

**Project 4927**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Promulgate regulation required by Chapter 319 of the 2016 Acts of Assembly**

CHAPTER 115

REGULATIONS FOR DETERMINING WHETHER A FACILITY MEETS THE PURPOSE OF  
FINDING PERMANENT ADOPTIVE HOMES FOR ANIMALS

**2VAC5-115-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Facility" means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

"Foster care provider" means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

**2VAC5-115-20. Meeting the purpose of finding permanent adoptive homes for animals.**

A facility that is operated for the purpose of finding permanent adoptive homes for animals shall annually (i) find permanent adoptive homes for animals and (ii) conduct at least three of the following activities:

1. Be accessible to the public to view animals available for adoption;
2. Advertise to the general public animals that are available for adoption;
3. Transfer animals available for adoption to a releasing agency;
4. Utilize a foster care provider for animals temporarily awaiting placement in permanent adoptive homes; or
5. Offer services to the public in an effort to keep animals in their permanent homes.

**2VAC5-115-30. Failure to meet requirements.**

Failure to meet the requirements in this chapter will result in the State Veterinarian or his representative determining that the facility does not operate for the purpose of finding permanent adoptive homes for animals and is not a private animal shelter.