

29th Legislature(2015-2016)  
Alaska Statutes 2015

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### Article 01. DOGS

#### Chapter 03.55 CARE OF ANIMALS; CONTROL OF DOGS

##### Sec. 03.55.010. Killing of vicious or mad dog authorized.

Any person may lawfully kill any vicious or mad dog running at large.

##### Sec. 03.55.020. Vicious dogs.

Any dog which when unprovoked has ever bitten or attacked a human being is considered vicious within the meaning of [AS 03.55.010](#).

##### Sec. 03.55.030. Dogs that annoy or bite animals or birds.

Whenever any dog habitually annoys any wild deer, reindeer, sheep, cattle, horse, or other animal or bird either domestic or wild, or evinces a disposition which makes it likely that it will without provocation bite an animal or fowl, any person may lawfully kill the dog, when at large. The owner or keeper of the dog, if known or reasonably identifiable, shall be notified and given reasonable opportunity to restrain the dog before it is lawful to kill it. Persons authorized to enforce [AS 16.05](#) (Alaska Fish and Game Code) and peace officers may enforce this section.

##### Sec. 03.55.040. - 03.55.060l Dog control by governmental units. [Repealed, Sec. 9 ch 109 SLA 1966].

Repealed or Renumbered

##### Sec. 03.55.070. Power of village council to control dogs.

(a) A village council duly elected by residents of an unincorporated village not within an organized borough may destroy loose dogs in the village and may otherwise control dogs to the extent authorized first class cities.

(b) The council may impose and enforce the provisions of a dog control ordinance in the total area within 20 miles of the village. The ordinance must generally describe the area in which it is imposed. If two villages having dog control ordinances lie within 40 miles of each other, the jurisdiction of each village terminates at a point midway between them.

### Article 02. CARE OF ANIMALS

#### Sec. 03.55.100. Minimum standards of care for animals.

(a) The minimum standards of care for animals include

(1) food and water sufficient to maintain each animal in good health;

(2) an environment compatible with protecting and maintaining the good health and safety of the animal; and

(3) reasonable medical care at times and to the extent available and necessary to maintain the animal in good health.

(b) Any determination as to whether or not the standards of this chapter are met shall be based on the professional opinion of a veterinarian licensed under [AS 08.98](#).

(c) The department may adopt regulations to implement this section.

#### Sec. 03.55.110. Investigation of cruelty to animals complaints.

(a) A person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or a peace officer. An agency or organization or the department may refer the complaint to a peace officer.

(b) A peace officer who receives a complaint of animal cruelty may apply for a search warrant under [AS 12.35](#) to the judicial officer in the judicial district in which the alleged violation has taken place or is taking place. If the court finds that probable cause exists, the court shall issue a search warrant directing a peace officer to proceed immediately to the location of the alleged violation, search the place designated in the warrant, and, if warranted, take property, including animals, specified in the warrant. The warrant shall be executed by the peace officer and returned to the court.

- (1) an officer of the state troopers;
- (2) a member of the police force of a municipality;
- (3) a village public safety officer; or
- (4) a regional public safety officer.

**Sec. 03.55.120. Seizure of animals.**

(a) A peace officer shall place an animal in protective custody before removing the animal from the location where it was found. If the animal is removed, the peace officer shall place the animal with a veterinarian licensed under [AS 08.98](#) or, if a veterinarian is not readily available, with a responsible public or private custodian to be sheltered, cared for, and provided necessary medical attention.

(b) A peace officer who has removed an animal shall immediately notify the animal's owner in writing of the removal and of the owner's right to petition the court under [AS 03.55.130](#) for return of the animal. Notification may be delivered in person, posted at the owner's residence, or mailed to the owner.

(c) If a removed animal's owner is unknown and cannot be ascertained with reasonable effort, the animal shall be considered a stray or abandoned.

(d) The state, a municipality, or a person, that supplies shelter, care, veterinary attention, or medical treatment for an animal seized under this section shall make a reasonable effort to locate the owner.

**Sec. 03.55.130. Destruction and adoption of animals.**

(a) If a determination is made by a veterinarian licensed under [AS 08.98](#), by a peace officer in consultation with a veterinarian licensed under [AS 08.98](#), or by a peace officer who is unable to locate or communicate with a veterinarian licensed under [AS 08.98](#) that an animal removed under [AS 03.55.100](#) - 03.55.190 is injured or diseased to such an extent that, in the opinion of the veterinarian, it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.

