

ASSEMBLY BILL NO. 86—ASSEMBLYWOMAN HARDY

PREFILED JANUARY 30, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to animal welfare. (BDR 50-203)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to animals; revising provisions relating to animal cruelty; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from engaging in cruelty to animals and prescribes minimum standards for the housing, keeping and restraint of dogs. (NRS 574.100) This bill prohibits a person from restraining a dog using: (1) a collar, harness or other device that is not properly fitted; or (2) a tether, chain, tie, trolley or pulley system or other device that has a weight attached. This bill also prohibits leaving a dog outside and unattended unless the dog is provided with: (1) adequate shelter; (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste; (3) shade from direct sunlight; and (4) potable water.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 574.100 is hereby amended to read as follows: 574.100 1. A person shall not: (a) Torture or unjustifiably maim, mutilate or kill: (1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or (2) Any cat or dog; (b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;



1 (c) Deprive an animal of necessary sustenance, food or drink, or  
2 neglect or refuse to furnish it such sustenance or drink;

3 (d) Cause, procure or allow an animal to be overdriven,  
4 overloaded, tortured, cruelly beaten, or unjustifiably injured,  
5 maimed, mutilated or killed or to be deprived of necessary food or  
6 drink;

7 (e) Instigate, engage in, or in any way further an act of cruelty to  
8 any animal, or any act tending to produce such cruelty; or

9 (f) Abandon an animal in circumstances other than those  
10 prohibited in NRS 574.110. The provisions of this paragraph do not  
11 apply to a feral cat that has been caught to provide vaccination,  
12 spaying or neutering and released back to the location where the  
13 feral cat was caught after providing the vaccination, spaying or  
14 neutering. As used in this paragraph, "feral cat" means a cat that has  
15 no apparent owner or identification and appears to be unsocialized  
16 to humans and unmanageable or otherwise demonstrates  
17 characteristics normally associated with a wild or undomesticated  
18 animal.

19 2. Except as otherwise provided in subsections 3 and 4 and  
20 NRS 574.210 to 574.510, inclusive, a person shall not ~~restrain~~:

21 (a) *Restrain* a dog:

22 ~~(a)~~ (1) *Using a collar, harness or other device that is not*  
23 *properly fitted;*

24 (2) Using a tether, chain, tie, trolley or pulley system or other  
25 device that:

26 ~~(1)~~ (I) Is less than 12 feet in length;

27 ~~(2)~~ (II) Fails to allow the dog to move at least 12 feet or, if  
28 the device is a pulley system, fails to allow the dog to move a total  
29 of 12 feet; ~~or~~

30 ~~(3)~~ (III) Allows the dog to reach a fence or other object  
31 that may cause the dog to become injured or die by strangulation  
32 after jumping the fence or object or otherwise becoming entangled  
33 in the fence or object; *or*

34 (IV) *Has a weight attached;*

35 ~~(b)~~ (3) Using a prong, pinch or choke collar or similar  
36 restraint; or

37 ~~(e)~~ (4) For more than 14 hours during a 24-hour period ~~;~~ *or*

38 (b) *Leave a dog outside and unattended unless the person*  
39 *provides the dog with access to:*

40 (I) *Adequate shelter, which must include, without*  
41 *limitation, a sturdy structure that:*

42 (I) *Protects the dog from inclement weather; and*

43 (II) *Is appropriate for the size and breed of the dog with*  
44 *sufficient dimensions that allow the dog to stand erect, sit, turn*



1 *around and lie down in an unimpeded position while inside the*  
2 *structure;*

3 *(2) An area that allows the dog to avoid standing water and*  
4 *exposure to excessive animal waste;*

5 *(3) Shade from direct sunlight; and*

6 *(4) Potable water.*

7 3. ~~Any pen or other outdoor enclosure that is used to maintain~~  
8 ~~a dog must be appropriate for the size and breed of the dog.~~ If any  
9 property that is used by a person to maintain a dog is of insufficient  
10 size to ensure compliance by the person with the provisions of  
11 paragraph (a) of subsection 2, the person may maintain the dog  
12 unrestrained in a pen or other outdoor enclosure that complies with  
13 the provisions of ~~[this subsection.]~~ *paragraph (b) of subsection 2.*

14 4. The provisions of subsections 2 and 3 do not apply to a dog  
15 that is:

16 (a) Tethered, chained, tied, restrained or placed in a pen or  
17 enclosure by a veterinarian, as defined in NRS 574.330, during the  
18 course of the veterinarian's practice;

19 (b) Being used lawfully to hunt a species of wildlife in this State  
20 during the hunting season for that species;

21 (c) Receiving training to hunt a species of wildlife in this State;

