

2026 Bill 22

Second Session, 31st Legislature, 4 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 22

ANIMAL PROTECTION AMENDMENT ACT, 2026

THE MINISTER OF AGRICULTURE AND IRRIGATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 22

2026

ANIMAL PROTECTION AMENDMENT ACT, 2026

(Assented to _____, 2026)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cA-41

1 The *Animal Protection Act* is amended by this Act.

NOTE: 1 Amends chapter A-41 of the Revised Statutes of
Alberta 2000.

2 Section 1 is amended

(a) in subsection (1)

(i) by repealing clause (b);

**(ii) by repealing clause (c) and substituting the
following:**

(c) “caretaker” means a peace officer agency or an
individual, corporation or other legal entity
recognized under the laws of Alberta that, in the
opinion of a peace officer, has appropriate premises
in which to keep an animal and agrees to care for the
animal in accordance with this Act;

(c.1) “corporation” means a corporation or other corporate
entity, however incorporated;

- (iii) **in clause (d) by striking out “section” and substituting “sections 10, 10.2, 10.3 and”;**
- (iv) **by repealing clause (e);**
- (v) **by repealing clause (g) and substituting the following:**
 - (g) “peace officer” means
 - (i) a peace officer appointed under the *Peace Officer Act* for the purposes of this Act, or
 - (ii) a police officer under the *Police Act*;
 - (g.1) “peace officer agency” means
 - (i) an authorized employer as defined in section 1(a) of the *Peace Officer Act* that employs or engages one or more peace officers who are appointed under that Act for the purposes of this Act, or
 - (ii) a police service as defined in section 1(l) of the *Police Act*;
 - (g.2) “person responsible for an animal” means a person who
 - (i) owns an animal,
 - (ii) has custody or control of an animal,
 - (iii) has guardianship of a minor who is the owner of an animal, or
 - (iv) is a person prescribed by the regulations or in a class of persons prescribed by the regulations as a person responsible for an animal;
 - (g.3) “prohibition order” means an order issued under section 12(6) or (7), granted under section 13.1 or deemed by section 12.1(1) to have been issued or granted under this Act prohibiting, limiting or placing conditions on a person from owning, having custody or control of or residing with an animal, a

specified animal, a specified type of animal, specified types of animals or a specified number of animals for any period, including indefinitely or for life;

(b) by repealing subsection (2)(a) to (c) and substituting the following:

- (a) deprived of adequate food, water or veterinary care,
- (b) deprived of adequate shelter, ventilation or space, appropriate light or reasonable protection from injurious heat or cold,
- (c) confined in unsanitary conditions that over time will impair the animal's health,
- (d) injured, sick, in pain or suffering,
- (e) abused or subjected to undue hardship, privation or neglect,
- (f) deprived of adequate opportunity for exercise, movement or the expression of natural behaviours needed for long-term health,
- (g) exposed to conditions that cause undue or prolonged fear, anxiety or frustration, or
- (h) subjected to conditions set out in the regulations.

(c) by adding the following after subsection (2):

(3) A reference in this Act to the exercise of a power or performance of a duty by a peace officer agency means the peace officer agency that employs or engages the peace officer that dealt with an animal under this Act.

NOTE: 2 Section 1 presently reads in part:

1(1) In this Act,

(b) "business day" means a day on which

(i) if an animal is delivered to a humane society under section 3(2)(a), the humane society, or

(ii) if an animal is delivered to a caretaker under section 3(2)(b), the office of the peace officer who delivered the animal

is open for business;

(c) “caretaker” means an individual who has an appropriate facility in which to keep an animal and agrees to care for the animal in accordance with this Act;

(d) “Court”, except in section 13, means the Court of Justice;

(e) “humane society” means an organization that is approved as a humane society under section 9;

(g) “peace officer” means

(i) a member of the Royal Canadian Mounted Police,

(ii) a member of a municipal police service, or

(iii) a peace officer appointed under the Peace Officer Act for the purposes of this Act;

(2) For the purposes of this Act, an animal is in distress if it is

(a) deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold,

(b) injured, sick, in pain or suffering, or

(c) abused or subjected to undue hardship, privation or neglect.

3 Section 2 is amended

(a) by repealing subsection (1) and substituting the following:

Prohibition against causing distress

2(1) No person responsible for an animal shall cause or permit the animal to be or to continue to be in distress.

(b) by repealing subsection (2) and substituting the following:

- (2)** This section does not apply if the distress results from
- (a) an activity carried out in accordance with the regulations,
 - (b) subject to the regulations, an activity carried out in accordance with reasonable and generally accepted practices of animal care, animal management, animal husbandry, hunting, fishing, trapping, pest control or slaughter, or
 - (c) subject to the regulations, the use of an animal in a sporting activity that is carried out in accordance with reasonable and generally accepted practices.

NOTE: 3 Section 2 presently reads in part:

2(1) No person shall cause or permit an animal of which the person is the owner or the person in charge to be or to continue to be in distress.

