

**10 GCA HEALTH AND SAFETY
CH. 34 KEEPING ANIMALS**

**CHAPTER 34
KEEPING ANIMALS**

SOURCE: Article 1 was repealed in its entirety and reenacted by P.L. 22-13:1. The functions of the Department of Public Health and Social Services in Articles 1 and 3 were transferred to the Department of Agriculture by P.L. 26-76:57. References to Director and Department of Public Health and Social Services changed to Director and Department of Agriculture in Articles 1 and 3.

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**ARTICLE 1
CONTROL AND LICENSING OF PETS**

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§ 34125. Penalties for Violation of Articles 1 and 2.

§ 34101. Definitions.

For purposes of this Article:

(a) “Euthanasia” means putting an animal to death by drug in a manner provided by regulation of the Department of Agriculture (the Department).

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

(c) “Officer” means a member of the Guam Police Department, a Mayor of Guam, or a person authorized by the Director.

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

(e) “Pet” means a cat or dog.

(f) “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.

(g) “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

(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.

(h) “Unlicensed pet” means any pet not exempted under the provisions of this Article for which the license for the current year has not been issued or to which the license tag is not attached.

(i) “Department” means the Department of Agriculture.

(j) “Director” means the Director of Agriculture.

SOURCE: Added by P.L. 12-13. Amended by P.L. 28-111:1 (April 14, 2006) with the effective date 90 days from enactment, pursuant to P.L. 28-111:5.

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§ 34102. Pet License Required.

No person shall own a pet unless it is licensed and wearing a license tag as provided by this Article. This shall not apply to pets under the age of three (3) months, pets in quarantine or pets brought into Guam for a temporary term not to exceed one (1) month for the exclusive purpose of entering such pets in a show or exhibition.

§ 34103. Pet License.

(a) Each pet shall be licensed by its owner.

(b) The license shall be valid for three (3) years from the date of issue if the pet has received a three (3) year rabies vaccination at the time of issuance. Otherwise, the license shall be valid for the time remaining on the rabies certificate plus a forty-five (45) day grace period.

(c) The owner of a pet imported into Guam shall have thirty (30) days to obtain the prescribed license. Pets exempted by §34102 of this Article shall be licensed when such exemption expires.

(d) The fee shall be established by the Director. The full fee shall be paid for any fraction of the year for which a license is issued.

(e) A pet license is not transferable to another pet. The license number shall be assigned to the pet and shall remain with the animal upon transfer to another owner for the life of the license.

(f) A penalty to be established by regulation shall be charged for late renewal of a license.

(g) Any penalty shall be in addition to the applicable license fee and payable at the time of the issuance.

SOURCE: Subsection (b) amended by P.L. 28-163 (Jan. 4, 2007).

§ 34104. Seeing-Eye and Hearing-Aid Dogs.

A blind or deaf person owning a dog trained to aid the blind or deaf, commonly called a seeing-eye or hearing-aid dog, shall be exempted from payment of any license fee.

§ 34105. Issuance and Description of License.

All licenses for pets shall be issued by the Department upon payment of the fee. The license shall be in such form as the Director shall approve and shall include the following

(a) The name and address of the owner;

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- (b) The expiration date of the license;
- (c) The date of payment;
- (d) The breed, age, sex, sterilization status (whether spayed or neutered) and color of the pet;
- (e) The serial number of the tag issued for such pet;
- (f) The date of rabies vaccination, vaccine expiration date, the type, manufacturer's name and serial number of the vaccine lot used.

§ 34106. Description of the Pet License Tag.

A tag in such form and design as prescribed by the Director, stating the serial number of the tag and the license year, shall be issued with each license. 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, except when the pet is displayed in an exhibition or show. It shall be unlawful for any person to attach a license tag to the collar or harness of any pet except the pet which is described in the application for such license tag.

§ 34107. Replacement of Pet License Tag.

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 satisfactory proof that such tag was lost, mutilated or stolen. A substitute tag shall be issued upon payment of a fee equal to one-half (1/2) the annual license fee.

