of quarantine at a CQF unless otherwise exempted by these rules or unless qualifying for the 3D-Day Quarantine Program.

**§ 3209. Thirty-Day Quarantine Program.**

(a) The 30-Day Quarantine Program is a modified 120-Day Quarantine Program wherein, after the initial thirty (30) days of quarantine at a CQF, the animal completes quarantine under the owner's control and supervision. In addition to the requirements of § 3206 and § 3207, the pre-arrival and post-arrival requirements of §§ 3210 and 3211 shall be met to qualify for the 30-Day Quarantine Program.

(b) After qualifying for the 30-Day Quarantine Program and completing the required thirty (30) days of quarantine at a CQF, the animal shall be home-quarantined for the next ninety (90) days under the following conditions:

(1) The owner shall maintain the animal at the physical residence (*e.g.*, home) indicated on the application under conditions of strict confinement as will prevent any escape;

(2) Any proposed change in address or ownership shall be promptly reported to the Department in writing, and approved by the Department, prior to the change;

(3) The animal may be permitted to leave the physical residence, provided it is securely leashed or confined (*e.g.* , cage, fence) and accompanied by the owner or the owner's authorized representative only;

(4) The owner shall immediately notify the Department if the animal dies, shows symptoms of rabies, or is lost or stolen, during the

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ninety (90) days of home quarantine;

(5) The owner shall obtain and submit to the Department a health clearance from a licensed veterinarian indicating that the animal is free of rabies and its symptoms no earlier than five (5) days before, but not after, the expiration of the ninety (90) days of home quarantine; and

(6) The owner shall permit the Department to inspect the animal or the place of its confinement at any reasonable time to ensure the compliance of these rules and regulations.

(c) If the Director has reasonable cause to believe that any condition of the 30-Day Quarantine Program is not complied with, then the Director may immediately seize the animal and subject it to quarantine at a CQF for a period equivalent to the time it would take to complete the normal 120-Day Quarantine Program, at the expense of the owner.

**§ 3210. Pre-Arrival Requirements for 30-Day Quarantine Program.**

Prior to arrival on Guam, the owner of an animal applying for the 30-Day Quarantine Program shall ensure that the following requirements are met. Failure to meet any of these requirements shall disqualify the animal from the 30-Day Quarantine Program:

(a) The animal shall receive a minimum of two (2) rabies vaccinations not less than six (6) months apart prior to its entry into Guam as follows:

(1) The first rabies vaccination must have been received when the animal was ninety (90) days of age or more;

(2) The second or subsequent animal was no less than ninety (90) days before entry into Guam;

(3) The name, serial or lot number, expiration date and route of administration must appear on the health certificate; and

(4) Information for the two (2) most recent rabies vaccinations must have been recorded on the health certificate.

(b) A rabies blood test, OIE-Fluorescent Antibody Virus Neutralization Test, also known as an OIE-FAVN, shall be conducted prior to the arrival of the animal into Guam, as follows:

(1) The OIE-FAVN test must have been conducted at a laboratory approved by the Department;

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(2) One (1) to three (3) milliliter(s) of whole blood in a heparinized or EDTA blood collection tube shall be sent to the approved laboratory by a veterinarian. The laboratory shall maintain the blood sample until the animal completes its 120-day stay on Guam, and the blood shall be made available for genetic analysis to confirm the identity of the animal, if necessary;

(3) The OIE-FAVN test shall be conducted no less than ninety (90) days and no more than three hundred sixty-five (365) days prior to arrival. The counting of days shall commence on the day following the OIE-FAVN sample is received by the laboratory;

(4) The testing laboratory shall submit the test results directly to the Department and shall include the Department issued microchip number and a complete physical description of the animal; and

(5) The result of the OIE-FAVN shall be 0.5 I.U. per milliliter of rabies antibodies or greater.

**§ 3211. Post-Arrival Requirements for 30-Day Quarantine Program.**

(a) An animal qualifying for the 30-Day Quarantine Program shall be required to have another OIE-FAVN test upon arrival on Guam. The result of the OIE-FAVN shall be 0.5 I.U. per milliliter of rabies antibodies or greater. Any animal failing to meet the required 0.5 I.U. per milliliter of rabies antibody, or greater, shall be automatically disqualified from the 30-Day Quarantine Program and quarantined for one hundred twenty (120) days.

(b) The owner of the animal otherwise qualifying for the 30-Day Quarantine Program shall be required to submit a signed consent form allowing a government veterinarian to collect a blood sample for OIE-FAVN testing. The consent form shall include an authorization for the government veterinarian to sedate the animal to obtain the blood sample, if necessary. The blood sample shall not be collected by the government veterinarian without a signed consent form and payment for the test.

(c) As an alternative to (b) of this section, a private veterinarian may be permitted to collect a blood sample for OIE-FAVN testing. The testing shall first be approved and scheduled by the Department and performed at a CQF. Payment for services provided by any private veterinarian shall be the

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sole responsibility of the animal's owner.

**§ 3212. Carrier Responsibility.**

(a) Air-carriers are subject to and shall comply with the following:

(1) Air-carriers shall not allow a dog or cat to board an aircraft destined for Guam if the animal does not possess a valid entry permit. Carriers and their local managers or agents shall be responsible for compliance with all entry requirements as provided for by law.

(2) Air-carriers shall be responsible for providing a holding facility for dogs or cats in transit. The holding facility shall conform to any applicable laws regarding the humane treatment of animals.

(3) The local manager, agent or captain of an air-carrier entering Guam with a dog or cat shall immediately:

(A) Furnish the customs official with a declaration listing the number of dogs or cats carried on board, the names and addresses of the owners, importers, or consignees, and the point of origin. In addition, any deaths of or injuries to the dogs or cats while in transit must be described and reported;

(B) Deliver a dog or cat for entry into Guam to the designated inspection area at the airport; and

(C) Confine a dog or cat in transit through Guam in securely locked escape-proof crates or cages in the holding room or other area as may be authorized by the Department.

(b) Ocean vessels are subject to and shall comply with the following:

(1) A dog or cat transiting through Guam aboard a vessel in Guam's waters shall be immediately quarantined at a CQF if staying more than six (6) hours. Computation of the six (6) hour grace period shall begin at the time the vessel first docks, anchors or moors on the island.

(2) A dog or cat transiting through Guam aboard an ocean vessel staying six (6) hours or less in Guam's waters shall be kept chained, leashed, or caged within the interior of the vessel for the duration of its stay. The owner or captain of the transiting vessel with a dog or cat shall submit a signed statement, witnessed by a Guam Customs and Quarantine Agency officer and attached to the shipmaster's

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declaration, attesting that the dog or cat shall be securely confined on board the vessel at all times during the period the vessel remains in port and that no other dog or cat shall be allowed aboard the vessel during this period. In the event the animal escapes from the vessel, the owner or captain shall pay for expenses incurred by the government of Guam for the animal's search, capture, holding, or quarantine, or any other related expenses.

(3) A dog or cat aboard a transiting vessel staying more than six (6) hours may be euthanized, at the cost of the pet owner or captain of the vessel, if the dog or cat cannot be quarantined at a CQF for whatever reason.

(4) A vessel transiting through Guam with a dog or cat shall not be permitted to anchor, moor, or otherwise dock on Guam without first notifying the Guam Customs and Quarantine Agency of the animal on board.

(5) Guam Customs and Quarantine Agency shall contact the Department concerning any dog or cat arriving on a vessel, and ensure that the dog or cat aboard the vessel is properly and securely, chained, leashed, or caged within the interior of the vessel.

(6) Guam Customs and Quarantine Agency shall immediately notify the Department of any vessel with a dog or cat on board that remains more than six (6) hours in transit or violates the provisions of this section.

(7) To retrieve a quarantined dog or cat for departure from Guam, the owner or captain shall submit a request to the Director describing any dog or cat held in a CQF that the owner or captain wishes to retrieve and give the day and time of departure from Guam. The letter shall be turned over to the Department in reasonable advance of the requested release time. The dog or cat shall be delivered directly to the vessel by the CQF.

(8) The animal owner or captain shall be responsible for any and all charges connected with impoundment, transportation or confinement of the dog or cat, including fees for delivery of the dog or cat to and from the vessel.

**§ 3213. Transportation to Quarantine from Port of Entry.**

Transportation of a dog or cat from the port of entry upon release from

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the carrier to a CQF shall be provided by the CQF where the dog or cat has reservations for quarantine. The transport shall be conducted in a manner approved by the Department without a break in the chain of custody.

**§ 3214. Post-Arrival Examination.**

All dogs or cats arriving for quarantine and those exempted from quarantine hereunder shall be examined within twenty-four (24) hours upon arrival by a government veterinarian, or other licensed veterinarian as may be authorized by the Director.

**§ 3215. Exemptions to Quarantine.**

A dog or cat under the following categories may be exempted from quarantine, provided all other requirements for entry into Guam are complied with:

(a) A dog or cat originating from rabies-free areas may be exempted from quarantine upon arrival provided certain conditions are met. Failure to comply with any of these provisions shall subject the dog or cat to quarantine for a period of one hundred twenty (120) days. If there is no space available in a quarantine facility, the dog or cat shall be deported, or if this option is not viable, the dog or cat shall be disposed of humanely.

(1) The following conditions must be met:

(A) The dog or cat is transported in the same aircraft from port of origin to port of entry on Guam, except under conditions stated in § 3215(a)(1)(C).

(B) No other dog or cat, other than a dog or cat from an area recognized as rabies-free, is transported aboard the carrier.

(C) No dog or cat consigned to Guam is off-loaded enroute to Guam from the country of origin, except that off-loading may be permitted to transfer the dog or cat to another aircraft under the following conditions only:

(i) The off-loading, transfer and placement on the next aircraft is directly supervised by the officer-in-charge of either aircraft; and

(ii) The officer-in-charge ensures that the dog or cat in transit does not come into physical contact with any other dog or cat;

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(2) The following documents are required:

(A) An entry permit issued by the Department, in compliance with all applicable provisions in these rules;

(B) An affidavit certifying that the dog or cat was not outside the area of origin during the four (4) month period immediately preceding the date of shipment. In addition, the affidavit shall certify that the animal has not been vaccinated with a modified live virus vaccine during the four (4) months immediately prior to the date of shipment. Affidavits of this nature are generally issued by a governmental entity in the jurisdiction of origin comparable to Guam's Department of Agriculture. At the discretion of the Director, the submission of this affidavit may be waived if any laws of the issuing government prevent or conflict with the timely submission of such document to the Department. However, the original affidavit shall accompany the animal upon arrival. Any animal arriving without the original affidavit shall be immediately deported at the expense of the owner.

(C) A certification executed by the captain of the aircraft or the senior station official of the airlines based on Guam. The certification must identify the position and title of the person certifying, the airline name, business address, and business phone number; and the exact date, time, aircraft name and flight number for both the arriving and departing aircraft, and must state that the dog or cat transported to Guam from the rabies-free areas was:

(i) Transported from the country of origin in one aircraft, except as provided by § 3215(a)(1)(C);

(ii) Not off-loaded at any intermediate point for any purpose except as provided by § 3215(a)(1)(C);

(iii) Did not come into physical contact with any other dog or cat at any time during transit.

(3) The dog or cat was shipped in an escape-proof container that was sealed in such a manner that removal of the dog or cat would break the seal.

(4) The dog or cat was inspected at the time of arrival. Any indication of a transmissible disease in any other dog or cat in the same shipment at the time of inspection shall be sufficient reason to

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quarantine the dog or cat at a CQF.

(b) Seeing-eye dogs serving blind persons or hearing-aid dogs serving deaf persons may be granted exemption from quarantine provided that the owner of such animal has met the following conditions. Failure to comply with any of the provisions provided herein shall subject the dog to a minimum period of one hundred twenty (120) days in quarantine:

(1) A valid entry permit is obtained and all applicable provisions in regard to the entry permit are complied with;

(2) A certificate, in form approved by the Department, indicating that the dog has been trained to aid the blind or the deaf is submitted to the Department;

(3) The dog remains the property of the blind or deaf individual for whom the dog was imported;

(4) The dog remains free of any signs of rabies;

(5) The dog is examined by a veterinarian at the owner's expense whenever reasonably requested by the Department, and the results of the examination are submitted in writing to the Department; and

(6) The dog undergoes an OIE-FA VN testing, at the expense of the owner, upon arrival to Guam with results of 0.5 I.U. per milliliter of rabies antibody or greater. Any dog failing the test shall be immediately quarantined at CQF at the expense of the owner for one hundred twenty (120) days.

(c) Dogs which are the official property of a Federal, state, or territorial government agency may be granted exemption from quarantine provided the following conditions are met. Failure to comply with any of the provisions provided shall subject the dog to a period of one hundred twenty (120) days in quarantine:

(1) The government agency obtains a valid entry permit and complies with all applicable provisions in regard to the entry permit;

(2) The government agency submits an official document to the Department showing that the dog is the property of such government agency;

(3) The dog remains the property of the government agency;

(4) The dog remains free of signs of rabies; and



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(5) The dog is examined by a veterinarian at the owner agency's expense whenever reasonably requested by the Department, and results of the examination are submitted in writing to the Department.

(d) A dog or cat brought into Guam for the specific purpose of veterinary medical care, by a veterinarian licensed to practice on Guam, may be granted exemption from quarantine provided the following conditions are met. Failure to comply with any of the provisions provided for under this section will require an immediate transfer of the dog or cat to a quarantine facility. In the event that a dog or cat dies while in the custody of the veterinarian, the veterinarian shall be responsible for the disposal of the dog or cat in a manner approved by the Department:

(1) The dog or cat is consigned to the importing veterinarian whose facility has been approved by the Department to maintain adequate security and control in order to prevent the animal's escape and theft, and interaction with other animals at the facility. Such security and control shall include:

(A) An alarm which is transmitted to a central security service whenever an unauthorized entry occurs. The security service shall be required to report the unauthorized entry immediately the local police; and

(B) An isolation room solely for housing dogs and cats that have entered Guam for the specific purpose of veterinary medical care. The isolation room shall be constructed and operated so that no contact will occur among the animals housed in the room;

(2) The animal's owner obtains a valid entry permit;

(3) The dog or cat is shipped back to its point of origin as soon as it is healthy to travel;

(4) The dog or cat remains free of signs or symptoms of rabies;

(5) The dog or cat remains in the custody of the veterinarian to whom it is consigned during its entire stay on Guam; and

(6) The veterinarian promptly notifies the Department that the dog or cat is ready to depart Guam, and submits all required documents (*e.g.*, airway receipts or bills).

**§ 3216. Entry Restrictions.**

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(a) The Director shall establish a list of rabies-free areas. To qualify for such designation, an area shall remain free from rabies and maintain stringent entry and quarantine requirements to prevent the introduction of rabies.

(b) The Director may establish a list of areas from where dogs or cats may be impolled. Any area which has a high incidence of reported rabies or which has insufficient quarantine requirements or inadequate rabies control shall not be placed on such list.

(c) The Director shall also establish a list of areas with a high incidence of rabies from where animals may not be imported, except under the following conditions:

(1) The dog or cat shall be quarantined in Hawaii or any other rabies-free area for a minimum period of one hundred twenty (120) days. Once the one hundred twenty (120) day quarantine period has been completed there, the dog or cat shall be eligible to enter Guam upon full compliance with § 3206 and § 3207, and need not go through any quarantine on Guam; or

(2) The dog or cat shall be kept for a minimum period of one hundred twenty (120) days in an area listed in an area pursuant to § 3216 (b) before it will qualify as a resident of that area. The dog or cat, however, will still be subject to quarantine upon arrival in Guam. Sufficient documentation shall be required from the owner to prove that the dog or cat has stayed in the area where impollation is allowed for a minimum of one hundred twenty (120) days.