(2) This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

4 Section 2.1 is repealed and the following is substituted:

Animal care duties

2.1 Subject to the regulations, a person responsible for an animal, having regard to the animal's species, type, breed, age and life stage, must fulfil the following duties:

- (a) ensure that the animal has adequate food and water;
- (b) provide the animal with

- (i) sanitary conditions,
 - (ii) appropriate light, and
 - (iii) adequate opportunity for exercise, movement and the expression of natural behaviours needed for long-term health;
- (c) transport the animal in a manner that ensures the animal's physical safety and minimizes the potential for distress to result;
 - (d) provide the animal with adequate care when the animal is wounded or ill;
 - (e) provide the animal with reasonable protection from injurious heat or cold having regard to prior acclimatization of the animal;
 - (f) provide the animal with adequate shelter, ventilation and space;
 - (g) minimize distress or anxiety of the animal during slaughter or killing;
 - (h) comply with any additional duties set out in the regulations.

NOTE: 4 Section 2.1 presently reads:

2.1 A person who owns or is in charge of an animal

- (a) must ensure that the animal has adequate food and water,*
- (b) must provide the animal with adequate care when the animal is wounded or ill,*
- (c) must provide the animal with reasonable protection from injurious heat or cold, and*
- (d) must provide the animal with adequate shelter, ventilation and space.*

5 Section 3 is repealed and the following is substituted:

Relief of distress by peace officer

3(1) In this section, “justice” means a judge of the Court or a justice of the peace under the *Justice of the Peace Act*.

(2) A peace officer may take an action referred to in subsection (3) if an animal is in distress or a peace officer is of the opinion, on reasonable grounds, that an animal will become distressed if a peace officer does not act promptly, and

- (a) a peace officer is of the opinion, on reasonable grounds, that the person responsible for the animal is not likely to ensure that the animal’s distress is relieved or prevented or will continue to be relieved or prevented, or
- (b) the person responsible for the animal cannot be found immediately and informed that the animal is in distress or will become distressed.

(3) A peace officer may take any action the peace officer considers necessary to locate the animal and relieve or prevent its distress, including

- (a) subject to the regulations, issuing a corrective action order, including any terms and conditions the peace officer considers appropriate,
- (b) taking custody of the animal in accordance with the regulations, and
- (c) arranging for transportation and care for the animal, if necessary.

(4) To take an action referred to in subsection (3), a peace officer may enter any land, vehicle or place, but may only do so in accordance with section 4 or 10.

(5) Subject to subsection (6), a peace officer who takes custody of an animal under subsection (3)(b) shall deliver the animal to a caretaker.

(6) If a peace officer takes custody of an animal under subsection (3)(b) and, in the opinion of a peace officer, it is not appropriate or practical at that time to remove the animal from the premises where the animal is located, the person responsible for the animal and a peace officer may agree, in writing, to keep the animal on

the premises until such time as a peace officer considers it practical to remove the animal.

(7) The agreement may contain terms or conditions for the care of the animal, including that a peace officer or person specified in the agreement may access the premises at any reasonable time to provide care for the animal.

(8) Subject to the regulations, an agreement may be terminated by either party to the agreement on notice.

(9) A peace officer agency may apply to a justice,

- (a) if a person responsible for an animal that has been taken into custody under subsection (3)(b) refuses to agree to keep the animal on the premises where the animal is located, for an order directing that the animal must be kept on those premises and containing terms and conditions for the care of the animal, including that a peace officer or another person specified by a peace officer may access the premises at a reasonable time to provide care for the animal, or
- (b) if the person referred to in subsection (6) fails to comply with terms or conditions included in the agreement, for an order directing the person to comply with those terms and conditions.

(10) On an application under subsection (9), the justice may issue an order with any terms and conditions the justice considers appropriate.

(11) If a peace officer has taken custody of an animal in accordance with subsection (3)(b) and has maintained the animal on the premises under subsection (6) or (10), no person shall sell, assign or move the animal without the direction of a peace officer.

(12) A peace officer may humanely destroy an animal or cause the animal to be humanely destroyed, and the owner of the animal is liable for the costs of destroying and disposing of it, if the animal is found to be in such distress that, in the opinion of the following, the animal cannot be relieved of its distress with reasonable treatment and live without undue suffering:

- (a) a registered veterinarian;
- (b) if a registered veterinarian is not readily available, the peace officer.

Humane destruction of animal by registered veterinarian

3.1 A registered veterinarian may humanely destroy an animal if

- (a) the animal is in distress,
 - (b) the owner of the animal cannot be found immediately, or the registered veterinarian reasonably believes that
 - (i) there is no owner, or
 - (ii) the owner has abandoned the animal,
- and
- (c) in the registered veterinarian's opinion, humane destruction is the most appropriate course of action because
 - (i) immediate veterinary treatment cannot prolong the animal's life, or
 - (ii) prolonging the animal's life would result in undue suffering.