§ 34108. Rabies Vaccination.

A pet license shall be issued only upon presentation of a valid certificate of vaccination against rabies providing immunity during the period of licensure and signed by a licensed veterinarian. The type and quantity of rabies vaccine utilized to vaccinate pets within Guam and accepted duration of immunity produced by such vaccine shall be determined by regulation specified by the Director.

§ 34109. Vicious Pet.

Any pet which, while running at large, has bitten a person or persons two (2) or more times may be declared to be a vicious pet and ordered confined or destroyed by the Director.

§ 34110. Immediate Menace.

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It shall be lawful for any officer, if there are no other readily available means of bringing the pet under control, to kill any pet that constitutes an immediate menace to any person. The officer shall turn the carcass of the pet over to the Department as soon as possible for examination as determined by the Director, and compile a written report and submit to the Director describing the event leading to the killing if said pet was licensed.

§ 34111. Persons Attacked by Animal.

Any person who is attacked by a pet or animal or any person witnessing any such attack may kill such pet or animal while so attacking or thereafter. Such person shall notify the Department immediately of such killing and remain with the carcass until an officer takes possession of the carcass. The carcass shall be immediately delivered to the Department for examination.

§ 34112. Pet Trespassing on Private Property.

(a) Any person who shall observe a pet to be trespassing on land or premises not owned or possessed by owner of the pet shall report such trespass to the Pet Control Unit.

(b) It shall be unlawful for any person to kill a pet not owned by him except in any of the following cases or as otherwise provided in this Article

(1) The pet is found in the act of killing, wounding or persistently pursuing 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 his livestock or poultry on land or premises owned by him.

Any person killing or injuring a pet pursuant to action taken by him as authorized under any section of this Article shall not incur any financial liability to the owner of such pet.

§ 34114. Damages by Pet Owner Liable.

If a pet shall injure any person or damage any person or property, the pet owner shall be liable to the extent that his negligence was the proximate cause of such injury or damage.

§ 34115. Pet Control Unit.

The Department shall maintain a Pet Control Unit. The Pet Control Unit shall maintain a pound, provide and carry out a territory-wide plan to

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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. The Mayors of Guam shall have the concurrent responsibility within their respective jurisdiction for collecting all pets running at large and turning them over to the Pet Control Unit. At the discretion of the Director or his designated representative, a biting pet may be confined by the owner of such pet in accordance with regulation adopted by the Director.

§ 34116. Dog Running at large, Impoundment, Holding Period, Sterilization and Adoption.

(a) It shall be unlawful for any dog owner to negligently allow a dog owned by him to run at large.

(b) Any pet over three (3) months old that is not licensed as required by § 34102 of this Article or any dog that is not wearing a current tag in accordance with § 34106 of this Article or any dog that is running at large shall be apprehended and impounded or disposed of in accordance with regulations adopted by the Director.

(c) The owner, as shown on the license, of any licensed pet that has been impounded shall be notified of such impoundment and that the pet, if not claimed within ten (10) days after such notification, may be given for adoption upon payment of the applicable per diem costs and adoption deposit or humanely destroyed. Such notice may be delivered personally to the owner, let at his place or residence in Guam, or sent by regular mail to his last known address, or informed by telephone or fax to the number(s) as shown on the license. At the end of ten (10) days after notification, any licensed pet not claimed may be given for adoption upon payment of the applicable per diem costs and adoption deposit or humanely destroyed.

(d) Any unlicensed pet that has been impounded shall be kept for three (3) days and may be claimed by the owner by obtaining a license as provided in this Article and paying for the costs for care and keep. At the end of three (3) days after impoundment, any such pet not claimed may be given for adoption or humanely destroyed.

(e) 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. Such charge shall be borne by the owner of the impounded pet, if known, and shall be included in costs to any claimant.