**§ 3217. Release from Quarantine.**

(a) The Department, in conjunction with a government veterinarian, shall have exclusive authority to release a dog or cat from quarantine after the specified quarantine period. Release of a dog or cat after the specified quarantine period shall be done under the following conditions:

(1) The dog or cat has been checked and certified rabies-free by the government veterinarian; and

(2) The dog or cat shall be released only in the presence of an officer from the Department. The Department will designate the scheduled time of release.

(b) The Department, in conjunction with a government veterinarian,

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may extend the quarantine by ten (10) days to observe a quarantined dog or cat that bites a human being or another dog or cat if the incident occurs within ten (10) days before the scheduled release. Quarantine may be extended for ten (10) days also if, at the time of release, clinical signs of rabies exist as determined by a veterinarian.

(c) With the approval of the Director, a dog or cat may be released from quarantine prior to completion of full quarantine but only in the following cases:

(1) For export out of Guam; or

(2) For temporary hospitalization or for required medical care when permission has been obtained from the Department to transport a dog or cat to an approved private veterinarian. The dog or cat shall be returned to the CQF immediately upon completion of treatment.

**§ 3218. Breeding in Quarantine Not Permitted.**

The semen from a male dog or cat shall not be collected. Nor shall a female dog or cat be inseminated while in quarantine.

**§ 3219. Death of Quarantined Animal.**

Should a dog or cat die while in quarantine, the government veterinarian or other responsible veterinarian shall submit the brain to the Department as soon as practicable. The brain shall be examined for necropsy at a designated laboratory and the remaining carcass shall be properly disposed of by the CQF in a manner determined by the Director.

**§ 3220. Animals Born in Quarantine.**

Litters born to dogs or cats in quarantine may be released provided that the following conditions are met. Failure to comply with any of the applicable provisions in these rules will subject the newborn to a quarantine period of one hundred twenty (120) days:

(a) The puppies or kittens or other young are held in isolation, away from the bitch or queen and any other dogs or cats in quarantine, for a period of not less than ten (10) days immediately following weaning, the minimum weaning age being four (4) weeks; and

(b) Both the bitch or queen and such puppies or kittens remain free of symptoms of rabies and of any other symptoms suggestive of any infectious, contagious or communicable disease following

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separation.

**§ 3221. Handling of Quarantined Animals.**

Each person owning, operating, employed at, or agents of, a CQF shall observe the following quarantine guidelines when handling animals:

(a) A dog or cat, once placed in quarantine, shall be under the exclusive custody and supervision of the CQF at all times.

(b) The CQF staff shall periodically observe for signs of ill health which, if found, shall be reported immediately to the Department, and if necessary, any private veterinarian of the animal owner.

(c) The CQF shall not permit access to the animal if rabies is suspected, including access by the animal's owner.

(d) The CQF shall ensure that the all quarantined animals are confined to their respective kennels at all times except as otherwise permitted by these rules.

(e) Temporary removal or transfer of a quarantined dog or cat from its assigned kennel is prohibited unless authorized by the Department.

(f) A dog shall be allowed to leave its kennel for exercise only if the CQF is equipped with a run, which shall be escape-proof and enclosed with a perimeter fence. Only one (1) dog at a time may be allowed to exercise in the run.

(g) The CQF may deny admission to or remove from the quarantine facility any persons, including owners of quarantined animals, who violate the rules of the facility, who disrupt or impede the activities of the staff. or who behave in any manner detrimental to the dogs or cats confined. The operator of the facility shall report immediately such incidents to the Department.

(h) While on the premises of a CQF, animal owners and other authorized persons may not be permitted to wander but must proceed directly to the kennel of their dog or cat. No one may be permitted to touch or feed a dog or cat except its owner or authorized representative of the owner, or the CQF's staff.

(i) No one on the CQF premises may consume alcoholic beverages at any time.

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(j) No dog or cat, other than those quarantined, shall be allowed within the fenced area of the CQF.

(k) The CQF operator shall immediately isolate any animal which bites another animal or a human being, and initiate a ten (10) day post-bite observation period on the biting dog or cat.

**§ 3222. Responsibilities of Commercial Quarantine Facility.**

(a) Each CQF shall have an operational plan that shall contain written standard operating procedures and regulations relating to the daily care and transportation of any dog or cat confined to that facility. This plan shall be submitted to the Department for approval. At a minimum, a CQF's operational plan shall include the following:

(1) The procedures and manner in which a dog or cat will be transported to and from the CQF, whether to or from the airport or any other place. Transfer of a dog or cat from the airport to a CQF shall be handled only by an authorized representative of the CQF, and the authorized representative of the CQF shall see to it that the dog or cat is transferred to the CQF as soon as the animal clears Customs;

(2) The procedures and manner for inspection and complete physical examination of an incoming dog or cat by a veterinarian, which shall be done within twenty-four (24) hours of receipt by the CQF and no more than twenty-four (24) hours prior to the release of a dog or cat;

(3) The procedures and manner for handling the removal or release of dogs or cats for emergency or non-emergency reasons prior to the full quarantine period, which shall require prior approval from the Department, and only under the following conditions:

(A) For medical emergencies, a dog or cat may be transferred to an approved veterinary hospital on the condition that the Department be notified of each movement as soon as practicable, but in any event not later than twelve (12) hours after removal; or

(B) For non-emergency situations, a dog or cat may be transported to an approved veterinary hospital for medical care on the condition that the Department is notified of such movements twenty-four (24) hours prior to the transport;

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(4) The procedures and manner for guarding the dogs and cats confined to the CQF twenty-four (24) hours a day;

(5) The procedures and manner for observing periodically for signs of rabies and other zoonotic diseases in the confined animals;

(6) The procedures and manner for cleaning and disinfecting kennels and items used by the animals or at the quarantine facility. All water and feeding bowls shall be sterilized frequently, and immediately after a dog or cat is released from the kennel in which it is quarantined;

(7) The procedures and manner for handling food preparation and feedings;

(8) The procedures and manner in which the ingress and egress of animal owners or other authorized visitors will be monitored. The CQF must first notify the Department whenever it plans to admit visitors who are not owners of quarantined animals, or their authorized representatives;

(9) The procedures and manner of disposing of trash, waste food and fecal material;

(10) The procedures whereby employees of a CQF shall report immediately to the Department, but not later than twelve (12) hours after the occurrence of any of the following:

(A) Escapes, thefts, and other unauthorized removals of any dog or cat;

(B) Any biting incident by a quarantined animal;

(C) Any development or suspected development of rabies by a confined dog or cat;

(D) Any disturbance or non-conforming activity by an animal owner or other guest or anyone else on the premises of the CQF; and

(E) A violation of any other quarantine rules or other applicable laws;

(11) The procedure and manner in which all necessary records will be kept, including but not limited to:

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(A) A current logbook of all entry dates and any other pertinent information of all quarantined dogs and cats. At a minimum, the logbook shall contain the following information:

- (i) The entry and release date of the dog or cat;
- (ii) A description of the dog or cat;
- (iii) The name, address, and telephone number of the owner of the dog or cat;
- (iv) The kennel number where the dog or cat is quarantined; and
- (v) The medical history of the dog or cat during the prescribed quarantine period.

(B) A current listing of all dogs or cats for which reservations for quarantine have been confirmed, but which animals have not yet arrived at the CQF.

(12) A contingency plan for the temporary operation of the CQF in the event the CQF is unable to continue normal operations due to events such as bankruptcy, death or major illness of the principal owner or operator, and other similar circumstances. This portion of the operational plan must be updated annually in written form by means of a letter submitted to the Director at the same time a renewal application for a sanitary permit is submitted, and must be deemed adequate by the Director.

(b) In the event of an escape or unauthorized removal of a dog or cat from a CQF, the CQF shall be responsible for all costs incurred in the investigation and recovery of the dog or cat, and shall promptly reimburse the Department upon demand.

(c) The CQF shall ensure that its staff, employees or agents are adequately trained in the detection of symptoms of rabies and other zoonotic diseases, and in the humane care of animals.

(d) A CQF shall employ or retain in some manner a veterinarian who shall:

- (1) Provide veterinary services to the facility as needed;
- (2) Train CQF staff, employees or agents in the proper care of dogs or cats confined to quarantine and in the recognition of the

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symptoms associated with rabies and other zoonotic diseases, if such staff, employees or agents are assigned to do so;

(3) Conduct a complete physical examination of each dog or cat within twenty-four (24) hours upon entry and prior to release from quarantine period;

(4) Immediately ice, and take any other precautionary steps necessary, to preserve the brain of any dog or cat dying in quarantine, and immediately forward the brain to the Department for post-mortem examination. The CQF shall be responsible for the proper disposal, as determined by the Department, of any carcasses; and

(5) Maintain a complete and current medical record of each dog or cat during its quarantine at the CQF.

**§ 3223. Housing of Quarantined Animals.**

(a) Each dog or cat quarantined shall be confined in and to its own kennel which shall be out of reach by other quarantined animals.

(b) More than one (1) dog or cat may be quarantined in the same kennel provided prior permission is obtained from the Department, and also provided that:

(1) The kennel is large enough for all animals confined to the same kennel to move about;

(2) The dog or cat belongs to the same owner who must have requested the arrangement;

(3) No medical or safety problems are involved in the arrangement; and

(4) The dogs or cats have the same release date from quarantine.

(c) In the case of a CQF with multiple commercial or private uses (*e.g.*, boarding of dogs and cats, veterinary clinic, etc.), the quarantine area shall be physically separated by a perimeter fence from other areas not intended for quarantine. In addition, the quarantine area shall have an area or areas for entrance and exit separate from all other areas, and shall have separate employees assigned exclusively to the quarantine area for each shift.

**§ 3224. Authorization to Construct and Occupy.**



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(a) No person shall construct a new CQF, or add to, convert or alter an existing CQF, except for minor alterations, without first obtaining written authorization from the Department.

(b) To apply for authorization, the applicant shall comply with the following:

(1) Submit plans and specifications for the proposed project for approval by the Director, which plans shall include at least the following:

(A) The total area to be used for the regulated establishment;

(B) The layout in which the regulated activities are to be conducted;

(C) The location, number and types of plumbing fixtures, including all water supply facilities and toilet rooms; and

(D) The general layout of fixtures and other equipment.

(2) Obtain a building permit from the Department of Public Works before any construction, reconstruction or alteration is started; and

(3) Obtain a determination by the Department that the proposed structure meets sanitary physical requirements, which the Department shall make only after it has evaluated the proposed structure as a CQF.

(c) The person who has been given authorization to construct shall, upon completion of the project, inform the Department, which shall then conduct a pre-opening inspection. The completed construction may not be opened or occupied without the Department's final approval in the form of an endorsement on the construction authorization.

**§ 3225. Application for and Issuance of Sanitary Permit to Operate Quarantine.**

(a) No person shall directly or indirectly in any manner, conduct, control, manage, maintain, or operate a CQF unless the facility has an operational plan approved by the Department and a valid sanitary permit issued by the Department posted at the CQF. All sanitary permits for CQF's are site-specific and owner-specific, and non-transferable, and shall designate thereon the type of facility as a quarantine. All sanitary permits shall expire on June 30 of each year.

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(1) For new applications, the Department shall conduct an inspection of the CQF facility upon receipt of the new application, and if the Department is satisfied that the CQF meets all applicable sanitary requirements and other standards as may be prescribed, then the Department shall issue the sanitary permit, otherwise, it shall be denied. If a sanitary permit is issued, it shall be valid for no more than twelve (12) months, but it shall in any event expire on the next occurring June 30.

(2) An application for renewal of a sanitary permit shall be filed thirty (30) days prior to its expiration date with any supporting documents as may be necessary, and upon approval by the Department, a permit for twelve (12) months shall be issued.

(b) No person who has been convicted of cruelty to animals shall be issued a permit to operate a CQF.

(c) If the applicant has withheld or falsified any information on the application, the Department shall not issue a permit based upon missing or false information.

(d) The Director shall set annually, or as often as practicable, and in accordance with the Administrative Adjudication Law, the application fee for a sanitary permit. The present fee is set at Sixty Dollars (\$60.00).

(e) The Department may revoke a sanitary permit issued to a CQF for cause. Permit holders are entitled to a hearing prior to revocation in accordance with the Administrative Adjudication Law. Any person whose permit has been revoked for cause may appeal the revocation to a court having jurisdiction. Causes for revocation include, but are not limited to, the following:

(1) The CQF refuses access to any Department employee or agent who is authorized to conduct an inspection;

(2) The CQF refuses or fails to comply with these rules or any other applicable law.

(f) In addition to anything herein contained, the sanitation laws of Title 10, Guam Code Annotated, Chapter 21 and rules applicable thereto shall also apply to sanitary permits for CQF's.

**§ 3226. Structural, Functional and Related Requirements.**

(a) Kennels and Runs, Floors, Walls, Ceilings:

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(1) Kennels not constructed completely of concrete shall be certified as capable of withstanding typhoon-strength winds at the completion of construction and every five years thereafter. Certification shall be by a competent authority (*e.g.*, a licensed structural engineer either working in private practice or with the Department of Public Works).

(2) Individual kennels and run units shall be separated by full-height solid walls, or if fenced, by a space of not less than one (1) foot.

(3) Kennel floors should slope at 1/4 inch to 1/2 inch per running foot to prevent pooling of wash-water, urine and cleaning solutions.

(4) Each sheltered area should have a removable stainless steel bowl or bowl constructed of other approved material, held by a stainless steel loop which is bolted to the wall five (5) inches above the floor, to allow cleaning beneath the bowl.

(5) Any chain link fence used in the construction of kennels for dogs or cats shall be at least nine (9) gauge and no larger than two (2) inch mesh for dogs and one (1) inch mesh for cats to prevent animals from destroying the wire and damaging their teeth and gums.

(6) All interior surfaces within spaces where animals will remain or be handled shall be designed with a minimum of dust and moisture trapping protrusions, recesses, and fixtures. Within these spaces, open wood surfaces shall not be exposed or come within the reach of any dog or cat. Open wood surfaces shall be sealed with special wood sealants.

(7) All concrete surfaces shall be of a smooth finish and free of surface voids or defects, and shall be sealed. Use of concrete block without additional surface finishing and sealants are not permitted.

(8) Ceiling surfaces shall be designed for easy cleaning with a minimum of dust and moisture-trapping protrusions, recesses, and fixtures.

(9) Kennels for dogs or cats shall not be constructed in tiers.

(10) Cages, kennels, and runs shall be so constructed that cleaning procedures will not bring animal waste in contact with any other cage, kennel, or run within the CQF.

(11) A dog kennel shall consist of a run and a sheltered area. The

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size for dog runs shall be at least six (6) feet in length by five (5) feet in width and eight (8) feet high for toy breeds, and at least ten (10) feet in length by five (5) feet in width by eight (8) feet high for larger breeds. The sheltered area shall be typhoon proof, and able to protect the dog from rain.