NOTE: 5 Section 3 presently reads:

3(1) If an animal is in distress and

- (a) the owner or person in charge of the animal does not forthwith take steps that will relieve its distress,*
- (a.1) a peace officer is of the opinion, on reasonable and probable grounds, that the owner or person in charge of the animal is not likely to ensure that the animal's distress is relieved or to ensure that the animal's distress will continue to be relieved, or*
- (b) the owner or person in charge of the animal cannot be found immediately and informed of the animal's distress,*

a peace officer may, in accordance with section 4, take any action the peace officer considers necessary to locate the animal and relieve its distress, including taking custody of the animal in accordance with the regulations and arranging for transportation, food, water, care, shelter and veterinary treatment for the animal, if necessary.

(2) A peace officer who takes custody of an animal pursuant to subsection (1) shall deliver the animal

- (a) to a humane society, or*
- (b) to a caretaker, if there is no humane society close to the location where the animal is found or if the humane society does not have an appropriate facility in which to keep the animal.*

(3) If an animal is found to be in such distress that, in the opinion of

- (a) a registered veterinarian, or*
- (b) if a registered veterinarian is not readily available, a peace officer,*

the animal cannot be relieved of its distress and live without undue suffering, the peace officer may destroy the animal or cause the animal to be destroyed and the owner of the animal is liable for the costs of destroying it.

6 Section 4(1) and (2) are amended by striking out “reasonable and probable” and substituting “reasonable”.

NOTE: 6 Section 4(1) and (2) presently read in part:

4(1) A peace officer who on reasonable and probable grounds believes

(2) A peace officer who on reasonable and probable grounds believes that there is an animal that is in distress in a private dwelling house shall obtain a warrant to enter the private dwelling house for the purpose of carrying out the peace officer’s duties under section 3.

7 The following is added after section 4:

Power to stop vehicles

4.01(1) If a peace officer has a reasonable suspicion that an animal may be in distress or is being transported in contravention of this Act, the officer may signal or otherwise order a person operating a vehicle that is transporting or reasonably suspected to be transporting an animal to stop the vehicle immediately or move the vehicle to a particular location and then stop it.

(2) A person who receives a signal or order shall immediately comply with that signal or order and shall not proceed until otherwise allowed by the peace officer or until the end of a period that is reasonably necessary to enable a peace officer to conduct inquiries.

(3) A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of the vehicle.

Production of animal to peace officer

4.02(1) A peace officer may, at any reasonable time, require the owner or occupant of a private dwelling house to produce an animal so that the officer may examine it and assess its condition if

- (a) the officer, on reasonable grounds, believes that an animal is in distress in the private dwelling house,
- (b) there is a corrective action order respecting the animal, or
- (c) there is a prohibition order respecting the owner or occupant of the house.

(2) The owner or occupant must comply with the requirement immediately.

Requirement to assist

4.03 When a peace officer has entered any land, vehicle or place in accordance with section 4, any person present must give the peace officer reasonable assistance, including by identifying themselves and, if known, the person responsible for the animal.

NOTE: 7 Power to stop vehicles; production of animal to peace officer; requirement to assist.

8 Section 4.1 is amended

(a) in subsection (1)

- (i) by striking out “includes” and substituting “means”;**
- (ii) by repealing clauses (b) and (c) and substituting the following:**
 - (b) is left for 4 days or more after the expected retrieval time from a person who agreed to care for it,
 - (c) is found on premises after the occupant has sold or vacated the premises,
 - (d) is left uncared for as a result of the arrest, hospitalization or death of the person responsible for it,
 - (e) in the reasonable opinion of a peace officer, has been abandoned, or
 - (f) is considered to be abandoned under the regulations.

(b) in subsection (3)

- (i) by striking out “pursuant to” and substituting “under”;**
- (ii) by striking out “humane society or”;**

(c) by adding the following after subsection (3):

(4) No person shall abandon an animal in a manner that could reasonably be anticipated to cause the animal to be in distress.

NOTE: 8 Section 4.1 presently reads in part:

4.1(1) In this section, “abandoned animal” includes an animal that

- (b) is left for 5 days or more after the expected retrieval time from a registered veterinarian or from a person who for money consideration or its*

*equivalent stables, boards or cares for the animal,
or*

*(c) is found on premises with respect to which the
tenancy agreement has been terminated.*

*(3) A peace officer who takes an animal into custody
pursuant to subsection (2) shall deliver the animal to a
humane society or caretaker.*

9 Section 5 is amended

**(a) by repealing subsection (1) and substituting the
following:**

Provision of care

5(1) Where a peace officer has taken custody of an animal under this Act, the peace officer agency may direct the care of the animal notwithstanding that the animal has been delivered to a caretaker or is kept on the premises where the animal is located under section 3(6) or (10).

(b) in subsection (3) by striking out “A humane society to which or a caretaker to whom an animal is delivered under section 3(2) or 4.1(3)” **and substituting** “A peace officer agency in respect of an animal taken into custody under this Act”;

(c) in subsection (4) by striking out “A humane society or a caretaker” **and substituting** “Subject to the regulations, a peace officer agency”.