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

(g) No dog or cat under the age of six (6) months to be given for adoption shall be released without a written agreement from the adopter guaranteeing that such animal will be sterilized. A deposit of at least Seventy-Five Dollars (\$75) must be paid at the time of adoption of a dog, and Fifty Dollars (\$50) for a cat to guarantee for sterilization. Failure to perform the sterilization shall be a forfeiture of the amount deposited and the animal shall be returned to the pound.

SOURCE: Added by P.L. 22-13. Subsection (a) amended by P.L. 28-108:2 (April 14, 2006).

§ 34117. Impoundment.

The Director may impound and hold at the facility any pet that is the subject of a violation of this Article, any pet that requires protective custody and care because of mistreatment or neglect by its owner, or a pet that the Superior Court orders him to impound. The Director may authorize the destruction of the impounded pet as provided in this Article, or may return the pet to its owner, or may order the pet given up for adoption, as the Director determines to be in the best interests of the pet and the public. The owners of any pets returned to them shall be assessed a per diem fee for the animal's care based on the facility's operating costs.

SOURCE: Added by P.L. 22-11. Repealed and reenacted by P.L. 28-176:1 (Jan. 29, 2007).

§ 34118. Facility Operation.

(a) The Director shall operate, maintain or provide for an adequate facility to receive, care for and safely confine pets delivered to the Director's custody under provisions of this Article and such facility shall be reasonably accessible to the public.

(b) The Director may contract the operation of the shelter to any qualified non-profit private organization. If the Director so contracts, the private non-profit organization must operate the facility so as to conform to the provisions provided herein. Pet control shall remain the sole responsibility of the Department of Agriculture.

(c) The enactment of any provision of this Article shall not be cause for reduction of personnel in the Pet Control Unit.

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(d) The Director shall provide that a licensed veterinarian attend to the pets at the facility as necessary.

§ 34119. Minimum Standards.

The Director shall prescribe the minimum standards for humane pet care set forth in this Article.

§ 34120. Authority to Kill Pets Running At Large.

It shall be unlawful to shoot or otherwise kill any pet which has bitten or is believed to have bitten any person except to prevent further attack by the pet or to prevent otherwise unavoidable escape of the pet. In every other case, however, officers may apprehend pets running at large by any means deemed reasonably necessary under the circumstances and provided for in regulations specified by the Director. When the Director shall determine that the use of poison baits are necessary 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 written consent of the owner or tenant of such property;

(b) 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 during a public health emergency due to rabies.

§ 34121. Authority of officers.

(a) All officers shall have authority as peace officer to the extent necessary to enable them to discharge all duties assigned to them by law.

(b) Any officer is authorized to enter upon any private premises, and is authorized to remove any pet from public or private property, if that officer has reason to believe that the pet or its owner is in violation of any provisions of this Chapter. Any pet so removed shall be impounded and delivered to the pound.

(c) Any officer may issue a citation of violation as provided in §§25.10 through 25.50 of Title 8, Guam Code Annotated.

§ 34122. Wrongful Interference with Officers.

Any person resisting or obstructing an officer in the exercise of his duties as provided in this Article shall be guilty of a misdemeanor and punished as prescribed in §34124 of this Article.

§ 34123. Establishment of the ‘Stray Dog Revolving Fund.’

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There is hereby established a restricted fund account called the ‘Stray Dog Revolving Fund’, which shall be used by the Department to purchase equipment and supplies for the effective implementation and enforcement of Articles 1 and 2 of this Chapter. All fees and revenues collected by the Department of Agriculture pursuant to Articles 1 and 2 of this Chapter and all fines imposed pursuant to Articles 1 and 2 of this Chapter shall be deposited into the ‘Stray Dog Revolving Fund’. The Director of Agriculture shall administer the Fund for the purposes provided herein.”

SOURCE: Repealed and reenacted by P.L. 28-108:4 (April 14, 2006).

§ 34124. Penalties.

Violation of §34122 of this Article 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. Violation of any other provision of this Article which provides that certain conduct shall be unlawful shall be punishable by a fine not less than Fifty Dollars (\$50), or by imprisonment not to exceed six (6) months, or both.

§ 34125. Penalties for Violation of Articles 1 and 2.