(12) Cat kennels shall be at least six (6) feet in length by five (5) feet in width, and eight (8) feet high, and shall be completely enclosed. The kennels should be provided with platforms and catwalks to allow adequate exercise for cats, and a sheltered area in the back.

**(b) Ventilation System:**

(1) The structure housing kennels shall be provided with sufficient ventilation to keep the structure free from excessive moisture, heat, and obnoxious odors.

(2) If the facility is completely enclosed, then it shall be provided with air conditioning and mechanical ventilation to protect the dogs and cats from temperature extremes and to provide for their health and well being. The ambient temperature must not rise above 85°F (29.5°C) for four (4) consecutive hours when dogs or cats are present. The ventilation system shall be sufficient to remove obnoxious odors. Where mechanical ventilation is provided, adequate provisions shall be made to supply make-up air in accordance with the Uniform Building Code, and provisions shall be made for a standby power system in the event of extended power outages of more than four (4) consecutive hours to maintain an ambient temperature below 85°F (29.5°C).

(3) Ventilation systems shall be installed and operated in accordance with applicable laws, vented to the outside, and shall not create harmful or unlawful discharge.

(4) Outdoor facilities shall be located and constructed to maximize the flow of free air to remove excessive heat, moisture, and obnoxious odors.

**(c) Toilet Facilities:**

(1) Toilet facilities for employees and visitors shall be installed according to the Uniform Building Code, and other applicable codes, in a conveniently located area or areas..

(2) Toilet rooms shall be completely enclosed and shall have tight

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fitting and self-closing doors. Windows with louvers, or sliding glass used for ventilation, shall be provided with screens of at least #16 mesh.

(3) Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair at all times.

(4) Easily cleanable waste receptacles shall be provided for waste materials and a supply of toilet paper shall be available at all times.

(5) A hand-washing notice shall be posted in each toilet room.

(d) Lavatories and Hand-Washing Facility for Employees:

(1) The structure shall have at least the minimum number of lavatories required by the Uniform Building Code and other applicable codes, and the lavatories shall be conveniently located.

(2) Lavatories shall also be located in, or immediately adjacent to, toilet rooms or vestibules.

(3) Each lavatory shall be provided with hot and cold running water tempered by means of a mixing valve or combination faucet.

(4) Lavatories, soap dispensers, hand-drying devices, and any related fixtures shall be kept clean and in good repair at all times.

(5) At least one (1) staff wash area shall be provided with surgical scrub. A supply of hand-cleansing soap or detergent shall be available at each lavatory. For hand-drying, a supply of sanitary, disposable towels or a mechanical device providing heated air shall be available at all times and conveniently located. Common or roll towels are strictly prohibited.

(6) Easy access to lavatories, free of physical impediments, shall be made available to staff at all times.

(e) Plumbing and Water Supply:

(1) The water supply plumbing shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration, or required change. No cross-connections' between the potable water supply and any non-potable system are allowed, nor shall any conditions that would allow backflow or back siphonage at any fixtures or equipment in the potable water supply system exist. Back-flow prevention devices or measures

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shall be provided where necessary to protect the potable water supply.

(2) Basic plumbing fixtures shall include a sink with hot and cold running water capable of handling food preparation for the quarantined animals, and light washing in connection with such food preparation.

(3) Faucets supplied with hot and cold water and provided with hose connections must be conveniently located for hosing the kennels, walkways, and dog handling areas. Water should be applied at an average pressure of sixty (60) pounds per square inch (psi), with a minimum of forty (40) psi, utilizing the rubber hoses measuring at least three-fourths (3/4) inch as an inside diameter.

(4) A flush valve or source of high flow rate water shall be provided to allow flushing of gutters and drains.

(5) A mechanical utensil washer with hot water must be installed.

(6) A sufficient amount of an emergency non-potable water supply shall be maintained in case of water outages or shortages in the municipal supply.

(f) Sewage and Wastewater Disposal:

(1) All sewage, solid or liquid waste of any kind, shall be disposed of in a public sewerage system or in a separate septic tank and leaching field system for the facility, constructed and operated in accordance with Chapters 39 and 48 of Title 10, Guam Code Annotated, or other applicable law.

(2) Each kennel shall be provided with a floor drain or a gutter of its own with proper slope to collect flushed wastes from cleaning activities, and to avoid bringing animal waste in contact with any other cage, kennel or run in the -facility. All drain openings shall be large enough for easy cleaning, with a minimum opening not less than six (6) inches in diameter with a drain grate covering the opening.

(A) Drain pipes shall be at least four (4) inches in diameter, and collector pipes at least six (6) inches in diameter, but sized according to the number of kennels and anticipated maximum flow rates expected to occur during cleaning activities to prevent clogging from waste material and to prevent cross-contamination of other runs from backed-up urine or feces.

(B) Gutters shall be designed with a minimum cross section

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of six (6) inches width and height, and the highest level of the gutter shall be at least four (4) inches lower than the lowest level of the kennel floor.

(g) Lighting and Electrical Wiring:

(1) Adequate lighting shall be provided in an indoor facility housing the kennels. A minimum of twenty-five (25) foot candles light intensity at thirty (30) inches from the floor shall be provided.

(2) When natural light is insufficient in an outdoor facility, it shall be supplemented by artificial light, properly diffused and distributed.

(h) Security Fences and Gates:

(1) Each kennel shall be provided with a padlock and latches or closures that cannot be opened by the confined dog or cat.

(2) The premises of a CQF shall be surrounded by a perimeter fence not less than eight (8) feet in height and topped with barbed wire tilted inward. Fencing wire shall be of a mesh size of two (2) inches by two (2) inches or less, and of no less than nine (9) gauge.

(3) Double door entrances and exits shall be provided to the CQF grounds.

(4) Dog kennels shall be secured and completely enclosed with a material that is capable of preventing escape, and is capable of preventing all contact between dogs, and is constructed of mesh no larger than two inches by two inches (2" x 2").

(5) Cat kennels shall be secured using a double door system and completely enclosed with a material that is capable of preventing escape and is constructed of mesh no larger than one inch by one inch (1" x 1"). Each kennel shall also be designed to prevent any contact with cats in adjacent kennels as well as feral animals which may enter the facility.

**§ 3227. Sanitation Requirements.**

(a) Cleaning, Disinfection and General Sanitation of Facilities:

(1) The premises of a CQF shall be maintained in a sanitary condition at all times.

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(2) The exterior areas of a CQF and all other areas used in connection with its operation shall be kept free of litter and overgrown vegetation.

(3) Each kennel shall be washed down daily, prior to being occupied, and immediately after being vacated. Where public water system line pressure and flow rate is insufficient, other means of daily cleaning acceptable to the Department shall be used.

(4) Following wash-down procedures, each kennel shall be thoroughly disinfected with an approved disinfectant prior to being occupied, at least weekly, and immediately upon release of a dog or cat.

(b) Vector Control:

(1) Effective and approved measures intended to minimize the presence of rodents, cockroaches, ticks and fleas on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(2) Food storage areas shall be protected against the entrance of insects and rodents by tight-fitting, self-closing doors, closed windows, screening or other approved means.

(3) Screen doors, where installed, shall be self-closing and kept in good repair. Screening material shall not be less than sixteen (16) mesh to the inch.

(c) Garbage and Refuse Disposal:

(1) Quarantine facilities shall have a proper means of solid waste disposal, and shall conform to Chapters 33 and 51 of Title 10, Guam Code Annotated, or other applicable laws.

(2) Garbage and refuse shall be kept in durable, easily cleanable insect-proof and rodent-proof containers. Plastic bags and wet-strength paper bags may be used to line these containers.

(3) Containers stored outside the establishment shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use.

(4) There shall be a sufficient number of containers to hold the garbage and refuse that accumulates between disposal periods and in



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the event of temporary extended periods.

(5) Garbage and refuse shall be disposed of at least twice weekly to prevent the development of odor and the attraction of insects and rodents.

**§ 3228. Inspections of and Access to CQF.**

The Department shall conduct inspections of each CQF at least once a week, or as often as may be deemed necessary for the enforcement of these rules or any other applicable law. Upon presentation of the appropriate credentials by the officer or other authorized representative of the Department conducting the inspection, the CQF shall admit entry to the facility and allow access to any part of the facility, including all records maintained as required by these rules or for quarantine purposes. The purpose of the inspection may be general in nature or to ensure compliance with these rules or applicable laws, or to investigate any information which the Department has received. Inspections may be conducted at any time.

**§ 3229. Report of Inspections.**

Whenever an inspection of a CQF is made, the findings shall be recorded on a report form authorized by the Director, and shall summarize pertinent requirements of these regulations, violations thereof, and the corrective action to be taken. One copy of the report signed by the operator and the inspecting officer shall be given to the operator.

**§ 3230. Posting of Sanitary Permit and Inspection Report.**

The sanitary *permit* to operate, and one copy of the most recent inspection report shall be posted in a conspicuous place on the premises of the quarantine facility as designated by the Director in an area clearly visible to the public. No person other than the Director shall remove, alter, or destroy the sanitary permit or reports.

**§ 3231. Development of Rabies in Quarantine.**

Any dog or cat in quarantine which, in the opinion of qualified CQF staff or an officer of the Department, exhibits symptoms suggestive of rabies, shall be examined by a government veterinarian and a private veterinarian. If the government veterinarian determines that the dog or cat is exhibiting symptoms consistent with a diagnosis of rabies, the government veterinarian shall inform the Director and the animal's owner. The Department shall order the dog or cat to be destroyed and its brain

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examined for evidence of rabies by a laboratory approved by the Department. All expenses incurred by the Department in examining, monitoring, or destroying the diseased animal shall be at the expense of the animal owner.

**§ 3232. Biting Animal in Quarantine.**

(a) Any dog or cat which, while in quarantine, has bitten any person or animal shall be examined by a government veterinarian and placed under post-bite rabies observation for ten (10) days. The biting dog or cat shall be removed from its assigned kennel and placed in isolation during the observation period.

(b) If the government veterinarian determines that the biting dog or cat is exhibiting symptoms consistent with a diagnosis of rabies, the government veterinarian shall inform the Department and the dog's or cat's owner. The Department shall order the dog or cat to be destroyed. When more than one (1) dog or cat occupies the same kennel, the non-biting dog or cat shall undergo a post-bite rabies vaccination at the expense of the owner.

(c) If the government veterinarian determines that symptoms consistent with a diagnosis of rabies are not present, the biting dog or cat shall be removed from isolation and returned to its designated kennel in the CQF.

(d) The decision to initiate post-bite rabies vaccination treatment on the person or animal bitten shall be determined by a licensed medical doctor and in accordance with guidelines on the treatment of animal bite wounds.

**§ 3233. Termination of Commercial Quarantine Facility.**

(a) A CQF may voluntarily cease to operate only by submitting a letter stating this intention to the Department at least one hundred fifty (150) days before the intended termination date of operations. This letter shall be accompanied by a listing or listings of dogs and cats at the facility and the dogs and cats for which reservations have been made but which have not arrived.

(b) In the event of a voluntary termination, the CQF shall cease to accept new dogs or cats for quarantine on the day the letter is submitted to the Director. All quarantined dogs or cats shall remain confined at the terminating facility until the animals complete the required quarantine period.

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(c) The operator is responsible for notifying all persons or animal owners who have made reservations at the facility. that the facility will cease operations and that their dogs or cats will not be accepted for quarantine after all.

(d) At the close of business on the last day of operation, or at some other time as may be mutually agreeable between the Department and the CQF operator, the Department shall conduct a final inspection to ensure that the provisions of this section have been complied with.

**§ 3234. Certain Violations as Crimes.**

The following acts are considered crimes and may be reported as deemed necessary or appropriate to the Guam Police Department or to the Attorney General's office for their action:

(a) The release or a dog or cat from quarantine without the prior authorization of the Director;

(b) The importation into Guam of an animal by its owner without a valid entry permit;

(c) The boarding on a vessel of a dog or cat by a carrier for importation into Guam without a valid entry permit; and

(d) Falsified applications wherein the applicant certifies to the truth of the information.

**§ 3235. Suspension or Revocation of Permits for Violations.**

The Department may suspend or revoke, as may be appropriate, and in accordance with the Administrative Adjudication Law, any permit which the Department has issued whenever a violation of these rules or other applicable laws has occurred.

**§ 3236. Fines of Carriers for Illegal Boarding of Animals.**

Whenever a carrier boards on its vessel a dog or cat without a valid entry permit for import into Guam, then the Department may take action to fine the carrier in accordance with the Administrative Adjudication Law. The fine shall be at least Five Hundred Dollars (\$500.00), but no more than One Thousand Dollars (\$1,000.00) per animal.

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**ARTICLE 3**  
**PLANT AND NON-DOMESTIC ANIMAL QUARANTINE**

- Part 1. General Provisions.
- Part 2. Regulation of Importation.
- Part 3. Nursery Stock Export Shipments.

**PART 1**  
**GENERAL PROVISIONS**

- § 3300. Short Title.
- § 3301. Definition.
- § 3302. Delegation of Duties

**NOTE:** Rule-making authority cited for formulation of regulations for introduction of all Plant and Non-Domestic Animal Quarantine within the territory of Guam by the Department of Agriculture, 5 GCA §61101.

These Rules and Regulations were filed with the Legislative Secretary on October 2, 1986.

**§ 3300. Short Title.**

These regulations may be cited as the Guam Plant and Non- Domestic Animal Quarantine Regulations.

**§ 3301. Definition.**

As used in these regulations, the term:

(1) *Department* means the Department of Agriculture, Government of Guam.

(2) *Territory* means the Territory of Guam.

(3) *Director* means the Director of Agriculture, or his/her duly authorized agents.

(4) *Person* as used in these regulations shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations.

(5) *Inspector* means any employee or official of the department authorized by the Director to administer and enforce the provisions of these regulations.

(6) *Inspect* means to examine material to ascertain the presence of

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absence of pests.

(7) *Pest* means any animal, insect, disease agent or other organism in any stage of development that is detrimental or potentially harmful to agriculture, or horticulture, or animal or public health, or natural resources including native biota or has an adverse effect on the environment as determined by the Director.

(8) *Animal* means any invertebrate or vertebrate species of the animal kingdom including but not limited to mammal, bird, fish, reptile, mollusk, crustacean, insect, mite, nematode, protozoan and any other invertebrate, other than common domestic animal such as dog and cat.

(9) *Plant* means any member of the plant kingdom including seeds, roots and other parts thereof.

(10) *Nursery* stock means all field- grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs and other plants and plant products for propagation.

(11) *Insect* means an invertebrate animal belonging to the class Insecta, including beetle, bug, fly, and other arthropods, such as spider, mite, tick, centipede, and wood louse.

(12) *Bacteria* means any unicellular micro- organism in the class Schizomycete, exhibiting both plant and animal characteristics, and including the three varieties of bacillus, coccus, and spirillum, including agents of Rickettsia except those on or in living man or animal in Guam and those in or on processed foods, beverages or pharmaceuticals.

(13) *Fungus* means all nonchlorophyll- bearing thallophyte, including rusts, smut, mildews, molds, and yeasts, except those on or in living man or animal in Guam and those on or in processed foods, beverages or pharmaceuticals.

(14) *Virus* means any of a class of filterable, submicroscopic pathogenic agent, chiefly nucleoprotein in composition but often reducible to crystalline form, and typically inert except when in contact with certain living cells, except those on or in living man, or animal in Guam and those on or in processed foods, beverages, or pharmaceuticals.

