NEWFOUNDLAND AND LABRADOR
REGULATION 36/12
Animal Protection Standards Regulations
under the Animal Health and Protection Act
Amended by:
52/15
NEWFOUNDLAND AND LABRADOR
REGULATION 36/12
Animal Protection Standards Regulations
under the Animal Health and Protection Act
(Filed May 2, 2012)
Under the authority of sections 29 and 66 of the Animal Health and Protection Act, I make the following regulations.
Dated at St. John’s, May 1, 2012.
Jerome P. Kennedy, Q.C.
Minister Responsible for the Forestry and Agrifoods Agency
REGULATIONS
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Schedule B

Short title
1. These regulations may be cited as the Animal Protection Standards Regulations.

Interpretation
2. (1) In these regulations
   (a) "animal shelter" has the same definition as in the Animal Protection Regulations;
   (b) "cattery" includes a breeding facility, boarding facility, housing facility or animal shelter where a cat is maintained or kept but does not include a pet retail store and a veterinary clinic;
   (c) "circus" means a mobile place in which animals held and exhibited are made to perform behaviours at the direction of a human handler or trainer for the entertainment or education of members of the public and excludes a dog show, a horse show and a livestock fair;
   (d) "fur farm" has the same definition as in the Fur Farming Regulations;
   (e) "kennel" includes a breeding facility, boarding facility, housing facility, training facility or animal shelter where a dog is maintained or kept but does not include a pet retail store and a veterinary clinic;
   (f) "person" includes a partnership or association of persons;
   (g) "pet retail store" means a place where live dogs, cats, rodents, reptiles, amphibians, fish, birds, or other animals are kept for sale and excludes an animal shelter, a cattery and a kennel; and
   (h) "veterinary clinic" has the same definition as in the Veterinary Medical Act, 2004.
   (2) For the purpose of these regulations, a provision of a code or standard that is adopted in these regulations may be considered a requirement where
   (a) the word "must," "shall," or "require" is contained in the provision of the code or standard; or
   (b) these regulations specify that a provision of a code or standard is a requirement.

Interpretation - adopted codes or standards
3. (1) A reference to a code or standard adopted in these regulations is a reference to the edition of the code or standard that is referred to in Schedule A.
(2) A reference to a code or standard in this section, subsection 2 (2) and Schedule A, is a reference to the code or standard to the extent that it is adopted in other sections of these regulations.

(3) Where there is a conflict between a definition in a regulation made under the Act and a definition in a code or standard adopted in these regulations, the definition in the regulation made under the Act shall prevail.

(4) Where there is a conflict between a regulation made under the Act and a provision of a code or standard adopted in these regulations, the regulation made under the Act shall prevail.

(5) Notwithstanding subsection (4), a regulation made under the Act may provide that a code or standard adopted in these regulations shall prevail in the event of a conflict between a regulation and a code or standard.

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Livestock

4. (1) The following codes or standards are adopted but their provisions respecting transportation and appendices are not adopted unless it is specified in this subsection:

(a) Recommended Code of Practice for the Care and Handling of Farm Animals - Beef Cattle, published by Agriculture Canada;

(b) Recommended Code of Practice for the Care and Handling of Farm Animals - Veal Calves, including Appendix A entitled "Guidelines to Euthanasia of Calves by Firearms," published by the Canadian Agri-Food Research Council;

(c) Recommended Code of Practice for the Care and Handling of Sheep, including Appendix 3 entitled, "Guidelines for Humane Killing of Sheep by Firearms," published by the Canadian Agri-Food Research Council;

(d) Recommended Code of Practice for the Care and Handling of Farm Animals - Goats, including Appendix D entitled, "Guidelines for Humane Killing of Goats by Firearms," published by the Canadian Agri-Food Research Council;

(e) Recommended Code of Practice for the Care and Handling of Farm Animals - Pigs, including Appendix 3 entitled, "Guidelines for Humane Killing of Pigs on Farm," published by Agriculture Canada;

(f) Recommended Code of Practice for the Care and Handling of Farm Animals - Early Weaned Pigs - Addendum to Pig Code, published by the Canadian Agri-Food Research Council;

(g) Recommended Code of Practice for the Care and Handling of Farm Animals - Chicken, Turkeys and Breeders from Hatchery to Processing Plant, published by the Canadian Agri-Food Research Council;

(h) Recommended Code of Practice for the Care and Handling of Pullets, Layers and Spent Fowl - Poultry - Layers, published by the Canadian Agri-Food Research Council;

(i) Recommended Code of Practice for the Care and Handling of Farm Animals - Bison, published by the Canadian Agri-Food Research Council; and

(j) Recommended Code of Practice for the Care and Handling of Farm Animals - Horses, published by the Canadian Agri-Food Research Council, including Appendix 8 entitled, "Guidelines for Euthanasia of Horses by Firearms."