Notwithstanding the penalties created by § 34124, violations of Articles 1 and 2 of this Chapter shall be punished by a fine to be imposed on the pet owner of not less than \$25 for the first offense, \$50 for a second offense, and \$100 for a third and subsequent offense. The pet owner shall also pay all applicable costs, such as vaccination, licensing and the per diem fee for impoundment.

SOURCE: Added by P.L. 28-108:3 (April 14, 2006).

ARTICLE 2
PERMITS FOR ANIMAL FACILITIES, HUMANE ANIMAL CARE.

SOURCE: Article 2 was repealed in its entirety and reenacted by P.L. 22-13:2.

- § 34201. Definitions.
- § 34202. Permits.
- § 34203. Permit Issuance and Revocation.
- § 34204. Confinement.
- § 34205. Animal Care.

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- § 34206. Keeping of Wild Animals.
- § 34207. Performing Animal Exhibitions.
- § 34208. Animal Waste.
- § 34209. Authority of Officers and Directors.
- § 34210. Penalties.

§ 34201. Definitions.

For purposes of this Article:

- (a) “Animal” means any live non-human vertebrate creature, domestic or wild;
- (b) “Animal shelter” means any facility operated by a humane society, the government of Guam or their authorized agents for the purpose of caring for animals held under the authority of this Article;
- (c) “Auctions” mean any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Article. This does not apply to individual sales of animals by owners;
- (d) “Circus” means a commercial variety show featuring animal acts for public entertainment;
- (e) “Commercial animal establishment” means a pet shop, grooming shop, auction, riding school or stable, zoological park, circus performing animal exhibition, animal quarantine facility or kennel;
- (f) “Grooming shop” means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed;
- (g) “Officer” means a member of the Guam Police Department, a Mayor or a person authorized by the Director of Agriculture (the "Director");
- (h) “Kennel” means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats, or any premises in a non-agricultural zone area upon which five (5) or more adult dogs or cats are harbored or kept;
- (i) “Owner” means any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal

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shall be deemed to be harbored if it is fed or sheltered three (3) consecutive days or more;

(j) “Performing animal exhibition” means any spectacle, display, act or event other than circuses in which performing animals are used;

(k) “Pet” means any animal kept for pleasure rather than utility;

(l) “Pet shop” means any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel that buys, sells or boards any species of animal;

(m) “Public nuisance” means any animal that:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large; or
- (5) Damages private or public property;

(n) “Restraint” means any animal secured by a leash or lead or under the control of a responsible person and obedient to that person’s commands or within the real property limits of its owner;

(o) “Riding school or stables” mean any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro;

(p) “Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals;

(q) “Vicious animal” means any animal that constitutes a physical threat to human beings or other animals;

(r) “Wild animal” means any animal which is not commonly domesticated, or which 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;

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(s) “Zoological parks” means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency;

(t) “Permitting authority” means the Department of Agriculture (the Department) which shall be the permitting authority for purposes of this Article.

SOURCE: Added by P.L. 12-13. Amended by P.L. 28-111:2 (April 14, 2006) with the effective date 90 days from enactment, pursuant to P.L. 28-111:5.

§ 34202. Sanitary Permits.

(a) No individual, partnership or corporation, or any other group or combination acting in concert shall operate a zoo, pet shop, kennel, animal shelter, veterinary hospital or other commercial animal establishment, or which imports, exports, exhibits, sells, boards or otherwise exposes the public to live animals without first obtaining a sanitary permit to operate, and shall conduct such enterprise in compliance with this section and any regulations specified by the Director. An exception to this provision may be made for kennels on land which is zoned as agricultural.

(b) The Department shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Article.

(c) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the permitting authority, a permit shall be issued upon payment of the applicable fee.

(d) The permit period shall coincide with business license period and run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to expiration. Application for permit to establish a new commercial animal establishment under the provisions of this Article may be made at any time.

(e) Every facility regulated by this Article shall be considered a separate enterprise and requires an individual permit.