(15) *Label* means the written, printed, or graphic matter upon the container or any article as pertaining to plant quarantine laws and regulations.

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(16) *Vehicle* means any automobile, truck, tractor and similar equipment.

(17) *Soil* means that part of the upper layer of earth in which plants can grow; this material may or may not contain organic matter and includes such planting media as deteriorated peat, except clean coral, sand, pottery and industrial clay, volcanic cinders and other similar soil-free material.

(18) *Import* means shipment into the Territory from any pint outside of the Territory.

**§ 3302. Delegation of Duties.**

All authority vested in the Director by virtue of these regulations may with like force and effect be exercised by such employees of the department as the Director may from time to time designate for such purposes.

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**PART 2**  
**REGULATION OF IMPORTATION**

§ 3303. Conditions of Importation.

§ 3304. Soils, Snakes, Injurious Insects, Etc., Importation Prohibited.

§ 3305. Disposition.

§ 3306. Transporting in Territory.

§ 3307. Interim Rules.

§ 3308. Advisory Committee on Plants and Animals.

**§ 3303. Conditions of Importation.**

The importation of any of the following articles, viz., nursery-stock, tree, shrub, herb, vine, cut- flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain, cereal or legume in the natural or raw state; moss, hay, straw, dry-grass, or other forage; unmanufactured log, limb, or timber, or any other plant-growth or plant-product, unprocessed or in the raw state; soil, live bird, reptile, bacteria, fungus, nematode, virus, insect or other animal in any stage of development (that is in addition to the so called domestic animal, the quarantine of which is provided for in other regulations); box, vehicle, baggage, barrel, or crate or other container in which such articles have been transported or contained or any packing material used in connection therewith, into the Territory, shall be made and

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conducted in the manner and subject to the conditions hereinafter set forth:

(1) Notification of arrival. Any person, who receives for transport, brings or causes to be brought into the Territory as freight, baggage, post packages placed in the mail or otherwise, for the purposes of debarkation or entry therein, or as ship's stores, any of the articles enumerated, shall immediately upon arrival thereof, notify the department, in writing, of the arrival, giving the way-bill number, container number, name and address of the consignor, name and address of the consignee or his responsible agent in the Territory, marks, number of packages, description of contents of each package, port at which laden, and any other information that may be necessary to locate or identify the same, and shall hold such articles on the dock, pier, wharf, airport, air terminal, post office, or other places, where they are first received or discharged, in such a manner that they will not spread or be likely to spread any infestation or infection of insects or diseases that may be present until inspection and examination can be made by the inspector, to determine whether or not any article, or any portion thereof, is infested, infected with or contains any pest.

In addition, the department shall designate restricted articles that shall require a permit to be obtained from the department in advance of importation. The restricted articles shall include, but not be limited to, fungi, bacteria, virus, or living insects. Failure to obtain such permits in advance shall result in the articles being refused entry, or confiscated or destroyed. Any expense or loss in connection therewith shall be borne by the owner or his responsible agent in the Territory.

(2) Individual passengers, officers and crews.

(a) It shall be the responsibility of the transportation company to distribute the Territory of Guam plant and animal declaration forms to each passenger, officer and crew member of any aircraft or vessel originating from the United States or its possessions, or from any other areas not under the jurisdiction of the appropriate federal agency prior to arrival in order that the passenger, officer and crew member can comply with the directions and requirement appearing thereon.

Any adult, guardian of minor, or transitting passenger, officer and crew member bringing or causing to be brought fore entry into the Territory items listed on the form shall complete the

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declaration. Any person who defaces the declaration form required under this section, gives false information, or fails to declare restricted materials in his possession or luggage or fails to declare in cargo manifests shall be in violation of this section.

(b) Such completed forms shall be collected by the transportation company and be delivered, immediately upon arrival, to the inspector at the first airport or seaport of arrival.

(3) Plant and Animal Declaration Form. Such forms will include directions for declaring domestic and other animals, in addition to the articles enumerated in these regulations.

(4) Labels. Each and every case, box, package, crate, bale, or bundle containing any of the articles above enumerated, imported into the Territory, shall have plainly and legible marked thereon, in a conspicuous manner and place and in the English language the name and address of the shipper or owner forwarding or shipping the same, the name or mark of the person to whom the same is forwarded or shipped or his responsible agent, the name of the country, state, or territory and locality therein where the product was grown or produced and statement of the contents of the package. Upon failure to comply with this paragraph the importer or carrier shall be liable to suffer the penalty for the violation of this section.

(5) Authority to Inspect. Whenever he has good cause to believe that the provisions of these regulations are being violated, the inspector may:

(a) Enter any aircraft, ship, vessel, or other carrier, at any time after its arrival within the boundaries of the Territory, whether off port, offshore, at the dock, pier, wharf, airport or air terminal.

(b) Enter into or upon any dock, pier, or wharf, warehouse or depot, airport or air terminal, post office, or any other place in the Territory, where any of the above- mentioned articles, are moved or stored for the purpose of ascertaining, by inspection and examination, whether or not any of the items listed in this section is infested or infected with any pest or contaminated with soil.

(c) Inspect any baggage and personal effects of disembarking passengers, officers and members of crew on aircraft, ships, vessels or other surface craft arriving into the Territory to



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ascertain if they contain any of the articles or pests enumerated in these regulations.

Such baggage inspection shall be made at the discretion of the inspector on the dock or on the ship, vessel, other surface craft or aircraft or in any quarantine or inspection area. No baggage or other personal effects of the passengers or crew members shall be released until said effects have been passed.

Whenever he has good cause to believe that the provisions of these regulations are being violated, the inspector may require that any box, bale, crate, bundle, package, truck, bag, suitcase, post packages placed in the mail, or other container carried as ship's stores, cargo or otherwise, by any ship, vessel, other surface craft or aircraft, moving between the United States and Guam or any foreign country and Guam be opened for inspection to determine whether any article or pest prohibited by this chapter or by regulations promulgated pursuant thereto is present. If any prohibited articles or any pest or any plant, fruit or vegetable infested with plant pests is found, the department may order the return of the article to the place of origin or otherwise dispose of it or such part thereof as necessary to comply with these regulations. Any expense or loss in connection therewith be borne by the owner or his responsible agent in the Territory.

(6) Request for Importation and Inspection. In addition to requirements of the United States customs authorities concerning invoices or other formalities incident to importations into the Territory, the importer shall be required to file a written statement with the department signed by himself or his responsible agent in the Territory, setting forth his desire to import certain of the articles above enumerated, into the Territory, and giving the following additional information: the kind (scientific name), quantity, and description of same; the locality where same were grown or produced; the certification that all animals to be imported are the progeny of captive populations or have been held in captivity for a period of one year immediately prior to importation or have been specifically approved for importation by the Director; the port from which the same were last shipped; the name of the shipper; and the name of the consignee thereof. The statement also contain:

(a) A request that the department, by its duly authorized agent, examine the articles described;

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(b) An agreement by the importer to be responsible for all costs, charges, or expenses; and

(c) A waiver of all claims for damages incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, or any of them, as hereinafter provided for, if any treatment is adjudged necessary.

Failure or refusal to file a statement, including the agreement and waiver, shall be held to be a violation of this section and may, in the discretion of the department, give sufficient cause for refusing to permit the entry of the articles into the Territory.

(7) Place of Inspection. If, in the judgement of the inspector, it is deemed necessary or advisable to move any of the articles above enumerated or any portion thereof, to a place more suitable for inspection than the dock, pier, wharf, airport, air terminal, post office, depot or other place where they are first received or discharged, authority thereof is granted, an all costs and expenses incident to the movement and transportation of the articles to such place shall be borne by the importer or his responsible agent in the Territory owning or having charge thereof.

(8) Disinfection or Quarantine. If upon inspection, any article so received or brought to the Territory for the purpose of debarkation or entry therein is found to be infested, or there is reasonable cause to presume that it is infested or infected and the infestation or infection can, in the judgement of the inspector, be eradicated, a treatment shall be given such article. The treatment shall be at the expense of the owner or his agent, and the treatment shall be prescribed shall be prescribed by the department. The article shall be held in quarantine at the expense of the owner or his responsible agent, at a satisfactory place approved by the department, for a sufficient length of time to determine that eradication has been accomplished. If the infestation or infection is of such nature or extent that it cannot be effectively and completely eradicated in the manner described above, or if it is a potentially destructive pest, or not widespread in the Territory, or after treatment it is determined that the infestation or infection is not completely eradicated, the article, or any portion thereof, together with all packing and containers, may at the discretion of the inspector be destroyed or sent out of the Territory at the expense of the owner or his responsible agent in the Territory. Such destruction or exclusion shall

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not be made the basis of a claim against the department or the inspector for damage or loss incurred.

(9) Disposition. At the time of arrival, or at any time thereafter, should any article be held for inspection, treatment or quarantine, the inspector shall upon completion of inspection, affix to the article or the container or to the delivery order in a conspicuous place thereon, a tag, label, or stamp to indicate the article has been inspected and passed. This action shall in effect be a permit to bring the article into the Territory.

(10) What Constitutes Importation? The landing of any of the articles for the purposes of inspection or quarantine is not, nor shall it be construed to be, an importation in the sense of giving to the articles so landed any status, or the owner thereof any right or privilege, incident to articles which have actually been imported into the Territory; but in legal effect the articles so landed for the purpose of inspection shall be construed to be still without the Territory seeking entry there into, and shall not, in whole or in part, be considered suitable for importation into the Territory a tag, label, or stamp has been affixed thereon by the inspector as provided in section 4(9).

(11) Exceptions to Right to Import. Nothing in these regulations contained shall permit the importation of any animal or article from any particular place, if the same, or any of them has, by special rules and regulations of the department or by other federal or territorial laws or regulations, been prohibited.

(12) Ports of Entry. None of the articles enumerated in this section shall be allowed entry into the Territory except through the air, sea ports and post offices in the Territory designated and approved by the Director.

**§ 3304. Soils, Snakes, Injurious Insects, Etc.**

Importation Prohibited. All persons are prohibited from receiving for transportation, bringing, or causing to be brought to the Territory, for the purpose of debarkation or entry there into, any of the following named articles:

(1) Soil, provided that limited quantities of soil may be imported into the Territory for experimental or other scientific purposes, under permit with conditions prescribed by the department.

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(2) Rocks, plants, plant products, or any commodity with soil adhering thereto.

(3) Any live or dead injurious insect or animal in any condition or stage of development that is detrimental or potentially harmful to agriculture or horticulture or animal or public health or natural resources including native biota or has an adverse effect on the environment as determined by the Director provided that a government agency may bring into and maintain in the Territory not more than two live, nonvenomous snakes of the male sex solely for the purposes of exhibition in a public zoological park, but only after the Director is presented with satisfactory evidence that the sex of the snakes was established to be male prior to the shipment, and after the director gives written approval conditioned upon such terms as the Director may deem necessary, which terms shall include the continuing supervision and control by the Director and shall provide that the Director may determine the manner in which such snakes shall be disposed of or destroyed. In case of the death of one or both snakes, the government agency may import and maintain replacements subject to the conditions.

(4) The Department may maintain either a list of animals and plants which may be imported into the Territory or a list of animals and plants which are prohibited entry into the Territory.

**§ 3305. Disposition.**

(a) Any plant, plant product or any commodity contaminated with soil which may be brought to the Territory contrary to Section 5 shall be refused admittance and the same may, in the discretion of the inspector, be seized and treated, destroyed, or excluded at the expense of the owner or his responsible agent in the Territory.

(b) Any or all living or dead creatures mentioned in Section 5 brought to the Territory shall be seized immediately upon discovery and be destroyed, donated to a government zoo, or sent out of the Territory, at the discretion of the department; any expense or loss in connection therewith to be borne by the owner or his responsible agent. The foregoing shall not apply to any snake which is brought into the Territory by a government agency solely for the purpose of exhibition in a public zoological park pursuant to Section 5(3).

(c) Whenever any living creature introduced or admitted under rules

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and regulations of the department escapes, or is found to be free from confinement, the department shall confiscate, capture or have it and its progeny captured at the expense of the owner. The department may destroy the creature, donate it to a government zoo, or send it out of the Territory after five days at the discretion of the department. Any expense or loss in connection therewith shall be borne by the owner or his responsible agent.

**§ 3306. Transporting in Territory.**

Flora and fauna specified by rules and regulations of the department shall not be moved from one locality to another, except by a permit issued by the Director, as a measure for the control of incipient or emergency outbreaks of insect pests or plant or animal diseases.

**§ 3307. Interim Rules.**

(a) The department shall have the power, subject to the provisions of this section, to establish, implement, and enforce interim rules governing the transporting of flora and fauna into and within the Territory.

(b) An interim rule may be adopted in the event that the importation or movement of any flora or fauna, in the absence of effective rules, creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the Territory which is so immediate in nature as to constitute an emergency. No interim rules shall be adopted without such a finding by the advisory committee on plants and animals created under Section 9.

(c) Interim rules adopted by the department pursuant to this section shall be effective as stated by such rules; provided that any interim rule shall be published at least once in each newspaper of general circulation in the Territory within five days of issuance; and provided, further, that no interim rule shall be effective for more than one hundred eighty days.

**§ 3308. Advisory Committee on Plants and Animals.**

There shall be an advisory committee on plants and animals composed of the Director or his representative who shall be chairman of the committee, and five other members, with expertise in plants, animals or microorganisms, and who, by virtue of their vocation or avocation, also are thoroughly conversant with modern ecological principles and the variety of problems involved in the adequate protection of our natural resources. The five members shall be chosen by the Chairman.

The chairman may create Ad Hoc or permanent subcommittees as

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needed.

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**PART 3**  
**NURSERY STOCK EXPORT SHIPMENTS**

- § 3309. Certification for Shipment.
- § 3310. Responsibility for Treatment.
- § 3311. Nursery Stock Certificate.
- § 3312. Penalty.

**§ 3309. Certification for Shipment.**

The department may certify as to the pest condition or post treatment of shipments when officially required. Fees may be charged for certificates in certain instances.

**§ 3310. Responsibility for Treatment.**

Any treatment of nursery stock which may be required under the provisions of law shall be at the risk and at the expense of the owner or persons in charge or in possession thereof at the time of treatment, unless otherwise provided. Fees must be determined at time of inspection.

**§ 3311. Nursery Stock Certificate.**

The department may issue and authorize the use of nursery stock certificates by any shipper complying with its regulation for nursery inspection. Nursery stock certificates may be issued for interstate shipments. Fees may be charged for nursery certification. Nursery stock certificates shall not be altered or misused.

The department may revoke or suspend the right to use any nursery stock certificate which is issued to any person who fails to comply with requirements for their use.

**§ 3312. Penalty.**

Any person who knowingly violates any provision of these regulations or any interim rules or regulations promulgated by the Director, or who knowingly forges, counterfeits, alters, defaces or destroys any import permit, certificate or other document provided in these regulations shall be deemed guilty, of a misdemeanor and punishable pursuant to 5 GCA

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§61110.