(2) An owner of beef cattle, veal calves, sheep, goats, pigs, poultry, bison or horses shall comply with the requirements in the respective codes or standards for that animal to the extent that they are adopted under subsection (1).

(3) An owner or operator of a place where beef cattle, veal calves, sheep, goats, pigs, poultry, bison or horses are kept or permitted to live or remain shall comply with the requirements in the respective codes or standards to the extent that they are adopted under subsection (1).

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Dairy Cattle

5. (1) The Code of Practice for the Care and Handling of Dairy Cattle, published by the National Farm Animal Care Council, is adopted except for
   (a) the requirement that all cattle be identified using an approved ear tag;
   (b) the section entitled, "Transportation"; and
   (c) the appendices to the code.
   (2) Notwithstanding paragraph (1)(c), the following appendices to the Code of Practice for the Care and Handling of Dairy Cattle, published by the National Farm Animal Care Council, are adopted:
      (a) Appendix A entitled, "Section 7. Assembly Yards and Sales Yards;" and
      (b) Appendix J entitled, "Euthanasia of Cattle."
   (3) An owner of dairy cattle shall comply with the requirements in the Code of Practice for the Care and Handling of Dairy Cattle to the extent that they are adopted under subsections (1) and (2).
   (4) An owner or operator of a place where dairy cattle are kept or permitted to live or remain shall comply with the requirements in the Code of Practice for the Care and Handling of Dairy Cattle to the extent that they are adopted under subsections (1) and (2).
   (5) Notwithstanding subsection 2 (2), for the purpose of this section, a "requirement" is clearly delineated as a requirement in the Code of Practice for the Care and Handling of Dairy Cattle.

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Kennels

6. (1) A Code of Practice for Canadian Kennel Operations, published by the Canadian Veterinary Medical Association, is adopted except for
   (a) the section entitled, "Transportation"; and
   (b) the appendices of the code.
   (2) Notwithstanding paragraph (1)(b), Appendix A entitled, "Minimal Space Requirements for a Dog," to A Code of Practice for Canadian Kennel Operations, published by the Canadian Veterinary Medical Association, is adopted.
   (3) The minimal space requirements for dogs provided in Appendix A to A Code of Practice for Canadian Kennel Operations are requirements for the purpose of this section.
   (4) An owner or operator of a kennel shall comply with the requirements in A Code of Practice for Canadian Kennel Operations to the extent that they are adopted under subsections (1) and (2).

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Catteries

7. (1) A Code of Practice for Canadian Cattery Operations, published by the Canadian Veterinary Medical Association, is adopted except for
   (a) the section entitled, "Transportation"; and
   (b) the appendices to the code.
   (2) Notwithstanding paragraph (1)(b), Appendix D entitled, "Recommended Minimum Space Requirements for Cats," to A Code of Practice for Canadian Cattery Operations, published by the Canadian Veterinary Medical Association, is adopted.
   (3) The recommended minimum space requirements for cats provided in Appendix D to A Code of Practice for Canadian Cattery Operations are requirements for the purpose of this section.
(4) An owner or operator of a cattery shall comply with the requirements in A Code of Practice for Canadian Cattery Operations to the extent that they are adopted under subsections (1) and (2).

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Mink
8. (1) The Code of Practice for the Care and Handling of Farmed Mink (2013) published by the National Farm Animal Care Council, is adopted except for subsection 1.1 and section 7.

(2) An owner or operator of a fur farm shall comply with the requirements in the Code of Practice for the Care and Handling of Farmed Mink (2013), to the extent that they are adopted under subsection (1).

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Fox
9. (1) The Code of Practice for the Care and Handling of Farmed Fox (Vulpes vulpes) (2013) published by the National Farm Animal Care Council is adopted except subsection 1.1 and section 7.

(2) An owner or operator of a fur farm shall comply with the requirements in the Code of Practice for the Care and Handling of Farmed Fox (Vulpes vulpes) (2013), to the extent that they are adopted under subsection (1).

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Research, teaching and testing
10. (1) The following codes and standards published by the Canadian Council on Animal Care are adopted:

(a) The Care and Use of Experimental Animals, Volume 1;
(b) Guide to the Care and Use of Experimental Animals, Volume 2;
(c) The Care and Use of Farm Animals in Research, Teaching and Testing;
(d) Laboratory Animal Facilities - Characteristics, Design, and Development;
(e) The Care and Use of Fish in Research, Teaching and Testing;
(f) Guidelines on: procurement of animals used in science;
(g) CCAC guidelines on: transgenic animals; and
(h) CCAC guidelines on: euthanasia of animals used in science.