(f) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

(g) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of Two Hundred Dollars (\$200). Each day of violation is a separate offense.

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(h) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

(i) The permit required in this section shall be in addition to the business license required for the business to operate.

§ 34203. Permit Issuance and Revocation.

(a) The permitting authority may revoke any permit if the person holding the permit refuses or fails to comply with this Article, the regulations promulgated by the permitting authority or any law governing the protection and keeping of animals.

(b) Any person whose permit is revoked shall, within ten (10) days thereafter, appropriately dispose all animals owned, kept or harbored and no part of the permit fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the permitting authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit of the refusing owner.

(d) If the applicant has withheld or falsified any information on the application, the permitting authority shall refuse to issue a permit.

(e) No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a Ten Dollar (\$10) fee.

§ 34204. Confinement.

(a) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

(b) Every vicious animal, as determined by the Department, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever the animal leaves the premises of its owner.

§ 34205. Animal Care.

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(a) No owner shall fail to provide 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.

(b) No person shall beat, cruelly ill 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) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to an officer.

(d) *Only* a licensed veterinarian shall perform ear cropping or tail docking on an animal, which shall be performed in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about this matter before agreeing to perform these surgeries and shall record said consultation in the pet's record.

SOURCE: Subsection (d) added by P.L. 29-096:2 (July 22, 2008) .

§ 34206. Keeping of Wild Animals.

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply for zoological parks, performing animal exhibitions or circuses.

(b) No person shall keep or permit to be kept any wild animal as a pet.

(c) The permitting authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

§ 34207. Performing Animal Exhibitions.

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(a) 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.

(b) All equipment used on performing animals shall fit properly and in good working condition. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas or private properties.

§ 34208. Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas or private properties.

§ 34209. Authority of Officers and Director.

(a) Any peace officer may issue a citation of violation as provided in Title 8 GCA §§ 25.10 through 25.50.

(b) The Director may impound any pet or wild animal that is the subject of a violation of this Article, any pet or wild animal that requires protective custody and care because of mistreatment or neglect by its owner, or a pet or wild animal that the Superior Court orders him to impound.

(c) The Director may authorize the destruction of the animal, or may return a pet to its owner or may order the animal given up for adoption, or make any other disposition as the Director determines is required by this Article and by the best interests of the animal and the public. The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.

SOURCE: Added by P.L. 22-13. Repealed and reenacted by P.L. 28-176: 2 (Jan. 29, 2007).

§ 34210. Penalties.

(a) Except as otherwise provided herein, any person violating any provision of this Article shall be deemed guilty of a violation and shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). If any violation be continuing, each day's violation shall be deemed a separate violation.

(b) The provisions of this Article shall not apply to any operator of a greyhound racing track nor to any greyhound racing dog so long as such

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greyhound is subject to regulation by the Department of Revenue and Taxation.

ARTICLE 3
QUARANTINE

- § 34301. Definitions.
- § 34302. Rabies Prevention.
- § 34303. Observation of Suspected Dogs.
- § 34304. Examination of Impounded or Quarantined Dogs for Rabies.
- § 34305. Rabies Outbreak.
- § 34306. Violations and Penalties.
- § 34307. Creation of Rabies Prevention Fund.

§ 34301. Definitions.

For purposes of this Article:

(a) *Carrier* means any individual, partnership, corporation *or* any other group *or* combination acting in concert which *shall* transport any animal into, through *or* upon Guam.

(b) *Designated inspection area* means an area designated by the Director of the Department of Agriculture.

(c) *Dog or cat* means domestic species of dogs and cats only. Nothing in this Act *shall* allow for the importation of pet wolves, foxes, skunks, raccoons, civets, hyenas, weasels, and wolverines, animals of the Order Marsupialia, including opossums, koalas, kangaroos *or* animals of the Order Chiroptera, including bats.

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

(e) *International Unit* (I.U.) means a unit of measure agreed upon by scientists of a field.

(f) *Officer* means a member of the Guam Police Department, a Mayor of Guam, *or* a person authorized by the Director.