(b) Upon diagnosis and recommendation of a veterinarian licensed under [AS 08.98](#), a public or private custodian may humanely destroy or arrange for the humane destruction of a severely injured, diseased, or suffering animal that has been removed under [AS 03.55.100](#) - 03.55.190.

(c) An owner of an animal destroyed under this section may not recover damages for the destruction of the animal unless the owner shows that the destruction was not reasonable under the facts as known to the veterinarian or the peace officer authorizing the destruction.

(d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or euthanize the animal within 10 business days after the animal is taken into custody. An owner may prevent the animal's adoption or destruction by

(1) petitioning the court of the judicial district in which the animal was removed for the animal's immediate return, subject, if appropriate, to court-imposed conditions; or

(2) posting a bond or security with the court of the judicial district in which the animal was seized in an amount determined by the court to be sufficient to provide for the animal's care for a minimum of 30 days from the date the animal was removed.

(e) If the custodian still has custody of the animal when the bond or security posted under (d)(2) of this section expires and the court has not ordered an alternative disposition, the animal becomes the custodian's property. If a court order prevents the custodian from assuming ownership and the custodian continues to care for the animal, the court shall require the owner of the animal to pay by bond or otherwise for the custodian's continuing costs of care for the animal until a final disposition of the animal is made by the court.

(f) The state may not be required to reimburse a public or private agency, organization, or person that voluntarily assists with a removal of an animal or receives custody of an animal removed under this section for costs of shelter, care, veterinary assistance, or medical treatment rendered to the animal.

**Sec. 03.55.190. Definitions.**

In [AS 03.55.100](#) - 03.55.190,

- (1) "animal" has the meaning given in [AS 11.81.900](#);
- (2) "custodian" means a person responsible by law for the care, custody, or control of animals;
- (3) "department" means the Department of Environmental Conservation.

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### Sec. 03.58.015. State organic certification program.

(a) The department may establish a state organic certification program for producers and handlers of agricultural products within the state that meets the requirements for approval under 7 U.S.C. 6501 - 6522, as amended.

(b) The department may apply under 7 U.S.C. 6514, as amended, for accreditation as a certifying agent under 7 U.S.C. 6501 - 6522, as amended.

### Sec. 03.58.020. Disclosure.

(a) Except as provided in (b) of this section, a person may not sell food represented as organic food unless the name and address of the producer of the food are displayed with the food. If the food is not displayed at the purchase site, a written statement with the name and address of the producer must be given to the purchaser unless the name and address are identified on a package containing the purchased food. This subsection does not apply to a sale for consumption on the premises.

(b) Advertising for the mail order sale of food represented as organic food must include the name and address of the producer of the food.

### Sec. 03.58.030. Sworn statement of compliance.

(a) A producer may not sell to a vendor food represented as organic food unless before the sale the producer provides the vendor with a sworn statement that the producer has grown, raised, or otherwise produced the food in compliance with [AS 03.58.010](#). If a producer sells the food to the same vendor more than one time during a calendar year, one statement for the calendar year is sufficient to comply with this section.

(b) *[Repealed, Sec. 7 ch 64 SLA 2003].*

### Sec. 03.58.040. Records.

A person who sells food represented as organic food shall maintain the records relating to this chapter that the department reasonably requires and shall furnish them to the department when requested by the department.

### Sec. 03.58.050. Regulations.

The department may adopt regulations under [AS 44.62](#) (Administrative Procedure Act) to carry out this chapter, including regulations to establish reasonable fees for services provided by the department.

### Sec. 03.58.060. Enforcement.

(a) If the department determines that a person is violating a provision of this chapter, or a regulation adopted under this chapter, the department shall order the person to stop the violation and to refrain from future violations.

(b) If a person violates this chapter or a regulation adopted under this chapter, the person is liable to the state for

(1) a civil fine established by the department by regulation plus the state's estimated costs of investigating and taking appropriate administrative and enforcement actions for the violation, including attorney fees;

(2) an additional civil penalty of three times the value of the product knowingly sold in violation of this chapter.

(c) The provisions of this section are in addition to the remedies available under [AS 45.50.471](#) - 45.50.561 and federal statute and regulation.

### Sec. 03.58.065. Applicability.

This chapter does not apply to meat, fish, or poultry.

### Sec. 03.58.070. Definitions. *[Repealed, Sec. 7 ch 64 SLA 2003].*

Repealed or Renumbered

## Chapter 03.60 GENERAL PROVISIONS

Sec. 03.60.005. *Use of decompression chamber prohibited. [Repealed, Sec. 2 ch 59 SLA 1982].*

Repealed or Renumbered

Sec. 03.60.010. *[Renumbered as [AS 03.90.010](#)].*



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