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**ARTICLE 4**  
**HARBORING WILD DEER**

- § 3400. Authority.
- § 3401. Definitions.
- § 3402. Taking of Deer.
- § 3403. Deer Registration.
- § 3404. Unregistered Deer.
- § 3405. Tagging.
- § 3406. Permits and Fees.
- § 3407. Facilities.
- § 3408. Inspection of Facilities.
- § 3409. Ownership.
- § 3410. Transfer of Ownership.
- § 3411. Proper Care.
- § 3412. Disposition of Dead Animals.
- § 3413. Lost Animals.
- § 3414. Stolen Animals.
- § 3415. Revocation of Permits.
- § 3416. Expired Permits.
  
- § 3417. Disposition of Live Animals.
- § 3418. Penalties.

**NOTE:** These Regulations were promulgated on October 30, 1990, going into effect on December 15, 1990, having been filed with the Legislative Secretary on October 31, 1990.

**§ 3400. Authority.**

In accordance with the authority granted the Director of Agriculture by 5 GCA § 63102, § 63126 and § 63127, the following regulations governing the harboring of Guam deer as pets are hereby promulgated.

**§ 3401. Definitions.**

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For the purposes of this regulations, *deer* shall mean Guam Deer (*Cervus unicolor mariannus*), the species of deer introduced to Guam and now free living in the wild; *Director* means the Director of the Department of Agriculture; *Department* means the Department of Agriculture; *Division* means the Division of Aquatic and Wildlife Resources; *GCA* means the Guam Code Annotated.

**§ 3402. Taking of Deer.**

No Guam deer may be taken from the wild any person for the purpose of harboring them in captivity as pets. Only those Guam deer currently held in captivity, or the progeny of any registered deer may be harbored as pets. At the discretion of the Director, as provided in 5 GCA § 63124(b), deer may be harbored for other purposes, which include but are not limited to research and exhibition in zoos.

**§ 3403. Deer Registration.**

All persons harboring Guam deer in captivity as pets must register their deer with the Department within 30 days of the effective date of these regulations and apply for a permit to continue to harbor the subject deer. The birth of a fawn to any registered deer must be reported to the Division within 30 days its their birth. Information required for registration includes the name, mailing address, residence address and telephone number of the registering owner; the description of the animal; the location and a map of where the deer will be harbored; and the means by which the deer was obtained. The registered owner must notify the Department of any change of location where the deer will be harbored within three days after the change and provide evidence that they have provided the minimum facilities and shelter requirements at the new location. The registered owner must notify the Department of any change in mailing address or residence address within 30 days after the change.

**§ 3404. Unregistered Deer.**

Any deer that is found harbored 30 days after the effective date of these regulations that is not registered and tagged as prescribed in § 3402 and § 3404 of this Chapter shall be considered prima facie evidence of a deer that has been taken illegally and harbored, in violation of § 3401 of this Chapter and 5 GCA §§ 63121, 63124(b) and 63127. Deer harbored for more than 30 days on an expired permit and newborn fawns not registered with the Division within 30 days after their birth shall be considered unregistered deer. Unregistered deer or those held on expired permits may be confiscated



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for evidence immediately, but the Administrative Adjudication Law [will] be used to determine the deer's ownership.

**§ 3405. Tagging.**

All deer registered to be harbored as pets shall be tagged in both ears with numbered ear tags by the Division. Should a tag become lost or dislodged from the animal, the owner must immediately notify the Division for replacement.

**§ 3406. Permits and Fees.**

The Division shall issue annual permits and renewals to qualified persons harboring deer in captivity as pets. The owner must provide evidence that they have provided the minimum facilities and shelter requirements for each animal harbored prior to the issuance of a permit and prior to a renewal of any permit. The adequacy of facilities shall be subject to verification by physical inspection by authorized Division personnel. There shall be an initial registration and permit fee of \$50 per deer, and an annual permit renewal fee of \$10 per deer. Annual permits shall be valid for the fiscal year in which issued and must be renewed within 30 days after the start of the new fiscal year. Any permits not properly renewed shall be considered expired.

**§ 3407. Facilities.**

Each registered owner shall provide a minimum of 100 square feet of fenced-in area for each deer that is harbored with the exception that a fawn can be penned with its mother and not be considered a separate deer up through the age of six months. Once a fawn reached six months of age, it is considered a separate deer for the purpose of determining shelter requirements. Each enclosure shall provide a minimum area of 32 square feet that is sheltered from the weather, including rainfall and sunlight. Each animal penned together for breeding purposes must be provided the minimum shelter requirements described above.

**§ 3408. Inspection of Facilities.**

As a condition of any permit issued under this Article, personnel from the Division shall be permitted to inspect subject animals and facilities in which pet deer are kept, such inspection to take place during normal working hours of the day after prior notification to the owner.

**§ 3409. Ownership.**

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Deer harbored as pets belong to the registered owner. The registered owner assumes full liability for any mishaps or injury caused by the animal and will be liable for any damage to property, real or personal, caused by the pet deer.

**§ 3410. Transfer of Ownership.**

Deer harbored as pets may not be offered for sale, dead or alive. Ownership may be transferred between persons but such transfer shall not involve the exchange of any money or barter. Prior to transfer of ownership, the current owner must notify the Division of the pending change in ownership and provide details as to the identity of the new owner and the date of transfer. Within three days after the transfer of ownership, the new owner must register with the Division and provide evidence that they have provided the minimum facilities and shelter requirements for each animal harbored.

**§ 3411. Proper Care.**

It shall be the responsibility of the registered owner to provide the subject deer with a sufficient daily amount of wholesome food and water; proper shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment as prescribed in 10 GCA § 34205(a) which states, "No owner shall fail to provide his animals with sufficient, good and wholesome food and water, proper shelter and protection to prevent suffering and with humane care and treatment."

**§ 3412. Disposition of Dead Animals.**

Any deer held as a pet which dies in captivity must be immediately reported to the Division. The method of disposition will be determined by the Director. Under no circumstances can the animal be consumed as food.

**§ 3413. Lost Animals.**

In the event a pet deer becomes lost, the registered owner must immediately notify the Division and file a police report if so requested by the Department.

**§ 3414. Stolen Animals.**

In the event a pet deer is stolen, the registered owner must immediately notify the Department and file a police report.

**§ 3415. Revocation of Permits.**

(a) The Department may revoke a permit if the person fails to comply

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with the care requirements set forth in § 3410 or the minimum facility requirements set forth in § 3406 of this Article. If a registered owner is found to be in noncompliance with these regulations, he will be given a written notice of intent to revoke his permit and given 30 days to correct the alleged deficiencies as set forth in the notice to revoke. If the deficiencies are not corrected within 30 days, the Department will initiate revocation procedures in accordance with provisions of the Administrative Adjudicate Law as outlined in 5 GCA §§ 9100-9312. Service of any notice is accomplished by personal service or by leaving a copy at the respondent's usual place of residence, or at his place of business, with some person of suitable age and discretion residing in or working therein, or by registered mail to the respondent's last known mailing address on record with the Department.

(b) If a permit is revoked by the Department, the subject deer will be confiscated and disposed of in accordance with § 3417 of this Article. No part of the permit or registration fee shall be refunded.

**§ 3416. Expired Permits.**

Any deer harbored for more than 30 days on an expired permit as defined in § 3405 shall be considered prima facie evidence of an illegally harbored deer, in violation of 5 GCA § 63124, and the owner shall be subject to penalties prescribed in 5 GCA § 63129. Unregistered deer or those held on expired permits may be confiscated for evidence immediately, but

the Administrative Adjudication Law [will]<sup>1</sup> be used to determine the deer's ownership.

**§ 3417. Disposition of Live Animals.**

Deer that come into the possession of the Division are normally returned to the wild. However, occasionally deer may be acquired that cannot be released into the wild and must be kept in captivity. Examples of such cases include animals that cannot be released back into the wild

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<sup>1</sup> The Compiler has added "will" in order to make this sentence, and the sentence stating the same thing in §3404, mean anything. Since the Administrative Adjudication law is mandatory, the Compiler assumed that this sentence intends that immediate confiscation for evidence is discretionary, but use of the AAL is mandatory for determination of final ownership.

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because of the nature their injury; pet deer turned into the Division; and, animals forfeited to the Division during legal action. Such animals may be distributed to the public as pets under these regulations at the discretion of the Director. The Division will maintain a list of persons interested in obtaining such deer as pets and may select a person on the list to take ownership of a deer that must be cared for in captivity. The selection process will be by a random draw of all interested persons on the list. The selected person must register the animal as provided in this Article and shall abide by all provisions heretofore outlined for its care.

**§ 3418. Penalties.**

Persons found in violation of § 3410 and § 3412 of this Article relating to the sale of a pet deer or the use of a deer for a purpose other than pets shall be subject to a civil penalty of \$5,000 as provided by 5 GCA § 63126(c). Persons found in violation of § 3401, § 3402, § 3403, § 3404, § 3405, § 3411 and § 3415 of this Article shall be guilty of a misdemeanor violation of 5 GCA § 63121, § 63124(b) and/or § 63127, and shall be subject to the penalties prescribed in 5 GCA § 63129, namely, a fine of not less than \$50 nor more than \$500 or by imprisonment of not more than 90 days or by both such fine and imprisonment.

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**ARTICLE 5**  
**PERMITS FOR ANIMAL FACILITIES AND HUMANE ANIMAL CARE**

**2006 COMPILER NOTE:** These rules and regulations were added in 1998 along with the rules and regulations in Articles 1 and 2 of this Chapter. Public Law 28-111 (April 14, 2006) transferred the responsibilities for Permits for Animal Facilities and Humane Animal Control (10 GCA Chapter 34 Article 2) from the Department of Public Health and Social Services to the Department of Agriculture.

- Part 1. General Provisions.
- Part 2. Sanitary Permit.
- Part 3. Specifications for Commercial Animal Establishments.
- Part 4. Specifications for CAE for Non-Human Primates.
- Part 5. Euthanasia.

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- Part 6. Animal Care.
- Part 7. Keeping of Wild Animals.
- Part 8. Performing Animal Exhibitions.
- Part 9. Animal Waste.
- Part 10. Authority of Officers.
- Part 11. Violations and Penalties.
- Part 13. Separability.

**PART 1**  
**GENERAL PROVISIONS**

- § 3501. Purpose.
- § 3502. Authority.
- § 3503. Definitions.

**§ 3501. Purpose.**

The purpose of these rules and regulations is to protect the health and welfare of the people of Guam by requiring permits to operate a commercial animal establishment and to require those engaged in the operation, maintenance or ownership of any commercial animal establishment to meet certain standards of operation. It is also the intent of these rules and regulations to provide animals with proper humane care and to protect them from neglect or abuse.

**§ 3502. Authority.**

These regulations are adopted pursuant to Sections 20105 and 21102, Chapter 34 of Title 10, Guam Code Annotated.

**§ 3503. Definitions.**

(a) ‘Animal’ means any live non-human vertebrate creature, domestic or wild.

(b) ‘Animal Shelter’ means any facility operated by a humane society, formed to prevent cruelty to animals, the government of Guam or its authorized agents for the purpose of caring for animals held under the authority of Article 2, Chapter 34 of Title 10, Guam Code Annotated.

(c) ‘Auction’ means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in Article 2 of Title 10, Guam Code Annotated. This does not apply to

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individual sales of animals by owners.

(d) 'Circus' means a commercial variety show featuring animal acts for public entertainment.

(e) 'Commercial Animal Establishment (CAE)' means a pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, animal quarantine facility, kennel, veterinary hospital, or any other facility which has animals on its premises for business purposes.

(f) 'Department' means the Department of Agriculture.

(g) 'Director' means the Director of the Department of Agriculture.

(h) 'Grooming shop' means a commercial establishment where animals are bathed, clipped, plucked or otherwise cosmetically cared for.

(i) 'Impoundment' means strict confinement under restraint by leash, cage or paddock upon premises specified by the Director.

(j) 'Kennel' means any premise wherein any person is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats, or any premise in a non-agricultural show upon which five (5) or more adult dogs or cats are harbored or kept.

(k) 'Large animals' mean animals, domestic or wild, weighing over fifty (50) pounds. Such animals include but are not limited to cows, horses, carabao, deer and pigs.

(l) 'Officer' means an Animal Control Officer of the Department, a member of the Guam Police Department, a mayor of Guam or a person authorized by the Director.

(m) 'Owner' means any person owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered three (3) consecutive days or more.

(n) 'Performing animal exhibition' means any spectacle, display, act or event other than a circus in which performing animals are used.

(o) 'Permitting authority' means the Department of Agriculture (the "Department") which is the permitting authority for these rules and regulations.

(p) 'Person' means any natural person, association, partnership, firm,

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corporation or any government entity.

(q) 'Pet' means any animal kept for pleasure rather than utility.

(r) 'Pet shop' means any person which commercially buys, sells, or boards any species of animal whether separately or in connection with another business except for a licensed kennel.

(s) 'Primary enclosure' means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool or hutch.

(t) 'Public nuisance' means any animal which:

(1) Attacks passersby or passing vehicles;

(2) Attacks other animals;

(3) Trespasses on school grounds;

(4) Is repeatedly running at large as defined in Section 34101 (g), Chapter 34 of Title 10, Guam Code Annotated, or;

(5) Damages private or public property.

(u) 'Restrained animal' means any animal secured by a leash or lead or under (he control of a responsible person and obedient to that person's commands or within the real property limits of its owner.

(v) 'Riding school or stables' means any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro.

(w) 'Sheltered CAE' means a housing facility which provides the animals with shelter, protection 'from the elements, and protection -from temperature extremes at all times. A sheltered CAE may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building.

(x) 'Veterinary Hospital' means any establishment maintained and operated by a licensed veterinarian' for surgery, diagnosis and treatment of disease and injuries to animals.

(y) 'Vicious animal' means any animal that constitutes a physical threat to human beings or other animals.

(z) 'Wild animal' means any animal which is not commonly

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domesticated and is not native to Guam, or which irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal, which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or contained in a safe and secure manner.

(aa) ‘Zoological park or Zoo’ means any facility operated by a person, other than a pet shop or a kennel, displaying or exhibiting one (1) or more species of non-domesticated animals.

**2006 COMPILER NOTE:** Corrections were made by the Compiler of Laws to subsections after (n) to harmoniously fit the numbering scheme.

**PART 2**  
**SANITARY PERMIT**

- § 3504. Authorization to Construct.
- § 3505. Application for Sanitary Permit.
- § 3506. Revocation of Sanitary Permit.

**§ 3504. Authorization to Construct.**

No person shall construct or add or convert or make a major alteration to an existing commercial animal establishment without obtaining written authorization in a prescribed form from the Department first. To apply, the applicant must submit complete, detailed plans of the building and any other information as required by the Director. The requirements of this Subsection are in addition to the building permit program administered by the Department of Public Works.

**§ 3505. Application for Sanitary Permit.**

(a) It shall be unlawful for any person to conduct, control, manage or maintain a zoo, pet shop, kennel, animal shelter, veterinary hospital or other CAE. and to import, export, exhibit, sell, board or otherwise expose the public to live animals without first applying for and obtaining a sanitary permit to operate. Failure to obtain a sanitary permit before opening any facility specified in this Section shall be punishable by a fine of Two Hundred Dollars (\$200) per day of violation.

(b) Before an application for a sanitary permit is approved, the Department shall verify that the facility meets the minimum sanitary requirements and standards set out in § 3507. Upon verification that the



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proposal meets the requirements, an on-site inspection shall be made, which shall involve right of entry, inspection and investigation. Findings of the inspection shall be reported on an official inspection form which shall be attached to the application prior to final disposition.