(g) *OIE-FAVN* means the World Organization for Animal Health Fluorescent Antibody Virus Neutralization test, a type of blood test used to determine the quantity of rabies antibodies in the bloodstream.

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(h) *Quarantine* means strict isolated impoundment.

(i) *Rabies* means the acute infectious disease of the central nervous system caused by a filterable virus, most frequently transmitted by the bite of infected animals and commonly referred to as “hydrophobia”.

(j) *Titer* means a concentration of a substance in a solution.

SOURCE: The functions of this Article were transferred from the DPH&SS to the Dept. of Agriculture and its Director by P.L. 26-076:57. Amended by P.L. 29-112:2 (Aug. 26, 2008).

§ 34302. Rabies Prevention.

(a) Quarantine Unit. The Department of Agriculture *shall* maintain a dog *or* cat quarantine unit, provide and carry out a quarantine program to receive incoming dogs *or* cats upon arrival on the island, ensure that such dogs *or* cats are examined within twenty-four (24) hours upon arrival and twenty-four (24) hours prior to release from quarantine by a licensed veterinarian and provide for the health and well-being of such dogs *or* cats for the duration of their quarantine, including the administering of necessary immunization shots by a licensed veterinarian at the quarantine unit at the expense of the owner.

(b)(1) Quarantine of Dogs and Cats. All dogs and cats brought into Guam *shall* be subject to quarantine for a period of time approved by the Director pursuant to this Section. Requirements for the entry to and release from quarantine of dogs and cats brought into Guam, *shall* be a maximum of one hundred twenty (120) days. Any and all costs, including care and keep, *shall* be borne by the dog *or* cat owner. At the time of release from quarantine, the pet must have completed *not less than* two (2) properly documented inactivated rabies vaccinations, and the most recent rabies vaccination must be current. The pet must also be current for other routine vaccinations as established by the Territorial Veterinarian.

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(2) Quarantine Length. Pets that have received a properly implanted approved identification microchip and have a protective titer against rabies, as documented by a laboratory approved by the Director of Agriculture, may spend less than the full one hundred twenty (120) days in enforced quarantine. The quarantine period is calculated from the date the blood arrives at the approved laboratory. *If* the animal receives an import permit and arrives on Guam before the one hundred twenty (120) days has passed, the animal may be allowed to spend only those remaining days in enforced quarantine, rather than the full one hundred twenty (120) days. *If* one hundred twenty (120) *or* more days have passed since the blood with a protective titer arrived at the laboratory, and *if* all other requirements have been met, the animal must complete on Guam a quarantine period of five (5) days *or* less and a physical examination by a veterinarian approved by the Director of Agriculture. The five (5) day *or* less quarantine program requires the following pre-arrival requirements for each pet before the pet may be released:

(i) Vaccinations. Two (2) rabies vaccinations, with the last vaccination administered *no more than* twelve (12) months prior to arrival *if* a one (1) year vaccine was administered, or *not more than* thirty-six (36) months prior to arrival *if* a three (3) year *or* longer vaccine was administered. The two (2) vaccinations may not be administered within thirty (30) days of each other; and the last vaccine must be administered *no less than* thirty (30) days prior to the pet's entry into Guam.

(ii) Microchip. A microchip approved by the Territorial Veterinarian for identification purposes must be implanted in the pet.

(iii) Blood Serum Tests. Blood serum OIE-FAVN test results *or* the results of a test recognized by the World Organization for Animal Health as being able to determine levels of rabies antibodies must indicate a sufficient level of rabies antibodies. Such results *shall* be from a laboratory approved by the Director of Agriculture

(iv) Pre-arrival Waiting Period. The pre-arrival waiting period determines the duration of enforced quarantine on Guam only for those properly vaccinated animals with an approved microchip and a properly documented protective titer against rabies. *If* such an animal arrives on Guam *less than* one hundred twenty (120) days after the blood arrived at the approved laboratory, then the animal must spend

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the remaining days in enforced quarantine on Guam unless the pet qualifies for the home quarantine option.