NOTE: 9 Section 5 presently reads in part:

*5(1) A peace officer who takes custody of an animal
pursuant to section 3(1) or 4.1(2) shall take reasonable steps
to ensure that the animal is provided with transportation,
food, water, care, shelter and veterinary treatment, if
necessary.*

*(3) A humane society to which or a caretaker to whom an
animal is delivered under section 3(2) or 4.1(3) may, in
accordance with the tariff provided for in the regulations,
recover any expenses incurred in respect of the animal from*

the owner of the animal and may require the owner to pay those expenses before the animal is returned to the owner.

(4) A humane society or a caretaker may recover unpaid expenses incurred in respect of an animal in an action in debt against the owner of the animal.

10 Section 6 is repealed and the following is substituted:

Duty to locate owner

6 If a peace officer takes custody of an animal under section 3(3)(b) or 4.1(2), the peace officer shall

- (a) take reasonable steps to locate the owner of the animal, and
- (b) notify the owner of the actions taken in respect of the animal.

NOTE: 10 Section 6 presently reads:

6 If an animal is delivered

- (a) to a humane society under section 3(2)(a) or 4.1(3), the humane society, or*
- (b) to a caretaker under section 3(2)(b) or 4.1(3), the peace officer who delivered the animal*

shall take reasonable steps to locate the owner of the animal, including a search of the brand registry under the Livestock Identification and Commerce Act, and shall notify the owner of the actions taken in respect of the animal.

11 Section 7 is amended

- (a) by repealing subsection (1) and substituting the following:**

Sale or gift of animal

7(1) An animal that a peace officer takes into custody under section 3(3)(b) or 4.1(2) may be sold or given to a person by the peace officer agency, and the animal becomes the property of

the person to whom it is sold or given, if the owner of the animal

- (a) is unable to be located or notified within 7 days after the date on which the animal was taken into custody, or
- (b) is located and notified but does not, within 7 days after the date on which the animal was taken into custody, pay the expenses incurred in respect of the animal under section 3 or 4.1(2) and section 5 or enter into an agreement for the payment of the expenses that is satisfactory to the peace officer agency that incurred the expenses.

(b) by repealing subsection (2);

(c) in subsection (3)(b) by striking out “3(1) or 4.1” and substituting “3 or 4.1(2)”;

(d) by repealing subsection (4)(a) and (b) and substituting the following:

- (a) paid to the former owner of the animal if the former owner makes a claim for the balance of the sale proceeds within 60 days of the date of the sale, or
- (b) held by the Minister for a period of one year after the date of the sale if the former owner does not make a claim within 60 days of the date of the sale.

NOTE: 11 Section 7 presently reads in part:

7(1) If the owner of an animal that has been delivered to a humane society or caretaker under section 3(2) or 4.1(3)

- (a) is not located and notified within 3 business days after the date on which the animal was delivered, or*
- (b) is located and notified but does not, within 3 business days after the date on which the animal was delivered, pay the expenses incurred in respect of the animal pursuant to section 3(1) or 4.1 and section 5 or enter into an agreement for the payment of the expenses that is satisfactory to the*

humane society or the peace officer who delivered the animal, as the case may be,

the animal may be sold or given to any person by the humane society, if the animal was delivered to a humane society, or the peace officer who delivered the animal, if the animal was delivered to a caretaker, and the animal becomes the property of the person to whom it is sold or given.

(2) Notwithstanding subsection (1), if in the opinion of the humane society or a peace officer the animal appears to be a purebred animal or if it bears an obvious identification device, tattoo, brand, mark, tag or licence, the applicable time limit under subsection (1) is 10 days after the date on which the animal was delivered.

(3) The proceeds of a sale of an animal pursuant to subsection (1) shall be disbursed in the following order of priority, on proof of the expenses having been incurred:

(b) to pay the expenses incurred in respect of the animal under section 3(1) or 4.1 and section 5.

(4) The balance of the sale proceeds remaining after the payment of the expenses referred to in subsection (3) shall be

(a) paid to the former owner of the animal, if the former owner has been located at the date of distribution of the sale proceeds, or

(b) held by the Minister for a period of one year after the date of the sale, if the former owner has not been located.

12 Section 8 is repealed and the following is substituted:

Humane destruction of animal

8 A peace officer agency, in respect of an animal that has been taken into custody under section 3(3)(b), 4.1(2) or 13.3(1), may humanely destroy the animal or cause the animal to be humanely destroyed if it has not been claimed by its owner and, in the opinion of the peace officer or peace officer agency, the animal is

unsuitable or unlikely to be sold or given away in accordance with section 7 or 13.3.

NOTE: 12 Section 8 presently reads:

8 A humane society, in respect of an animal that has been delivered to it, or a peace officer, in respect of an animal that has been delivered to a caretaker, may destroy the animal or cause the animal to be destroyed if it has not been claimed by its owner and in the opinion of the humane society or peace officer, as the case may be, the animal is not suitable to be sold or given away in accordance with section 7.

13 Section 9 is repealed.

NOTE: 13 Section 9 presently reads:

9 Subject to the regulations, the Minister may approve as a humane society an organization that

(a) has as one of its principal objects the prevention of cruelty to animals, and

(b) meets the requirements of the Minister

and may suspend or revoke the approval.