(2) A corporation, partnership, or association of persons which is responsible for research, teaching or testing involving animals or which has custody, care or control of an animal for research, teaching or testing shall comply with the requirements in the codes and standards published by the Canadian Council on Animal Care that are adopted under subsection (1).

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Circuses
11. (1) The Canadian Association of Zoo and Aquaria Animal Care and Housing Manual, published by the Canadian Association of Zoo and Aquaria, is adopted.

(2) An owner or operator of a circus shall comply with the requirements in the Canadian Association of Zoo and Aquaria Animal Care and Housing Manual that are adopted under subsection (1).

(3) Upon the request of an inspector, the owner or operator of a circus shall provide the inspector with a written record.
(a) listing the species of animals kept, used, handled and displayed in relation to the circus;
(b) describing their housing conditions; and
(c) describing the acts they are to perform in the province.

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Pet retail stores


(2) An owner or operator of a pet retail store shall comply with the Animal Care Guidelines for the Retail Pet Industry that are adopted under subsection (1).

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Dogs

13. (1) An owner of a dog shall comply with the basic standards for dog care that are prescribed in Schedule B.

(2) An owner or operator of a kennel shall comply with the basic standards for dog care that are prescribed in Schedule B.

(3) Subsections (1) and (2) do not apply to a sled dog.

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Sled dogs

14. (1) An owner of a sled dog shall provide a sled dog with
   (a) adequate veterinary attention; and
   (b) care that is necessary for the general welfare of the sled dog.

(2) An owner or operator of a kennel shall provide a sled dog with
   (a) adequate veterinary attention; and
   (b) care that is necessary for the general welfare of the sled dog.

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Commencement

15. These regulations come into force on May 2, 2012.

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Schedule A

Applicable edition of a code or standard to the extent that it is adopted in the regulations

1. Code of Practice for the Care and Handling of Dairy Cattle (2009), published by the National Farm Animal Care Council.

2. Recommended Code of Practice for the Care and Handling of Farm Animals - Goats (2003), published by the Canadian Agri-Food Research Council.

3. Recommended Code of Practice for the Care and Handling of Farm Animals - Horses (1998), published by the Canadian Agri-Food Research Council.

4. Recommended Code of Practice for the Care and Handling of Pullets, Layers and Spent Fowl - Poultry - Layers (2003), published by the Canadian Agri-Food Research Council.

5. Recommended Code of Practice for the Care and Handling of Sheep (1995), published by the Canadian Agri-Food Research Council.
7. Recommended Code of Practice for the Care and Handling of Farm Animals - Veal Calves (1998), published by the Canadian Agri-Food Research Council.
8. Recommended Code of Practice for the Care and Handling of Farm Animals - Pigs (1993), published by Agriculture Canada.
9. Recommended Code of Practice for the Care and Handling of Farm Animals - Early Weaned Pigs - Addendum to Pig Code (2003), published by the Canadian Agri-Food Research Council.
10. Recommended Code of Practice for the Care and Handling of Farm Animals - Chicken, Turkeys and Breeders from Hatchery to Processing Plant (2003), published by the Canadian Agri-Food Research Council.
11. Recommended Code of Practice for the Care and Handling of Farm Animals - Bison (2001), published by the Canadian Agri-Food Research Council.
15. Code of Practice for the Care and Handling of Farmed Fox (Vulpes vulpes) (2013) published by the National Farm Animal Care Council.
19. The Care and Use of Farm Animals in Research, Teaching and Testing (2009), published by the Canadian Council on Animal Care.
21. The Care and Use of Fish in Research, Teaching and Testing (2005), published by the Canadian Council on Animal Care.

Schedule B
Basic Standards of Dog Care
Interpretation
1. The height of a dog in a standing position shall be measured from the top of the dog's shoulder to the ground.
2. The height of a dog in a sitting position shall be measured from the top of the dog’s head to the ground.

3. The length of a dog shall be measured from the tip of the nose to the base of the tail of the dog.

Care

4. A dog shall be provided with the following:
   (a) clean, fresh, unfrozen drinking water, at all times;
   (b) sufficient quantity and quality of food to allow for normal, healthy growth and the maintenance of normal, healthy bodyweight;
   (c) clean food and water receptacles located in a manner that prevents spillage and contamination by excreta;
   (d) adequate veterinary attention when necessary; and
   (e) care that is necessary for the general welfare of the dog.