(v) Home Quarantine Option. After completing the initial five (5) days *or* less of enforced quarantine on Guam, those animals with a high titer of protective rabies antibodies (at least twice the minimum titer of 0.05 I.U. per milliliter of blood) may complete the remainder of the post-arrival quarantine at home, provided the animal originated in the United States, *or* has been screened by a military veterinarian prior to arrival on Guam, and is in compliance with items (i) through (iv) of this Subsection. The owner must keep the pet isolated from other animals during this time. Failure to do so can result in the pet being placed in enforced quarantine for the remainder of the quarantine period at the owner's expense. At the end of the home quarantine period, the animal requires another physical examination by an approved veterinarian for final release from quarantine.

(vi) Documentation Submission. Pet owners must submit evidence of required vaccinations and blood serum tests at least ten (10) days prior to the pet's arrival. These items must be sent directly from the laboratory, *not* hand-carried by the pet owner.

The Department of Agriculture may require at any time within one hundred twenty (120) days after arrival on Guam that results from off-island laboratory tests be validated. *If* not confirmed to the satisfaction of the Department of Agriculture, then the Department of Agriculture may, pursuant to rules and regulations, place the pet in further quarantine *or* take other appropriate action.

The Department of Agriculture is authorized to promulgate rules and regulations in accordance with this Subsection.

(c) Exemption from quarantine. Notwithstanding any other provision of this Article:

(1) Certain dogs. Seeing-eye dogs serving blind masters or hearing-aid dogs serving deaf persons and dogs which are the official property of a federal, state or territorial government agency may, in the absence of evidence that they have been exposed to rabies, be granted exemptions from the quarantine provisions of this Article, provided they

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(i) Comply with all other requirements for entry into the territory;

(ii) Remain the property of the individual or agency whose property they were given when granted such exemption;

(iii) Remain free of signs or symptoms of rabies;

(iv) Are made available for examination by an officer at any reasonable time.

(2) Rabies-free areas. The Director shall establish a list of rabies-free areas as designated by the World Health Organization and will constantly review the status of the rabies-free areas and may remove a designated rabies-free area from the list if it is shown, to the satisfaction of the Director, that the area has not remained free from rabies or has not maintained stringent entry and quarantine requirements. Dogs or cats originating from areas designated as rabies-free at the time the pet was placed in transit to Guam will be exempted from quarantine; provided, that they comply with all other requirements for entry into Guam.

(3) Special veterinary care. Dogs or cats brought to Guam for the specific purpose of veterinary medical care may be granted exemptions from quarantine; provided, that

(i) The dog or cat is consigned to a licensed veterinarian;

(ii) The dog or cat meets all other requirements for entry into the territory;

(iii) The dog or cat is returned to its point of origin as soon as it is healthy enough to travel;

(iv) The dog or cat remain in the custody of the treating veterinarian during its entire stay in the territory.

(d) Import restriction. The Director shall establish a list of restricted areas based on its high incidence of rabies, and may deny entry to any dog or cat coming from these areas. The Director will periodically review the status of these areas and may lift the entrance restriction if the incidence of rabies in these areas have decreased to a level acceptable to the Director.

(e) Entry requirements. All incoming dogs or cats shall comply with all entry requirements before they will be allowed to enter Guam. Such entry

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requirements shall be in accordance with regulations adopted under the Administrative Adjudication Law.

(f) Holding period. A dog or cat will be declared ineligible to enter the territory if it fails to meet the entry requirements established by the Director pursuant to subsection (e), supra. Such dog or cat shall remain in the custody of the carrier in a designated inspection area at the port of entry until such time as it shall leave Guam, or shall be humanely disposed of by the Pet Control Unit. Such holding period shall in no case exceed seventy-two (72) hours without the consent of the Director. Any expense incurred by the government of Guam during or as a result of such holding shall be the responsibility of, and chargeable to the carrier. In addition, the carrier shall be fined an amount not less than Five Hundred Dollars (\$500) and not to exceed One Thousand Dollars (\$1,000) for boarding such dog or cat without entry permit.