14 Section 10 is repealed and the following is substituted:

Inspections

10(1) In this section and section 10.1, “vehicle” means a commercial vehicle as defined in section 1(1)(h) of the *Traffic Safety Act*.

(2) Subject to subsection (3), a peace officer and a person assisting a peace officer conducting an inspection for the purposes of ensuring compliance with this Act or the regulations, and any regulations prescribing standards for vehicles used to transport animals, may enter without a warrant at any reasonable time

- (a) any land, vehicle or place where animals are kept for sale, adoption, hire or exhibition,
- (b) any land, vehicle or place where services are provided with respect to an animal, including boarding, grooming and training facilities,
- (c) any land or place where animals are held for assembly or slaughter for which a licence is required, whether or not a licence was obtained,
- (d) any land, vehicle or place used to facilitate the sale or transfer of animals,
- (e) any vehicle used to transport animals, or
- (f) any other land, vehicle or place prescribed by the regulations.

(3) Before entering a private dwelling house to exercise powers and perform duties under this section, the peace officer must obtain

- (a) the consent of the owner or occupant of the private dwelling house, or
- (b) an order from a judge of the Court of King's Bench.

(4) In order to conduct an inspection, a peace officer may signal or otherwise order a person operating a vehicle to stop it immediately or to move the vehicle to a particular location and then stop it, and that person shall immediately comply with that signal or order and shall not proceed until otherwise allowed by the peace officer or until the end of a period that is reasonably necessary to enable an officer to conduct inquiries.

(5) A peace officer may detain the vehicle for a reasonable period pending the carrying out of an inspection.

(6) A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of any land, vehicle or place entered under subsection (2).

Inspection powers

10.1(1) In carrying out an inspection in accordance with section 10, a peace officer may

- (a) require a person on the land or in a vehicle or place to produce for examination any records or other documents, including electronic records or documents, related to animals that are present, have been present or are expected to be present on the land or in the vehicle or place and make copies of them or temporarily remove them for the purpose of making copies,
- (b) use any computer hardware or software to obtain readings or other information related to animals,
- (c) require any person on the land or in a vehicle or place to answer all questions related to animals put to the person by the officer concerning the animals that are present, have been present or are expected to be present on the land or in the vehicle or place,
- (d) exclude persons other than the person being questioned, except that person's counsel, when the person is being questioned,
- (e) examine and take samples and specimens from, and require tests to be performed on or samples taken from, animal carcasses, animals or their food or water found on the land or in a vehicle or place, or from the land, vehicle or place,
- (f) remove an animal carcass from the land or a vehicle or place for examination and testing,
- (g) photograph or otherwise record anything on the land or in a vehicle or place that the peace officer considers relevant,
- (h) require any person on the land or in a vehicle or place to provide reasonable assistance to a peace officer who is exercising powers and performing duties under this section,
- (i) require any person on the land or in a vehicle or place to produce an animal or animal identification, and

- (j) require any person on the land or in a vehicle or place to demonstrate a skill or the operation of a device.

(2) When a peace officer removes an animal carcass from any land, vehicle or place, the person responsible for that animal has no right in or claim to the carcass or the value of the carcass, if any.

Inspections re orders

10.2(1) Subject to subsections (2) and (3), a peace officer, at any reasonable time and where reasonably required to determine compliance with a corrective action order or prohibition order, may

- (a) enter and inspect any land, vehicle or place in which the peace officer, on reasonable grounds, believes there is or may be an animal, structure, supply of food or water, shelter, enclosure, area, document, record or other thing to which the order applies,
- (b) inspect, test or examine the structure, supply of food or water, shelter, enclosure, area, document, record or other thing, and
- (c) view or conduct an examination of an animal.

(2) Subject to subsection (3), before entering a private dwelling house to exercise powers and perform duties under this section, the peace officer must

- (a) obtain the consent of the owner or occupant of the private dwelling house, or
- (b) obtain an order from a judge of the Court of King's Bench.

(3) A peace officer may enter a private dwelling house in accordance with the terms of a prohibition order.

Court orders

10.3(1) If the consent required under section 10(3)(a) or 10.2(2)(a) is refused or cannot reasonably be obtained, a judge of the Court of King's Bench may, on the application of a peace officer, issue an order that authorizes the peace officer to enter the

private dwelling house to enable the peace officer to exercise the powers and perform the duties under section 10.1(1) or 10.2(1).

(2) If any person interferes with or hinders a peace officer who is attempting to exercise the powers and perform the duties of a peace officer under section 10, 10.1 or 10.2, a judge of the Court of King's Bench may, on the application of the peace officer, issue an order

- (a) restraining any person from interfering with or hindering a peace officer in exercising the powers and performing the duties of a peace officer under section 10, 10.1 or 10.2, and
- (b) directing the person to do or refrain from doing anything as the judge considers necessary in order to enable the peace officer to exercise the powers and perform the duties of a peace officer under section 10, 10.1 or 10.2.

(3) An application under this section may be made without notice if the judge considers it appropriate in the circumstances.