(c) As a condition for the issuance of the sanitary permit, the Department shall be permitted to inspect all animals and the premises where animals are kept at any reasonable time.

(d) If upon inspection, the Department is satisfied that the CAE reasonably meets the qualifications and standards prescribed, a non-transferable sanitary permit designating the type of facility shall be issued. Said sanitary permit shall be posted in an area designated by the Department.

(e) If the inspection conducted for a new application or renewal indicates that the facility does not meet the minimum requirements and standards in § 3507, the sanitary permit shall be denied or not renewed.

(f) If the applicant has withheld or falsified information on the application for a sanitary permit, the permitting authority shall not issue a permit.

(g) The sanitary permit period shall coincide with the business license period administered by the Department of Revenue and Taxation, and run for one (1) year. Renewal applications for the Sanitary' Permit shall be made within sixty (60) to thirty (30) days prior to expiration. Application for a permit to establish a facility specified in § 3505(a) may be made at any time.

(h) Every CAE regulated by these rules and regulations and by Article 2, Chapter 34 of Title 10, Guam Code Annotated shall be considered a separate enterprise and shall require an individual Sanitary Permit.

(i) Any permitted CAE whose category changes shall be subject to reclassification and appropriate adjustments to the sanitary permit shall be made.

(j) The sanitary permit required by this Section shall be in addition to the business license required by the Department of Revenue and Taxation.

**§ 3506. Revocation of Sanitary Permit.**

(a) The Department may revoke a sanitary permit pursuant to Section 21109, Chapter 21 of Title 10, Guam Code Annotated, if the person holding

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the sanitary permit refuses or fails to comply with the provisions in Article 2, Chapter 34 of Title 10, Guam Code Annotated and any regulations promulgated pursuant thereto.

(b) Any person whose sanitary permit has been revoked may appeal the Department's action. The appeal shall be in accordance with Section 21109(e), Chapter 21 of Title 10, Guam Code Annotated.

(c) If a sanitary permit is revoked, the person whose permit has been revoked shall, within ten (10) days thereafter, appropriately dispose of all animals owned, kept or harbored and no part of the sanitary permit fee shall be refunded. However, this Section shall ten (10) days of the revocation decision.

(d) If permission for an inspection is refused, the Department shall revoke the sanitary permit;

(e) If a sanitary permit has been issued on the basis of falsified information, and such information is not discovered until after the permit has been issued, the permit shall be subject to immediate revocation.

(f) A sanitary permit will not be issued to any applicant who has been convicted of cruelty to animals.

(g) Any person having been denied a sanitary permit may not reapply for a period of thirty (30) days. Each re-application shall be accompanied by a Ten Dollar (\$10) fee.

(h) Any person as defined in these rules and regulations whose sanitary permit has been revoked cannot apply for another sanitary permit in his or her own name, nor can any partnership, firm, corporation or any legal entity in which such person has a substantial interest, financial or otherwise.

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**PART 3**  
**SPECIFICATIONS FOR COMMERCIAL ANIMAL ESTABLISHMENTS**  
**§ 3507. Facilities Requirements and Operating Standards.**

(a) Commercial Animal Establishments (CAE's), General

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Requirements:

(1) *Structure; construction.* CAE's for dogs and cats shall be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

(2) *Condition and site.* CAE's and areas used for storing animal food or bedding shall be free of any accumulation of trash, waste material, junk, weeds and other discarded materials. Animal areas inside of CAE's shall be kept neat and free of clutter, including equipment, furniture and stored material, but may contain materials actually used and necessary for cleaning the area and fixtures or equipment necessary for proper care practices.

(3) *Surfaces.* The surfaces of CAE's including houses, dens, furniture and other objects within the facility shall be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. All interior surfaces within spaces where animals will be handled shall be:

(A) designed with a minimum of dust and moisture trapping protrusions, recesses and fixtures. Wood surfaces shall not be exposed within these spaces unless special sealers are used and never within reach of dogs or cats. (Most untreated wood absorbs moisture and odors, incubates disease, and deteriorates faster than other alternative materials);

(B) made of concrete, finished smooth and free of surface voids or defects to reduce cracking and loss of coating integrity. Concrete block without additional surface fitting and finishing shall not be used;

(C) free of excessive rust that prevents the required cleaning and sanitation, or that affects the structural strength of the surface;

(D) free of jagged edges or sharp points that may injure the animals;

(E) maintained on a regular basis. Surfaces of CAE's including houses, dens and other furniture-type fixtures and objects within the facility that cannot be readily cleaned and

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sanitized shall be replaced when worn or soiled; and

(F) spot-cleaned daily if they are hard surfaces with which the dogs or cats come in contact, and sanitized in accordance with § 3507 (i)(2) to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass or other similar material shall be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material shall be replaced whenever raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests or vermin infestation. All other surfaces of CAE's shall be cleaned and sanitized when necessary to satisfy generally accepted care standards and practices. Sanitation may be accomplished using any of the methods provided in § 3507(i)(2) for primary enclosures.

(4) *Water.*

(A) CAE's shall have adequate running potable water for the dogs' and cats' drinking needs, for cleaning and for carrying out other necessary needs.

(B) The water supply plumbing shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration, or required change. There shall be no cross-connections between' the potable water supply and any non-potable system, nor shall there be any conditions which would allow backflow or back-siphonage at any fixtures or equipment in the potable water system, Backflow prevention devices or measures shall be provided where necessary to protect the potable water system from contamination.

(C) Basic plumbing requirements include a sink with hot and cold water where food for the animals is prepared and light washing is done.

(D) A hot water supply to a high temperature utensil washer is required for the cleaning of all animal bowls and items which can transmit disease.

(5) *Electric Power/Lighting.* CAE's shall have reliable electric power adequate for cooling, ventilation, and lighting.

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(6) *Storage.* Supplies of food and bedding shall be stored in a manner that protects the supplies from spoilage, contamination and vermin infestation. The supplies shall be stored off the floor and away from the walls to allow cleaning underneath and around the supplies. Foods requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding shall be kept in leakproof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in areas used by cats and dogs. Substances that are toxic to dogs or cats but are required for normal care practices shall not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(7) *Drainage and waste disposal.* CAE operators shall provide for regular and frequent (not less than twice a week) collection, removal and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals in a manner that minimizes contamination and disease risks. CAE's shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems shall minimize vermin and pest infestation, insects, odors and disease hazards. All drains shall be properly constructed, installed and maintained. If closed drainage systems are used, they shall be equipped with traps to prevent the backflow of gases. If the facility uses the sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system shall be located downwind, away from the animal area of the CAE to prevent odors, diseases, pests and vermin infestation. Standing puddles of water in animal enclosures shall be drained or mopped up so that the animals stay dry. Trash containers in CAE's and in food storage and food preparation areas shall be leakproof and shall have tightly fitting lids on them at all times. Dead animals, animal parts, and animal waste shall not be kept in food storage or food preparation areas, food freezers, food refrigerators or animal areas.

(8) *Wash rooms and sinks.* Washing facilities such as washrooms, basins, sinks or showers shall be provided for animal caretakers and shall be readily accessible.

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(b) Requirements for Indoor CAE's.

(1) *Cooling and temperature.* Indoor CAE's for dogs and cats shall be sufficiently cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well being. The ambient temperature shall not rise above 85°F (29.50°C) for more than four (4) consecutive hours when dogs or cats are present.

(2) *Ventilation.* Indoor CAE's for dogs and cats shall be sufficiently ventilated at all times when dogs and cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation shall be provided by windows, vents, fans or air-conditioning. Auxiliary ventilation such as fans, blowers or air-conditioning shall be provided when the ambient temperature is 85°F (29.5°C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted care practices.

(3) *Lighting.* Indoor CAE's for dogs and cats shall be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Animal areas shall be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures shall be placed so as to protect the dogs and cats from excessive light. A minimum of twenty-five (25) foot-candles light intensity at thirty (30) inches from the floor shall be provided.

(4) *Interior surfaces.* The floors and walls of indoor CAE's, and any other surfaces in contact with the animals shall be impervious to moisture. The ceilings of indoor CAE's shall be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

(c) Requirements for Sheltered CAE's.

(1) *Cooling and temperature* The protected part of sheltered CAE's for dogs and cats shall be sufficiently cooled when necessary to

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protect the dogs and cats from heat and to provide for their health and well-being. The ambient temperature shall not rise above 85°F (29.5°C) for more than four (4) consecutive hours when dogs or cats are present.

(2) *Ventilation.* Enclosed parts of sheltered CAE's for dogs and cats shall be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans or air-conditioning. Auxiliary ventilation, such as fans, blowers or air-conditioning shall be provided when the ambient temperature is 85°F (29.5°C) or higher.

(3) *Lighting.* Sheltered CAE's for dogs and cats shall be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dog and cat areas. These areas shall be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout the CAE and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection and the well-being of dogs and cats. Primary enclosures shall be placed so as to protect the dogs and cats from excessive light.

(4) *Shelter from the elements.* Dogs and cats shall be provided with adequate shelter to protect them from the elements at all times. The shelter structures shall be large enough to allow each animal to sit, stand and lie in a normal manner and to turn about freely.

(5) *Surfaces.* The following areas in sheltered CAE's shall be impervious to moisture:

(A) indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun; and

(C) all walls, boxes, houses, dens and other surfaces in contact with the animals.

Outside floor areas in contact with the animals and exposed to the direct sun may consist of compacted earth, absorbent bedding, sand, gravel or grass.

(d) Requirements for Primary Enclosures.

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(1) *General requirements, structure and construction.* Primary enclosures shall be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures shall be kept in good repair. Primary enclosures shall be constructed and maintained so that they:

(A) Have no sharp point or edges that could injure the dogs and cats;

(B) Protect the dogs and cats from injury;

(C) Contain the dogs and cats securely;

(D) Keep other animals from entering the enclosures;

(E) Enable the dogs and cats to remain dry and clean;

(F) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;

(G) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;

(H) Provide the dogs and cats with easy and convenient access to clean food and water;

(I) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with § 3507 (i), or be replaced when worn or soiled;

(J) Have floors that are constructed in a manner that protect the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of wire, there shall be a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably and a pan shall be provided under the floor to collect excreta and other waste materials, and;

(K) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit and lie in a comfortable normal position, and to walk in a normal manner.

(2) *Additional requirements for cats.*



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(A) *Space.* Each cat, including weaned kittens, that is housed in any primary enclosure shall be provided vertical and floor space as follows:

(i) Each primary enclosure housing cats shall be at least 24 inches high;

(ii) Cats up to and including 8.8 lbs (4kg) shall be provided with at least 3.0 square ft;

(iii) Cats over 8.8 lbs shall be provided with at least 4.0 square ft;

(iv) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted care practices. If the additional amount of floor space for each nursing kitten is equivalent to less than five percent of the minimum requirement for the queen, such housing shall be approved by the Department; and

(v) The minimum floor space required by this chapter is exclusive of any food or water pans. The litter may be considered part of the floor space if properly cleaned and sanitized.

(B) *Compatibility.* All cats housed in the same primary enclosure shall be compatible as determined by observation. Not more than twelve (12) adult cats shall be housed in the same primary enclosure. Queens in heat shall not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, queens with litters shall not be housed in the same primary enclosure with other adult cats, and kittens under four (4) months of age shall not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition shall be housed separately.

(C) *Litter.* In all primary enclosures, a receptacle containing sufficient clean litter shall be provided to contain excreta and body wastes of the cats.

(D) *Resting surfaces.* Each primary enclosure housing cats shall contain a resting surface or surfaces that, in the aggregate, are

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large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surface shall be elevated, impervious to moisture and be able to be easily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space.

(3) *Additional requirements for dogs.*

(A) *Space.*

(i) Each dog housed in a primary enclosure (including weaned puppies) shall be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus six (6) inches; then divide the product by one hundred forty-four (144). The calculation is:  $(\text{length of the dog in inches} + 6) \times (\text{length of the dog in inches} + 6) = \text{required floor space in square inches}$ .  $\text{Required floor space in inches} / 144 = \text{required floor space in square feet}$ .

(ii) Each bitch with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted care practices as determined by the veterinarian. If the additional amount of floor space for each nursing puppy is less than five percent (5%) of the minimum requirement for the bitch, such housing shall be approved by the Department.

(iii) The interior height of a primary enclosure shall be at least six (6) inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(B) *Dogs on Tethers.*

(i) Dogs may be kept on tethers only in outdoor areas that meet the requirements of this subchapter. The tether shall be attached to the front of the dog's shelter structure or to a post in front of the shelter structure and shall be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether shall allow the dog convenient access to the shelter structure and to food and water containers. The

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tether shall be of the type and strength commonly used for the size dog involved and shall be attached to the dog by a well-fitted collar that will not cause trauma or injury to the dog. Collars made of materials such as wire, flat chains, chain with sharp edges, or chains with rusty or non-uniform links are prohibited. The tether shall be attached so that the dog cannot entangle with other objects or come into physical contact with other dogs in outdoor areas and so the dog can roam to the full range of the tether.

(ii) Outside areas where dogs are on tethers shall be enclosed by a perimeter fence that is of sufficient height, not less than 6 feet high, to keep unwanted animals out. The fence shall be constructed so that it protects the dogs by preventing animals the size of dogs from going through it or under it and having contact with the dogs inside.

(C) *Compatibility*. All dogs housed in the same primary enclosure shall be compatible as determined by observation. Not more than 12 adult dogs shall be housed in the same primary enclosure. Bitches in heat shall not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters shall not be housed in the same primary enclosure with other adult dogs, and puppies under four (4) months of age shall not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a separately.

**2006 COMPILER NOTE:** The last sentence was erroneously left incomplete by the drafters.

(e) *Compatible Grouping*. Dogs and cats that are housed in the same primary enclosure shall be compatible, and according to the following restrictions:

(1) Females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;

(2) Any dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately;

(3) Puppies or kittens four (4) months of age or less may not be housed in the same primary enclosure with adult dogs or cats other

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than their dams or foster dams, except when permanently maintained in breeding colonies;

(4) Dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible: and

(5) Dogs and cats that have or are suspected of having a contagious disease shall be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known to have or is believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment and control.

(f) *Exercise for Dogs.* Owners of any CAE's shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The plan at a minimum shall comply with each of the following:

(1) *Dogs housed individually.* Dogs over twelve (12) weeks of age, except bitches with litters, housed, held or maintained by any CAE shall be provided the opportunity for exercise regularly if they are kept individually in cages, pens or runs that provide less than two times the required floor space for a dog specified in § 3507(d)(3)(A)(i).

(2) *Dogs housed in groups.* Dogs over twelve (12) weeks of age housed, held or maintained by a CAE do not require additional opportunity for exercise if they are maintained in cages, pens or runs that provide in total at least 100% of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:

(A) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dogs, or;

(B) Any dog exhibits aggressive or vicious behavior.

(3) *Methods and period of providing exercise opportunity.* The frequency, method and duration of the opportunity for exercise shall be determined by the attending veterinarian.