5. A dog that is kept outside in weather conditions that may pose a risk to the health of the dog or that is housed outside shall be provided with a shelter in accordance with these standards.

Design of a basic shelter or dog house

6. A shelter for a dog shall be weather-proof, water-proof and insulated.

7. A shelter for a dog shall be sufficiently ventilated in a manner that prevents the accumulation of moisture and odours.

8. The size and design of a shelter for a dog shall be adequate and appropriate for the size of the dog.

9. A shelter for a dog shall
   (a) contain an entrance and a hallway that are separate from a sleeping area; and
   (b) have a canvas or rubber flap attached at the entrance.

10. The minimum floor space of the sleeping area in a shelter for a dog shall comprise 232 square centimetres for each 2.5 centimetres of the height of the dog in a standing position.

11. The minimum ceiling height of the sleeping area in a shelter for a dog shall be 5 centimetres greater than the height of the dog in a sitting position.

12. A shelter for a dog shall
   (a) be sufficiently elevated off the ground to ensure that the floor is kept dry; and
   (b) contain in the sleeping area bedding of sufficient depth to provide insulation from cold weather conditions.

13. Straw, woodchips, a blanket or other bedding in a shelter for a dog shall be changed every 7 to 14 days, or as otherwise required to keep the interior of the shelter clean and dry.

14. A mechanism outside of a shelter for a dog shall be provided to hold food and water receptacles in a manner that prevents spillage.

Basic requirements for a pen or enclosure

15. A pen or enclosure in which a dog is confined shall be in a good state of repair and made of materials that are not toxic to the dog.

16. The flooring of a pen or enclosure in which a dog is confined
   (a) shall be made of a texture and design that prevents the dog from being injured; and
   (b) shall not be made of wire mesh, metal or wood.

17. A pen or enclosure in which a dog is confined shall not be stacked with another pen or enclosure.

18. The location of a pen or enclosure in which a dog is confined shall not pose a high risk of injury or other distress to the confined dog.

19. A pen or enclosure in which a dog is confined shall not contain more than 3 dogs.

20. A pen or enclosure in which a dog is confined shall not contain a dog that may pose a danger to another dog in the same pen or enclosure.

21. A pregnant or nursing dog that is confined in a pen or enclosure shall not be confined with a dog other than its nursing offspring.
22. Notwithstanding section 19 of this Schedule, there is no maximum number of its nursing offspring that may be confined in a pen or enclosure with a nursing dog.

23. The size of the floor of a pen or enclosure in which one dog is confined shall not be less than 9 square metres.

24. The length and width of a floor of a pen or enclosure in which more than one dog is confined shall each be increased by one metre for each additional dog.

25. The minimum height of a pen or enclosure shall be one metre greater than the height of the tallest dog in a standing position that is confined in that pen or enclosure.

26. A pen or enclosure shall contain at least one shelter for a dog that is designed, built and maintained in accordance with these standards.

27. A pen or enclosure in which a dog is confined shall have an area that provides the dog with shade at all times.

28. A pen or enclosure in which a dog is confined shall be cleaned and have excreta removed from it on a daily basis.

29. A dog that is confined to a pen or enclosure shall be provided
   (a) daily social interaction with people or animals or both;
   (b) toys and other enrichments that are appropriate for the dog’s well-being; and
   (c) daily access to exercise that is adequate and appropriate for that dog outside of the pen or enclosure.

Tethering

30. A dog that is tethered, unsupervised, outside shall be
   (a) tethered in a location that does not pose a high risk of injury or other distress to the tethered dog; and
   (b) tethered in an environment that is free of debris and does not cause harm or undue strain or stress on the tethered dog.

31. The area in which a dog is tethered, unsupervised, outside shall be cleaned and have excreta removed from it on a daily basis.

32. The restraining device used to tether a dog that is tethered, unsupervised, outside
   (a) shall be at least 5 times the length of the dog;
   (b) shall allow the dog to move in a manner that is safe and unrestricted excepted by its length; and
   (c) shall not weigh more than 10 per cent of the dog's body weight.

33. A dog that is tethered, unsupervised, outside shall be provided
   (a) daily social interaction with people or animals or both;
   (b) toys and other enrichments that are appropriate for the dog’s well-being; and
   (c) daily access to exercise that is adequate and appropriate for that dog and that is unfettered from a fixed area.

34. A dog that is young, aged or infirm shall not be tethered, unsupervised, outside for an extended period of time.

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