NOTE: 14 Section 10 presently reads:

10(1) A peace officer may without a warrant during ordinary business hours enter

- (a) any premises, other than a private dwelling house, where animals are kept for sale, hire or exhibition, or*
- (b) any vehicle used to transport animals*

to inspect the animals or any vehicle in which animals are transported for the purpose of administering this Act, the regulations under this Act and any regulations prescribing standards for vehicles used to transport animals.

(1.1) In order to conduct an inspection under subsection (1), a peace officer may signal or otherwise order a person operating a vehicle to stop forthwith or to move the vehicle to a particular place and then stop it, and that person shall forthwith comply with that signal or order and shall not proceed until the peace officer has had a reasonable amount

of time to inspect the vehicle and the animals in or on the vehicle.

(2) A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of any premises or vehicle entered pursuant to subsection (1).

15 Section 11 is amended by adding “, including by knowingly making a false or misleading statement or producing false information” after “regulations”.

NOTE: 15 Section 11 presently reads:

11 No person shall in any manner hinder or obstruct a peace officer in the performance of the peace officer's duties under this Act or the regulations.

16 The following is added after section 11:

Frivolous or vexatious complaint

11.1 No person shall make a frivolous or vexatious complaint to a peace officer respecting an alleged contravention of this Act, the regulations or the conditions of an order issued under this Act.

NOTE: 16 Frivolous or vexatious complaint.

17 Section 12 is repealed and the following is substituted:

Offences

12(1) A person who contravenes this Act, the regulations or a prohibition order is guilty of an offence and liable to a fine of not more than \$250 000, to imprisonment for up to 12 months or to a fine and imprisonment.

(2) If a person is found guilty of an offence under this Act and the Court is satisfied that as a result of the commission of the offence monetary benefits accrued to the offender, the Court may order the offender to pay, in addition to a fine under subsection (1), a fine in an amount equal to the Court's estimation of the amount of those monetary benefits.

(3) Every person who is guilty of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues.

(4) A fine imposed on a conviction for an offence involving more than one animal may be calculated in respect of each animal as though it had been the subject of a separate offence.

(5) A prosecution for an offence referred to in subsection (1) may not be commenced more than 2 years after the date on which evidence of the offence first came to the attention of a peace officer.

(6) If a person is found guilty of an offence under this Act, the Court may issue a prohibition order to the person for a period the Court considers appropriate.

(7) If a corporation is found guilty of an offence under this Act, the Court may issue a prohibition order to a director or officer of the corporation for a period the Court considers appropriate, even if the director or officer has not been convicted of an offence under this Act.

(8) A prohibition order issued under subsection (6) or (7) may include

- (a) the manner of and time for complying with the order,
- (b) a direction that ownership of any animals owned by, in the custody or control of, or residing with the person at the time the order is issued shall be transferred to another person,
- (c) permission for a peace officer to enter and inspect land, a vehicle or a place, including a private dwelling house, without a warrant to ensure compliance with the order,
- (d) a requirement that the person provide a peace officer agency with a current residential address,
- (e) the specific animal, specific type of animal, specific types of animals and specific number of animals the person is permitted to own, have custody or control of or reside with,

- (f) whether and at what age any offspring of the animals permitted are counted within the number of animals permitted under clause (e),
- (g) requirements for specific care or management of an animal, including
 - (i) requirements for routine veterinary care or assessment and for the person to consent to related medical records to be shared with a peace officer agency, or for veterinary reports to be prepared for the peace officer agency, and
 - (ii) requirements related to the sterilization of the animal,
- (h) conditions restricting, limiting or specifying the person's ability to apply to have the prohibition order varied in accordance with subsection (9), including that the person may not apply to have the order varied for a specified period, and
- (i) any other terms or conditions that the Court considers appropriate.

(9) On application, the Court may vary a prohibition order issued under subsection (6) or (7), subject to any conditions or restrictions stated in the order, if the person subject to the order can present evidence to demonstrate to the satisfaction of the Court that conditions or circumstances that made the issuing of the order appropriate have changed and that a variation will not create undue risk of animals becoming distressed.

NOTE: 17 Section 12 presently reads:

12(1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$20 000.

(2) If the owner of an animal is found guilty of an offence under section 2, the Court may make an order restraining the owner from continuing to have custody of an animal for a period of time specified by the Court.

(3) The Court may make an order under subsection (2) on any terms and conditions it considers appropriate.

18 The following is added after section 12:

Recognition of prohibition orders from other provinces

12.1(1) Subject to the regulations, an order of a court in another Canadian province or territory prohibiting, limiting or placing conditions on a person from owning, having custody or control of or residing with an animal, a specified animal, a specified type of animal, specified types of animals or a specified number of animals made under the legislation of that province or territory is deemed to be a prohibition order issued or granted under this Act and is enforceable in the same manner as a prohibition order issued or granted under this Act.

(2) An order deemed by subsection (1) to be an order issued or granted under this Act may not be varied.

Vicarious responsibility

12.2 For the purposes of this Act, an act or thing done or omitted to be done by a director, officer, employee or agent of a corporation in the course of that person's employment or in the exercise of that person's powers or the performance of that person's duties is deemed also to be an act or thing done or omitted to be done by the corporation.