(g) *Feeding.*

(1) *Frequency; quality.* Dogs and cats shall be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome,

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palatable and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(2) *Receptacles; cleanliness.* Food receptacles shall be used for dogs and cats, shall be readily accessible to all dogs and cats, and shall be located so as to minimize contamination by excreta and pests, and be protected from rain and direct sunlight. Feeding pans shall either be made of durable materials that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they shall be kept clean and shall be sanitized in accordance with § 3507(i)(2). Sanitization is achieved by using one of the methods described in § 3507(i)(2)(C). If the food receptacles are disposable, they shall be discarded after one use. Self feeders may be used for the feeding of dry food. If self-feeders are used, they shall be kept clean and shall be sanitized in accordance with § 3507(i)(2). Measures shall be taken to ensure that there is no mold formation, deterioration, and caking of feed.

(h) *Watering.* If potable water is not continually available to the dogs and cats, it shall be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Water receptacles shall be kept cleaned and sanitized in accordance with § 3507(i)(2) and before being used to water a different dog or cat or social groupings of dogs or cats.

(i) *Cleaning, sanitizing, housekeeping and pest control.*

(1) *Cleaning of primary enclosures.* Excreta and food waste shall be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs and cats contained in the primary enclosures and to reduce disease hazards, insects, pests and odors. When live steam or water is used to clean the primary enclosures, whether by hosing, flushing or other methods, dogs and cats shall be removed, unless the enclosure is large enough to ensure the dogs and cats will not be harmed, wetted or distressed in the process. Standing water shall be removed from the primary enclosure and dogs and cats in other primary enclosures shall be protected from being contaminated with water and other wastes

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during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with wire or slatted floors shall be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pets, insects and odors.

(2) *Sanitizing primary enclosures and food and water receptacle.*

(A) Used primary enclosures and food and water receptacles shall be cleaned and sanitized in accordance with this Chapter before they can be used to house, feed or water another dog or cat, or social groupings of dogs or cats.

(B) Used primary enclosures and food and water receptacles shall be sanitized at least once every two weeks using one of the methods prescribed in § 3507(i)(2)(C) of this Chapter, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta and other disease hazards.

(C) Hard surfaces of primary enclosures and food and water receptacles shall be sanitized using one of the following methods:

(i) Live steam under pressure;

(ii) Washing with hot water (at least 180°F or 82.2°C); soap or detergent, as with a mechanical cage washer; or

(iii) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surface to remove organic material, and mineral buildup, and to provide sanitization followed by a clean water rinse.

(D) Pens, runs, outdoor housing areas using materials that cannot be sanitized using the methods provided in § 3507(i)(2), such as gravel, sand, grass, earth or absorbent bedding shall be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestation.

(3) *Housekeeping for premises.* Premises where CAE's are located, including buildings and surrounding grounds, shall be kept clean and in good repair to protect the dogs and cats from injury, to facilitate the care practices required and to reduce or eliminate

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breeding and living areas for rodents and other pests and vermin. Premises shall be kept free of accumulation of trash, junk, waste products and discarded matter. Weeds, grasses, and bushes shall be controlled so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the dogs and cats.

(4) *Pest control.* An effective program for the control of insects, birds and mammals that are pests and external parasites affecting dogs and cats shall be established and maintained so as to promote the health and well-being of the dogs and cats and to reduce contamination by pests in dog and at areas.

**PART 4**  
**SPECIFICATIONS FOR CAE FOR NON-HUMAN PRIMATES**

- § 3508. General requirements.
- § 3509. Indoor CAE's.
- § 3510. Sheltered CAE's.
- § 3511. Outdoor CAE's.
- § 3512. Requirements for Primary Enclosures.

**§ 3508. General requirements.**

(a) *Structure; construction.* CAE's for non-human primates shall be designed and constructed so that they are structurally sound for the species of non-human primates housed in them. They shall be kept in good repair, and they shall protect the animals from injury, contain the animals securely and restrict other animals from entering.

(b) *Condition and site.* CAE's and areas used for storing animal food or bedding shall be free of any accumulation of trash, waste material, junk, weeds and other discarded materials. Animal areas inside of CAE's shall be kept neat and free of clutter, including equipment, furniture or stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures and equipment necessary for proper care practices.

(c) *Surfaces.*

(1) *General requirements.* The surfaces of CAE's including perches, shelves, swings, boxes, houses, dens and other furniture-type fixtures or objects within the facility shall be constructed in a manner and made of materials that allow them to be readily cleaned and

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sanitized, or removed or replaced when worn or soiled. Furniture-type fixtures or objects shall be sturdily constructed and shall be strong enough to provide for the safe activity and welfare of non-human primates. Floors shall be constructed of no-porous cement (e.g. Portland cement) or compatible material which can be readily cleaned to eliminate odors, diseases, pests, insects or vermin. Any surfaces that come in contact with non-human primates shall:

(A) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and

(B) Be free of jagged edges or sharp points that might injure the animals.

(2) *Maintenance and replacement of surfaces.* All surfaces shall be maintained on a regular basis. Surfaces of CAE's including houses, dens and other furniture-type fixtures and objects within the facility that cannot be readily cleaned and sanitized shall be replaced when worn or soiled.

(3) *Cleaning.* Hard surfaces with which non-human primates come in contact shall be spot-cleaned daily and sanitized in accordance with § 3512(f)(2)(C) to prevent accumulation of excreta or disease hazards. If the species scent mark, the surfaces shall be sanitized or replaced at regular intervals as determined by the attending veterinarian in accordance with generally accepted professional and care practices. Floors shall be cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. All other surfaces of CAE's shall be cleaned and sanitized when necessary to satisfy generally accepted care standards and practices. Sanitization may be done by any of the methods provided in § 3512(f)(2)(C) for primary enclosures.

(d) *Water and electric power.* The housing facility shall have reliable electric power adequate for heating, cooling, ventilation and lighting and for carrying out other care requirements in accordance with the regulations in this Chapter. The housing facility shall provide running potable water for the non-human primates' drinking needs. It shall be adequate for cleaning and for carrying out other care requirements.

(e) *Storage.* Supplies of food and bedding shall be stored in a manner



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that protects the supplies from spoilage, contamination and vermin infestation. The supplies shall be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Food requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive value. Only the food and bedding currently being used may be kept in animal areas, and when not in actual use, open food and bedding supplies shall be kept in leakproof containers with tightly fitting lids to prevent spoilage and contamination. Substances that are toxic to the non-human primates but that are required for normal care practices shall not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(f) *Drainage and waste disposal.* Housing facility operators shall provide for regular and frequent collection, removal and disposal of animal and food wastes, bedding, dead animals, debris, garbage, water and any other fluids and wastes, in a manner that minimizes contamination and disease risk. CAE's shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal wastes and water are rapidly eliminated and the animals stay dry. Disposal and drainage systems shall minimize vermin and pests infestation, insects, odors and disease hazards. All drains shall be properly constructed, installed and maintained. If closed drainage systems are used, they shall be equipped with traps and prevent the backflow of gases and backup of sewage onto the floor. If the facility uses sump ponds, settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough away from the animal area of the housing facility to prevent odors, diseases, insects, pests and vermin infestation.

**§ 3509. Indoor CAE's.**

(a) *Cooling and temperature.* Indoor CAE's shall be sufficiently cooled when necessary to protect non-human primates from temperature extremes and to provide for their health and well-being. The ambient temperature in the facility shall not rise above 85°F (29.5°C) for more than four (4) consecutive hours when non-human primates are present. The ambient temperature shall be maintained at a level that ensures the health and well-being of the species housed, as directed by the attending veterinarian, in accordance with generally accepted professional care practices.

(b) *Ventilation.* Indoor CAE's shall be sufficiently ventilated at all

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times when non-human primates are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans or air-conditioning. Auxiliary ventilation such as fans, blowers or air-conditioning shall be provided when the ambient temperature is 85°F (29.5°C) or higher. The relative humidity maintained shall be at a level that ensures the health and well-being of the animals housed, as directed by the attending veterinarian, in accordance with generally accepted professional care practices.

(c) *Lighting.* Indoor CAE's shall be lighted well enough to permit routine inspection and cleaning of the facility and observation of the non-human primates. Animal areas shall be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures shall be placed in the housing facility so as to protect the non-human primates from excessive light.

**§ 3510. Sheltered CAE's.**

(a) *Cooling and temperature.* The sheltered part of sheltered CAE's shall be sufficiently cooled when necessary to protect the non-human primates from temperature extremes, and to provide for their health and well-being. The ambient temperature in the sheltered part of the facility shall not rise above 85°F (29.5°C) for more than four (4) consecutive hours when non-human primates are present, unless temperature above 85°F (29.5°C) are approved by the attending veterinarian, in accordance with generally accepted care practices. The ambient temperature shall be maintained at a level that ensures the health and well-being of the species housed, as directed by the attending veterinarian, in accordance with generally accepted professional care practices.

(b) *Ventilation.* The sheltered part of the sheltered animal facilities shall be sufficiently ventilated at all times to provide for the health and wellbeing of non-human primates and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans or air-conditioning. Auxiliary ventilation such as fans, blowers or air-conditioning shall be provided when the ambient temperature is 85°F (29.5°C) or higher. The relative humidity maintained

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shall be at a level that ensures the health and well-being of the species housed, as directed by the attending veterinarian, in accordance with generally accepted professional care practices.

(c) *Lighting.* The sheltered part of the sheltered CAE's shall be lighted well enough to permit routine inspection and cleaning of the facility and observation of the non-human primates. Animal areas shall be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals and for the well-being of the animals. Primary enclosures shall be placed in the housing facility so as to protect non-human primates from excessive light.

(d) *Shelter from the elements.* Sheltered CAE's for non-human primates shall provide adequate shelter from the elements at all times. They shall provide protection from the sun, rain, and wind and from any weather conditions that may occur.

(e) *Capacity: multiple shelters.* Both the sheltered part of the sheltered housing facility and any other necessary shelter from the elements shall be sufficiently large to provide protection comfortably to each non-human primate housed in the facility. If aggressive or dominant animals are housed in the facility with other animals, there shall be multiple shelters or other means to ensure that each non-human primate has access to shelter.

(f) *Perimeter fence.* The outdoor area of a sheltered housing facility shall be enclosed by a fence no less than six feet high to keep unwanted species out. The fence shall be constructed so that it protects non-human primates by restricting unauthorized humans and animals the size of dogs, from going through or under it and having contact with the non-human primates. It shall be of sufficient distance from the outside wall or fence of the primary enclosure to prevent physical contact between animals inside the enclosure and outside the perimeter fence. A perimeter fence is not required if:

(1) The outside walls of the primary enclosure are made of sturdy, durable material such as concrete, wood, plastic, metal or glass and are high enough and constructed in a manner that restricts contact with or entry by humans and animals that are outside the sheltered housing facility; or

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(2) The housing facility is surrounded by a natural barrier that restricts the non-human primates to the housing facility and protects them from contact with unauthorized humans and animals that are outside the sheltered housing facility and the Director gives written permission.

(g) *Public barriers.* Fixed public exhibits housing non-human primates, such as zoos, shall have a barrier in between the primary enclosure and the public at any time the public is present, that restricts physical contact between the public and the non-human primates. Non-human primates used in trained animal acts or in un-caged public exhibits shall be under the direct control and supervision of an experienced handler or trainer at all times when the public is present.

**§ 3511. Outdoor CAE's.**

(a) *Acclimation.* Only non-human primates that are acclimated, as determined by the attending veterinarian, to the prevailing temperature and humidity at the outdoor housing facility, and that can tolerate the range of temperatures and climatic conditions known to occur at the facility without stress or discomfort, shall be kept in outdoor facilities.

(b) *Shelter from the elements.* Outdoor CAE's for non-human primates shall provide adequate shelter from the elements at all times. They shall provide protection from the sun, rain, wind, and from any other weather conditions that may occur.

(c) *Capacity: multiple shelters.* The shelter shall be sufficiently large to comfortably provide protection for each non-human primate housed in the facility. If aggressive or dominant animals are housed in the facility with other animals, there shall be multiple shelters or other means to ensure protection for each non-human primate housed in the facility.

(d) *Perimeter fence.* An outdoor housing facility shall be enclosed by a fence no less than six feet high that is of sufficient height for safety and security. The fence shall be constructed so that it protects non-human primates by restricting unauthorized humans and animals the size of dogs from going through it or under it and having contact with the non-human primates. It shall be of sufficient distance from the outside wall or fence of the primary enclosure to prevent physical contact between animals inside the enclosures and outside the perimeter fence. A perimeter fence is not required if:

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(1) The outside walls of the primary enclosures are made of sturdy, durable material such as concrete, wood, plastic, metal or safety glass and are high enough and constructed in a manner that restricts contact with or entry by humans and animals that are outside the housing facility, or;

(2) The housing facility is surrounded by a natural barrier that restricts the non-human primates to the housing facility and protects them from contact with unauthorized humans and animals that are outside the housing facility, and the Director gives written permission.

(e) *Public barriers*. Fixed public exhibits housing non-human primates, such as zoos, shall have a barrier between the primary enclosure and the public at any time the public is present, in order to restrict physical contact between the public and non-human primates. Non-human primates used in trained animal acts or in un-caged public exhibits shall be under the direct control and supervision of an experienced handler or trainer at all times when the public is present.

**§ 3512. Requirements for Primary Enclosures.**

(a) *General Requirements*. Primary enclosures shall be designed and constructed of suitable materials so that they are structurally sound for the species of nonhuman primates contained in them. They shall be kept in good condition. Primary enclosures shall be constructed and maintained so that they:

- (1) Have no sharp point or edges that could injure the nonhuman primates;
- (2) Protect the non-human primates from injury;
- (3) Contain the non-human primates securely and prevent accidental opening of the enclosures, including opening by the animal;
- (4) Keep unwanted animals from entering the enclosure or having physical contact with the non-human primates;
- (5) Enable the non-human primates to remain dry and clean;
- (6) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the species of the non-human primates contained;
- (7) Provide sufficient shade to shelter all the non-human primates:

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house in the primary enclosure at one time;

(8) Provide the non-human primates with easy and convenient access to clean food and water;

(9) Enable all surfaces in contact with non-human primates to be readily cleaned and sanitized in accordance with § 3512(f)(2)(C) or replaced when worn or soiled;

(10) Have floors that are constructed in a manner that protects the non-human primates from injuring themselves; and

(11) Provide sufficient space for the non-human primates to make normal postural adjustments with freedom of movement.

(b) *Minimum space requirements.* Primary enclosures shall meet the minimum space requirement provided in this Chapter. These minimum space requirements shall be met even if perches, ledges, swings or other suspended fixtures are placed in the enclosure. Low perches and ledges that do not allow the space underneath them to be comfortably occupied by the animal will be counted as part of the floor space.

(1) The minimum space that shall be provided to each nonhuman primate, whether housed individually or with other non-human primates, will be determined by the typical weight of the animal of its species, except for brachiating species and great apes; and will be calculated by using the following table:

	GROUP WEIGHT (lb)	FLOOR AREA/ ANIMAL sq.ft. sq.m.		HEIGHT (in) (cm)	
		1	under 2.2	1.6	0.15
2	2.2 - 6.6	3.0	0.28	30	76.2
3	6.6 - 22.0	4.3	0.40	30	76.2
4	22.0 - 33.0	6.0	0.56	32	81.28
5	33.0 - 55.0	8.0	0.74	36	91.44
6	over 55.0	25.1	2.33	84	213.66

\*The different species of non-human primates are divided into six weight groups for determining minimum space requirements, except that all brachiating species of any weight are grouped together since they

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require additional space to engage in species-type behavior. The grouping provided is based upon the typical weight for various species and not on changes associated with obesity, aging or pregnancy. These conditions will not be considered in determining a non-human primates' weight group unless the animal is obviously unable to make normal postural adjustments and movements within the primary enclosure. Different species of prosimians vary in weight and should be grouped with their appropriate weight group. They have not been included in the weight table since different species typically fall into different weight groups. Infants and juveniles of certain species are substantially lower in weight than adults of those species and require the minimum space requirements of lighter weight species, unless the animal is obviously unable to make normal postural adjustments and movements with the primary enclosure.