SOURCE: Subsection (b) amended by P.L. 24-216:2. Subsection (b)(2) added by P.L. 27-84:2 (eff. 5/06/2004). Subsection (c)(2) amended by P.L. 27-84:3. Subsections (a) and (b) repealed and reenacted by P.L. 29-112:3 (Aug. 26, 2008).

§ 34303. Observation of Suspected Dogs or Cats.

Any dog or cat which, in the opinion of an officer, exhibits signs suggestive of rabies or any dog or cat which has bitten a person shall be examined by a licensed veterinarian or, if no veterinarian is available, by a qualified person authorized by the Director and shall be placed under impoundment by the Pet Control Unit for a period of not less than ten (10) days, or in accordance with regulations which shall be specified by the Director. Any and all costs, including care and keep, shall be borne by the owner of such dog or cat, if known.

§ 34304. Examination of Impounded or Quarantined Dogs or Cats for Rabies.

Any impounded or quarantined dog or cat which dies or develops clinical signs suggestive of rabies during the required observation period shall be examined for rabies in accordance with regulations specified by the Director.

§ 34305. Rabies Outbreak.

(a) Report to the Governor. Should a case of rabies occur in Guam, the Director shall make or cause to be made, a thorough investigation as to the prevalence of the disease, the probable number of persons and animals exposed, the areas found to be involved and the means by which the disease

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was introduced and shall report the findings of such investigation, together with appropriate recommendations, to the Governor. If rabies exists or is believed to exist in Guam, the Governor may, in his discretion, declare by executive order a state of public health emergency due to rabies. During the existence of the state of emergency due to rabies, the Director may, with the approval of the Governor, promulgate such regulations as he may deem necessary to control the public health hazard due to rabies.

(b) Public health emergency status period. The public health emergency status shall terminate one (1) year from the date of the declaration thereof unless a public health emergency due to rabies is again declared in the manner provided in this section. If, however, the Governor at any time finds and declares, upon recommendation of the Director, that a public health emergency due to rabies has ceased to exist, its status as such shall terminate upon the date of such declaration.

(c) Suspension of importation of all animals. Whenever, in the opinion of the Governor, it shall be necessary for the protection of the population of Guam against infectious or contagious disease, he may, by executive order, suspend the importation of animals for a limited period of time and may change, revoke, or renew such executive order as the public good may require. During the time of such suspension, the importation of any such animals shall be unlawful.

§ 34306. Violations and Penalties.

(a) Violations.

(1) It shall be unlawful to release a dog or cat from quarantine unless authorized by the Director.

(2) It shall be unlawful for a pet owner to bring into Guam a dog or cat without a valid Entry Permit.

(3) It shall be unlawful for a carrier to board a dog or cat on an airline for shipment to Guam without a valid Entry Permit.

(b) Penalties. Except as otherwise provided herein, violation of

(1) Any provision of this Article which provides certain conduct shall be unlawful shall be punishable by imprisonment not to exceed one (1) year, or a fine not to exceed One Thousand Dollars (\$1,000), or both;

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(2) Any regulations promulgated pursuant to this Chapter which provide for criminal penalties, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000), or both.

SOURCE: Article 3 was added by P.L. 22-13:3.

§ 34307. Creation of Rabies Prevention Fund.

There is created a special fund called the “Rabies Prevention Fund,” which shall be exclusively used to support the implementation of this Act and to maintain, enhance and secure the prevention of rabies on Guam. All money collected under the provisions of this Chapter shall be deposited in the Rabies Prevention Fund. The Department of Administration shall be responsible for maintaining the accounting and administration of this fund. No later than December 31st of each year, the Directors of the Departments of Administration and Agriculture shall report to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* on the administration of this fund, including the total monies collected and deposited in this fund and the total expended.

SOURCE: Added by P.L. 24-216:3. Amended by P.L. 28-111:3 (April 14, 2006) with the effective date 90 days from enactment, pursuant to P.L. 28-111:5.