Liability of directors and officers

12.3 Where a corporation commits an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.

NOTE: 18 Recognition of prohibition orders from other provinces; vicarious responsibility; liability of directors and officers.

19 Section 13 is repealed and the following is substituted:

Order of custody

13(1) A peace officer agency may apply to the Court of King's Bench for an order granting custody of an animal to a peace officer agency if a charge has been laid with respect to an offence under section 12.

(2) The peace officer agency granted custody of the animal may retain that custody pending the outcome of proceedings under section 12, notwithstanding that the owner of the animal

- (a) has paid expenses incurred in respect of the animal under section 3 or 4.1(2) and section 5, and
- (b) requests the peace officer agency to return the animal.

(3) An order under this section may include

- (a) a requirement for an owner to pay the expenses incurred in respect of the animal under section 3 or 4.1(2) and section 5 within a specified period,
- (b) a requirement for an owner to pay the ongoing expenses for the care of the animal to be kept in custody in advance or at intervals specified in the order,
- (c) permission for the sale or gift of the animal to a person, or the humane destruction of the animal, by the agency granted its custody if the owner fails to comply with the terms specified in the order, and
- (d) any other terms or conditions that the Court considers appropriate.

Prohibition orders

13.1(1) Subject to subsection (2), a peace officer agency or any person prescribed in the regulations may apply, on notice to a person, to the Court for a prohibition order in respect of the person.

(2) An order under this section may be granted if the Court determines that

- (a) an animal has been
 - (i) taken into custody under section 3(3)(b) from a person responsible for the animal, or
 - (ii) voluntarily surrendered by a person responsible for the animal to a peace officer,

- (b) at the time the animal was taken into custody or surrendered, the person was unable to fulfil the animal care duties under section 2.1,
- (c) the person is not able, or may not be able, to meet the animal care duties under section 2.1 with respect to an animal, and
- (d) the order should be granted to provide for the relief or prevention of distress to an animal.

(3) On an application under subsection (1), the Court may issue a prohibition order to the person for any period the Court considers appropriate.

(4) The application must be made in accordance with the regulations.

(5) A notice of the application must be given in accordance with the regulations.

(6) An order granted or issued under this section may include the provisions referred to in section 12(8).

(7) An order issued under subsection (3) must be served in accordance with the regulations on the person who is subject to the prohibition order.

Variation of prohibition orders

13.2(1) A party that was granted a prohibition order under section 13.1 may apply, with notice to the person subject to the order, to the Court for a variation of the order.

(2) A person that is subject to a prohibition order issued under section 13.1(3) may apply, with notice to the peace officer agency or the person that was granted the order, and subject to any conditions or restrictions stated in the original order, for a variation of the order.

(3) On an application under subsection (1), the Court may vary the order if, in the opinion of the Court, varying the order is appropriate and will not create undue risk of animals becoming distressed.

(4) On an application under subsection (2), the Court may vary the order, subject to any conditions or restrictions stated in the order, if the person subject to the order can present evidence to demonstrate to the satisfaction of the Court that

- (a) conditions or circumstances that made the issuing of the order appropriate have changed, and
- (b) a variation will not create undue risk of animals becoming distressed.

(5) The application must be made in accordance with the regulations.

(6) Notice of the application must be given in accordance with the regulations.

(7) An order that varies a prohibition order must be served in accordance with the regulations on the person who is subject to the prohibition order.

Animals kept contrary to a prohibition order

13.3(1) If a person owns, has custody or control of or resides with an animal contrary to a prohibition order, a peace officer may take custody of the animal in accordance with the regulations.

(2) If the animal is taken into custody and it appears to the peace officer that the animal is owned by a person other than the person subject to the prohibition order, the peace officer shall take reasonable steps to locate the owner of the animal and notify the owner of the actions taken in respect of the animal.

(3) An animal may be sold or given to a person by a peace officer agency, and the animal becomes the property of the person to whom it is sold or given, in the following circumstances:

- (a) after taking steps to locate the owner of the animal, a peace officer determines that the person subject to the prohibition order owns the animal;
- (b) a peace officer is unable to locate or notify the owner within 7 days after the date on which the animal was taken into custody;

(c) a peace officer locates and notifies the owner but the owner does not, within 7 days after the date on which the animal was taken into custody, pay the expenses incurred in respect of the animal under subsection (1) and section 5 or enter into an agreement for the payment of the expenses that is satisfactory to the peace officer agency that incurred the expenses.

(4) The proceeds of a sale of an animal shall be disbursed in the following order of priority, on proof of the expenses having been incurred:

- (a) to pay the expenses of selling the animal;
- (b) to pay the expenses incurred in respect of the animal under subsection (1) and section 5.

(5) The balance of the sale proceeds remaining after the payment of the expenses shall be

- (a) paid to the former owner of the animal, if the former owner makes a claim for the balance of the sale proceeds within 60 days of the date of the sale, or
- (b) held by the Minister for a period of one year after the date of the sale if the former owner does not make a claim within 60 days of the date of the sale.