Examples of the kinds of non-human primates typically included in each age group are:

Group 1 - marmosets, tamarins and infants (less than 6 months of age) of various species.

Group 2 - capuchins, squirrel monkeys and similar size species and juveniles (6 months to 3 years of age) of various species.

Group 3 - macaques and African species.

Group 4 - male macaques and large African species.

Group 5 - baboons and non-brachiating species larger than 33.0 lbs.

Group 6 - great apes over 55.0 lbs and brachiating species.

(2) Dealers and exhibitors shall provide great apes weighing over 110 lbs (50 kg) an additional volume of space in excess of that required for group 6 animals to allow for normal postural adjustments.

(A) When more than one non-human primate is housed in a primary enclosure, the minimum space requirement for the enclosure is the sum of the minimum floor area space required for each individual non-human primate and the minimum height requirement for the largest non-human primate housed in the enclosure as specified in the table above. Mothers with infants less than six (6) months of age may be maintained together in a primary enclosure that meet the floor space and height requirements of the mother.

(c) *Environment enhancement to promote psychological well-being.* Operators of a commercial animal establishment shall develop, document

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and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of non-human primates. The plan shall be in accordance with currently accepted professional standards as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian. The plan at a minimum shall address the following:

(1) *Social groupings* The environment enhancement plan shall include specific provisions to address the social needs of the non-human primates of species known to exist in social groups in nature. Such specific provisions shall be in accordance with currently accepted professional standards, as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian. The plan may provide for the following exceptions:

(A) If a non-human primate exhibits vicious or overly aggressive behavior, or is debilitated as a result of age or other conditions (e.g. arthritis), it should be housed separately.

(B) Non-human primates that have or are suspected of having a contagious disease shall be isolated from healthy animals in the colony as directed by the attending veterinarian. When an entire group or room of non-human primates is known to have or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment and control.

(C) Non-human primates may not be housed with other species of primates or animals unless they are compatible, do not prevent access to food, water or shelter by individual animals and are not known to be hazardous to the health and well-being of each other. Compatibility of non-human primates shall be determined in accordance with generally accepted professional practices and actual observations, as directed by the attending veterinarian, to ensure that the non-human primates are in fact compatible. Individually housed non-human primates shall be able to see and hear non-human primates of their own compatible species unless the attending veterinarian determines that it would endanger their health, safety or well-being.

(2) *Environment enrichment* The physical environment in the primary enclosures shall be enriched by providing means of expressing



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non-injurious species-typical activities. Species differences should be considered when determining the type of methods of enrichment. Examples of environmental enrichment include providing perches, swings, mirrors and other increased caged complexities; providing objects to manipulate; varied food items; using foraging or task-oriented feeding methods; and providing interaction with the caregiver or other familiar and knowledgeable person consistent with personal safety precautions.

(3) *Special considerations.* Certain non-human primates shall be provided special attention regarding enhancement of their environment, based on the needs of the individual species and in accordance with the instructions of the attending veterinarian. Non-human primates requiring special attention are the following:

(A) Infants and young juveniles;

(B) Those that show signs of being in psychological distress through behavior or appearances;

(C) Individually housed non-human primates that are unable to see and hear non-human primates of their own or compatible species; and

(D) Great apes weighing over 110 lbs.

(4) *Restraint Devices.* Non-human primates shall not be maintained in restraint devices unless required for health reasons as determined by the attending veterinarian. Maintenance under such restraint shall be for the shortest period possible. In instances where long-term (more than 12 hours) restraint is required, the non-human primate shall be provided the opportunity daily for unrestrained activity for at least one continuous hour during the period of restraint.

(d) *Feeding.*

(1) The diet for non-human primates shall be appropriate for the species, size, age and condition of the animal, and for the conditions in which the non-human primate is maintained, according to generally accepted professional and care practices and nutritional standards. The food shall be clean, wholesome and palatable to the animals. It shall be of sufficient quantity and have sufficient nutritive value to maintain a healthful condition and weight range of the animal and to meet its

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normal daily nutritional requirements.

(2) Non-human primates shall be fed at least once a day except as otherwise might be required to provide adequate veterinary care. Infant and juvenile non-human primates shall be fed as often as necessary in accordance with generally accepted professional and care practices and nutritional standards, based upon the animal's age and condition.

(3) Food and food receptacles, if used, shall be readily accessible to all the non-human primates being fed. If members of dominant non-human primate or other species are fed together with other non-human primates, multiple feeding sites shall be provided. The animals shall be observed to determine that all receive sufficient quantity of food.

(4) Food and food receptacles, if used, shall be located so as to minimize any risk of contamination by excreta and pests. Food receptacles shall be kept clean and shall be sanitized in accordance with § 3512(f)(2)(C). Used food receptacles shall be sanitized before they can be used to provide food to a different non-human primates or social groupings of nonhuman primates. Measures shall be taken to ensure there is no molding, deterioration, contamination or caking or wetting of food placed in self-feeders.

(e) *Watering.* Potable water shall be provided in sufficient quantity to every non-human primate housed at the facility. If potable water is not continually available to the non-human primates, it shall be offered to them as often as necessary to ensure their health and well-being, but no less than twice daily for at least one hour each time, unless otherwise required by the attending veterinarian. Water receptacles shall be kept clean and sanitized in accordance with methods provided in § 3512(f)(2)(C) as often as necessary to keep them clean and free from contamination. Used water receptacles shall be sanitized before they can be used to provide water to a different non-human primate or social grouping of non-human primate.

(f) *Cleaning, Sanitizing, Housekeeping and Pest Control.*

(1) *Cleaning of primary enclosures.* Excreta and food waste shall be removed from inside each indoor primary enclosure daily and from underneath them as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent non-human primates from becoming soiled and to reduce disease hazards, insects, pests and

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odors. Dirt floors, floors with absorbent bedding and planted areas in primary enclosures shall be spot cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta, or as often as necessary to reduce disease hazards, insects, pests and odors. When live steam or water is used to clean the primary enclosures, whether by hosing, flushing or other methods, non-human primates shall be removed, unless the enclosure is large enough to ensure the animals will not be harmed, wetted or distressed in the process. Perches, bars and shelves shall be kept clean and replaced when worn. If the species of the non-human primates housed in the primary enclosures engages in scent marking, hard surfaces in the primary enclosures shall be spot cleaned daily.

(2) *Sanitizing of primary enclosures and food and water receptacles.*

(A) A used primary enclosure shall be sanitized in accordance with this Chapter before it can be used to house another non-human primate or group of non-human primates.

(B) Indoor primary enclosures shall be sanitized at least once every two weeks and as often as necessary to prevent an excessive accumulation of dirt, debris, waste, food waste, excreta or disease hazard, using one of the methods prescribed in § 3512(f)(2)(C). However, if the species of the non-human primates housed in the primary enclosure engages in scent marking, the primary enclosure shall be sanitized at regular intervals determined in accordance with generally accepted professional care practices.

(C) Hard surfaces of primary enclosures and food and water receptacles shall be sanitized using one of the following methods:

(i) Live steam under pressure;

(ii) Washing with hot water (at least 180°F) and soap or detergent, such as in a mechanical cage washer; and

(iii) Washing all soiled surface with appropriate detergent solutions or disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean

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water rinse.

(D) Primary enclosure containing material that cannot be sanitized using the methods provided in § 3512(f)(2)(C), such as sand, gravel, dirt, absorbent bedding, grass or planted areas, shall be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestation.

(3) *Housekeeping for premises.* Premises where CAE's are located, including buildings and surrounding grounds, shall be kept clean and in good condition in order to protect the non-human primates from injury, to facilitate the care practices required in this Chapter, and to reduce or eliminate breeding and living areas for rodents, pets and vermin. Premises shall be kept free of accumulations of trash, junk, waste and discarded matter. Weeds, grass and bushes shall be controlled so as to facilitate cleaning of the premises and pest control.

(4) *Pest control.* An effective program for control of insects, external parasites affecting non-human primates, and birds and mammals that are pests, shall be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

(g) *Employees.* Every organization or person subject to these rules and regulations maintaining non-human primates shall have enough employees to carry out the level of care practices and care required in this Chapter. The employees who provide care practices and care, or handle non-human primates, shall be trained and supervised by an individual who has the knowledge, background and experience in proper care and care of non-human primates to supervise others. The employer shall be certain that the supervisor can perform to these standards.

**PART 5**  
**EUTHANASIA**

§ 3513. Euthanasia by Injection Method.

§ 3514. Other Methods.

**§ 3513. Euthanasia by Injection Method.**

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(a) Euthanasia by lethal injection using approved drugs, shall be done by staff trained by a licensed veterinarian.

(b) Purchase, dispensing and use of approved drugs shall be in conformance with local and federal laws and regulations relating to the use of controlled substances.

**§ 3514. Other Methods.**

(a) Carbon Monoxide (CO) Chambers: Equipment and operation procedures shall be approved by the Department before using them.

(b) Chloroform: Shall be in conformity with the American Humane Society's guidelines for Euthanasia.

(c) Gunshot: Only in an emergency, shall be done under conditions prescribed by the Department, and shall be in conformity to the lawful discharge of firearms.

**PART 6**  
**ANIMAL CARE**

§ 3515. Providing Food, Water, Shelter and Care.

§ 3516. Abuse, Mistreatment, and Combat Prohibited.

§ 3517. Abandoning of Animal Prohibited.

§ 3518. Confinement of Animal in Vehicle Prohibited.

§ 3519. Cropping of Ear and Tail Prohibited.

§ 3520. Hitting of Animal with Motor Vehicle.

**§ 3515. Providing Food, Water, Shelter and Care.**

Every owner of an animal shall have the responsibility of providing his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment.

**§ 3516. Abuse, Mistreatment, and Combat Prohibited.**

No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with the exception of cockfighting as regulated by the Cockpit License Board.

**§ 3517. Abandoning of Animal Prohibited.**

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An owner of an animal shall not abandon his animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or other public property.

**§ 3518. Confinement of Animal in Vehicle Prohibited.**

No person, including owners, shall confine an animal within or on a motor vehicle at any location under such condition as may endanger the health or well being of the animal, such conditions including but not limited to high temperature, lack of food, water or attention or confinement with a vicious or dangerous animal.

**§ 3519. Cropping of Ear and Tail Prohibited.**

No person shall have a dog's ears or tail cropped except by a licensed veterinarian who shall issue a signed certificate stating that the operation is necessary for the dog's health and comfort.

**§ 3520. Hitting of Animal with Motor Vehicle.**

Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once without causing unsafe traffic conditions and render such assistance as may be possible. Said operator shall immediately report such injury or death to the animal's owner if known. In the event the owner is not known, such operator shall report the accident to an officer.

**PART 7**  
**KEEPING OF WILD ANIMALS**

§ 3521. Keeping of Wild or Vicious Animal in Premise Prohibited.

§ 3522. Keeping of Wild Animal as Pet Prohibited.

**§ 3521. Keeping of Wild or Vicious Animal in Premise Prohibited.**

No person shall allow to be kept on his premises any wild or vicious animal for display, exhibition or any other purposes, where gratuitously or for a fee. This shall not be construed to apply to licensed research laboratories, zoological parks, performing animal exhibitions or circuses.

**§ 3522. Keeping of Wild Animal as Pet Prohibited.**

No person shall keep any wild animal as a pet.

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**PART 8**  
**PERFORMING ANIMAL EXHIBITIONS**

§ 3523. Use of Harmful Devices Prohibited.

§ 3524. Equipment.

**§ 3523. Use of Harmful Devices Prohibited.**

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animals involved.

**§ 3524. Equipment.**

All equipment used on performing animals shall fit properly and shall be in good working condition and shall not in any way cause physical injury or suffering to the animal.

**PART 9**  
**ANIMAL WASTE**

**§ 3525. Excreta Removal.**

The owner of any animal shall be responsible for the removal of any excreta deposited by his animal on any public walks, recreation areas such as parks and beaches, or private property owned by another.

**PART 10**  
**AUTHORITY OF OFFICERS**

§ 3526. Issuance of Citations.

§ 3527. Public Nuisance.

**§ 3526. Issuance of Citations.**

Any officer is authorized to issue citations to owners of animals or of any CAE found in violation of any provisions of these rules and regulations as provided in Sections 25.10 through 25.50 of Title 8, Guam Code Annotated.

**§ 3527. Public Nuisance.**

The Director may declare an animal to be a public nuisance as defined

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in § 3503(s). Any animal declared a public nuisance shall be impounded by an officer and may be ordered confined or destroyed by the Director.

**PART 11**  
**VIOLATIONS AND PENALTIES**

§ 3528. Violations.

§ 3529. Penalties.

**§ 3528. Violations.**

(a) It shall be unlawful for an owner of an animal to fail to provide his animal with sufficient, good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering of the animal.

(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with the exception of cockfighting as regulated by the Cockpit License Board.

(c) It shall be unlawful for an owner of an animal to abandon his animal in or upon any sidewalk, street, alley, lane, public right of way, park or other public property.

(d) It shall be unlawful for any person, including an owner of an animal to confine an animal within or on a motor vehicle at any location under such condition as may endanger the health and well-being of the animal, such conditions including but not limited to high temperature, lack of food, water or attention or confinement with a vicious or dangerous animal.

(e) It shall be unlawful for a person to have a dog's ears or tail cropped except by a licensed veterinarian who shall issue a signed certificate stating that the operation is necessary for the dog's health and comfort.

(f) It shall be unlawful for a person to keep any wild animal as a pet, for display, exhibition or any other purpose, whether gratuitously or for a fee except for licensed research laboratories, zoological parks, performing animal exhibitions or circuses.

(g) It shall be unlawful for a CAE to operate without a valid sanitary



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permit issued by the Department.

(h) It shall be unlawful for a person to resist or obstruct an officer in the exercise of his duties as provided in these rules and regulations.

(i) It shall be unlawful to violate any provision of these rules and regulations.

**§ 3529. Penalties.**

(a) Except as otherwise provided herein, any violation of any provision listed in § 3528 shall be punishable by a fine of not less than Fifty Dollars (\$50) and not more than Five Hundred Dollars (\$500). If any violation be continuing, each day's continuance shall be deemed a separate violation.

(b) Any person resisting or obstructing an officer in the exercise of his duties as provided in these rules and regulations shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one (1) year or by a fine not to exceed One Thousand Dollars (\$1,000), or both.

(c) Failure to obtain a sanitary permit before opening any facility covered in these regulations shall result in a fine of Two Hundred Dollars (\$200). Each day of violation is a separate offense.

**PART 12**  
**REPEALER**

**§ 3530. Repealer.**

On the effective date of these rules and regulations, all other regulations or parts of other regulations that conflict with these rules and regulations are repealed.

**PART 13**  
**SEPARABILITY**

**§ 3531. Separability.**

If any provision or application of these rules and regulations is held invalid, this shall not affect other provisions or applications of these rules and regulations.

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