22 (d) In attendance at and participating in an exhibition, show,  
23 contest or other event in which the skill, breeding or stamina of the  
24 dog is judged or examined;

25 (e) Being kept in a shelter or boarding facility or temporarily in  
26 a camping area;

27 (f) Temporarily being cared for as part of a rescue operation or  
28 in any other manner in conjunction with a bona fide nonprofit  
29 organization formed for animal welfare purposes;

30 (g) Living on land that is directly related to an active agricultural  
31 operation, if the restraint is reasonably necessary to ensure the safety  
32 of the dog. As used in this paragraph, "agricultural operation"  
33 means any activity that is necessary for the commercial growing and  
34 harvesting of crops or the raising of livestock or poultry; or

35 (h) With a person having custody or control of the dog, if the  
36 person is engaged in a temporary task or activity with the dog for  
37 not more than 1 hour.

38 5. A person shall not:

39 (a) Intentionally engage in horse tripping for sport,  
40 entertainment, competition or practice; or

41 (b) Knowingly organize, sponsor, promote, oversee or receive  
42 money for the admission of any person to a charreada or rodeo that  
43 includes horse tripping.

44 6. A person who willfully and maliciously violates paragraph  
45 (a) of subsection 1:



1 (a) Except as otherwise provided in paragraph (b), is guilty of a  
2 category D felony and shall be punished as provided in  
3 NRS 193.130.

4 (b) If the act is committed in order to threaten, intimidate or  
5 terrorize another person, is guilty of a category C felony and shall be  
6 punished as provided in NRS 193.130.

7 7. Except as otherwise provided in subsection 6, a person who  
8 violates subsection 1, 2, 3 or 5:

9 (a) For the first offense within the immediately preceding 7  
10 years, is guilty of a misdemeanor and shall be sentenced to:

11 (1) Imprisonment in the city or county jail or detention  
12 facility for not less than 2 days, but not more than 6 months; and

13 (2) Perform not less than 48 hours, but not more than 120  
14 hours, of community service.

15 ➤ The person shall be further punished by a fine of not less than  
16 \$200, but not more than \$1,000. A term of imprisonment imposed  
17 pursuant to this paragraph may be served intermittently at the  
18 discretion of the judge or justice of the peace, except that each  
19 period of confinement must be not less than 4 consecutive hours and  
20 must occur either at a time when the person is not required to be at  
21 the person's place of employment or on a weekend.

22 (b) For the second offense within the immediately preceding 7  
23 years, is guilty of a misdemeanor and shall be sentenced to:

24 (1) Imprisonment in the city or county jail or detention  
25 facility for not less than 10 days, but not more than 6 months; and

26 (2) Perform not less than 100 hours, but not more than 200  
27 hours, of community service.

28 ➤ The person shall be further punished by a fine of not less than  
29 \$500, but not more than \$1,000.

30 (c) For the third and any subsequent offense within the  
31 immediately preceding 7 years, is guilty of a category C felony and  
32 shall be punished as provided in NRS 193.130.

33 8. In addition to any other fine or penalty provided in  
34 subsection 6 or 7, a court shall order a person convicted of violating  
35 subsection 1, 2, 3 or 5 to pay restitution for all costs associated with  
36 the care and impoundment of any mistreated animal under  
37 subsection 1, 2, 3 or 5, including, without limitation, money  
38 expended for veterinary treatment, feed and housing.

39 9. The court may order the person convicted of violating  
40 subsection 1, 2, 3 or 5 to surrender ownership or possession of the  
41 mistreated animal.

42 10. The provisions of this section do not apply with respect to  
43 an injury to or the death of an animal that occurs accidentally in the  
44 normal course of:

45 (a) Carrying out the activities of a rodeo or livestock show; or



1 (b) Operating a ranch.

2 11. As used in this section ~~[, “horse tripping”]~~:

3 (a) *“Horse tripping”* means the roping of the legs of or  
4 otherwise using a wire, pole, stick, rope or other object to  
5 intentionally trip or intentionally cause a horse, mule, burro, ass or  
6 other animal of the equine species to fall. The term does not include:

7 ~~[(a)]~~ (1) Tripping such an animal to provide medical or other  
8 health care for the animal; or

9 ~~[(b)]~~ (2) Catching such an animal by the legs and then releasing  
10 it as part of a horse roping event for which a permit has been issued  
11 by the local government where the event is conducted.

12 (b) *“Properly fitted”* means a collar, harness or other device  
13 that:

14 (1) *Is appropriate for the size of a dog based on the*  
15 *measurements and body weight of the dog;*

16 (2) *Does not choke the dog or impede the normal breathing*  
17 *or swallowing of the dog; and*

18 (3) *Does not cause pain or injury to the dog.*

19 **Sec. 2.** This act becomes effective on July 1, 2023.