(6) The Minister may pay the balance remaining

- (a) to a person who claims within the period set out in subsection (5)(b) and who establishes to the satisfaction of the Minister that the person was the owner of the animal prior to the sale, or
- (b) if no claim is made, into the General Revenue Fund on the expiration of that period.

NOTE: 19 Section 13 presently reads:

13(1) A peace officer may apply to the Court of King's Bench for an order granting to the peace officer custody of an animal in respect of which a charge has been laid under section 12.

(2) An applicant under subsection (1) may retain custody of an animal in respect of which the application is made pending the outcome of any proceedings under section 12, notwithstanding that the owner of the animal

(a) pays the expenses incurred in respect of the animal under sections 3(1) and 5, and

(b) requests the peace officer, or any humane society or caretaker to whom the peace officer has delivered the animal, to return the animal to the owner.

(3) The Court may make an order under this section on any terms and conditions it considers appropriate.

20 Section 14 is amended

(a) in subsection (1) by striking out “registered veterinarian, caretaker, humane society or an officer or employee of a humane society” **and substituting** “caretaker, registered veterinarian, veterinary practice entity or any employee or contractor of a veterinary practice entity”;

(b) in subsection (2)

(i) by striking out “reasonable and probable grounds” **and substituting** “reasonable grounds”;

(ii) by striking out “reasonable or probable grounds” **and substituting** “reasonable grounds”.

NOTE: 20 Section 14 presently reads:

14(1) No action lies against a peace officer, registered veterinarian, caretaker, humane society or an officer or employee of a humane society for anything done in good faith under this Act or the regulations.

(2) If a person, on reasonable and probable grounds, believes an animal is in distress and reports the distress to a peace officer, no action lies against that person for reporting unless that person reports maliciously or without reasonable or probable grounds for the belief.

21 Section 15 is amended

- (a) by repealing subsection (1) and substituting the following:**

Regulations

15(1) The Minister may make regulations

- (a) respecting how animals may be taken into custody;
- (b) respecting land, vehicles, places and premises that may be entered or inspected;
- (c) respecting peace officer inspection powers, including the manner in and conditions under which those powers may be exercised;
- (d) prescribing persons or classes of persons as persons responsible for an animal for the purposes of section 1(1)(g.2)(iv);
- (e) prescribing conditions for the purposes of section 1(2)(h);
- (f) respecting an activity referred to in section 2(2);
- (g) respecting duties set out in section 2.1(a) to (g);
- (h) prescribing additional requirements for the purposes of section 2.1(h);
- (i) respecting corrective action orders issued under section 3(3)(a), including their terms and issuance;
- (j) respecting the termination of agreements under section 3(8);
- (k) respecting when an animal is considered to be abandoned under section 4.1(1)(f);
- (l) respecting the recovery of unpaid expenses by a peace officer agency under section 5(4);
- (m) respecting orders made by courts in other Canadian provinces or territories under the legislation of those

provinces and territories that may be deemed to be a prohibition order under this Act for the purposes of section 12.1(1);

- (n) respecting applications for prohibition orders under section 13.1, including
 - (i) prescribing persons or classes of persons who may apply for the prohibition order,
 - (ii) the manner of the application, and
 - (iii) the giving of notice of the application, including the manner, form and timing of notice;
- (o) respecting applications for variation of prohibition orders under section 13.2, including
 - (i) the manner of the application, and
 - (ii) the giving of notice of an application, including prescribing the manner, form and timing of notice;
- (p) respecting the service of a prohibition order issued under section 13.1(3) or an order varying a prohibition order referred to in section 13.2(7);
- (q) respecting the care of animals;
- (r) respecting a tariff for expenses that a peace officer agency can recover from a person responsible for an animal for the care provided to an animal that has been taken into custody;
- (s) exempting or excluding from the application of all or any portion of this Act, whether conditionally or unconditionally, any class of person, animal or activity;
- (t) respecting the application of any provision of this Act, with or without modification, to a class of person, animal or activity, or an owner;
- (u) defining any word or expression used but not defined in this Act;

- (v) respecting standards for vehicles used to transport animals;
- (w) respecting any matter the Minister considers necessary to administer this Act.

(b) in subsection (2) by striking out “or (b)” wherever it occurs and substituting “or (q)”.

NOTE: 21 Section 15(1) and (2) presently read:

15(1) The Minister may make regulations

- (a) respecting how animals may be taken into custody;*
- (b) respecting the care of animals;*
- (c) respecting the approval of organizations as humane societies and the suspension and revocation of approvals;*
- (d) respecting a tariff of expenses that may be charged by a humane society or a caretaker for the care provided to an animal that has been taken into custody under this Act;*
- (e) respecting any matter the Minister considers necessary to administer this Act.*

(2) A regulation under subsection (1)(a) or (b) may adopt or incorporate, in whole or in part or with modifications, published documents that set out standards, codes, guidelines or other rules relating to any matter in respect of which a regulation may be made under subsection (1)(a) or (b).

22 This Act comes into force on Proclamation.

NOTE: 22 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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