



COMMONWEALTH of VIRGINIA

Todd P. Haymore
Commissioner

Department of Agriculture and Consumer Services Division of Animal & Food Industry Services

P.O. Box 1163, Richmond, Virginia 23218

Phone: 804/692-0601 • Fax: 804/371-2380 • Hearing Impaired: 800/828-1120
www.vdacs.virginia.gov

April 8, 2010

Ms. Anne Anderson
Executive Director
Rockingham-Harrisonburg SPCA
2170 Old Furnace Road
P.O. Box 413
Harrisonburg, VA 22803

Dear Ms. Anderson,

Thank you for your enquiry concerning the ability of the Rockingham-Harrisonburg SPCA to engage in Trap-Neuter-Release (TNR) programs as a method of controlling feral cat populations within your locality. I appreciate the sincere interest members of your community have in addressing this issue.

The Rockingham-Harrisonburg SPCA, in its capacity as the animal pound facility for Rockingham County and the City of Harrisonburg, is barred by the Code of Virginia from participating in TNR programs for truly feral (un-owned) cats. Such would also be the case if your organization was operating as a private animal shelter. Under the Code, once you take an animal into custody you are limited in the methods by which you may release it.

If animal control officers for either jurisdiction or an agent of the SPCA traps a cat, or a private individual or organization traps a cat and delivers it to the SPCA, it is firmly under your custody. You must hold the animal for 3-10 days depending on its status, and then legally dispose of it. Per the Code, the only legal dispositions for a cat (and indeed any animal) are to:

- Return the animal to its rightful owner, providing a legitimate claim of ownership can be made;
- Adopt the animal to an individual, provided that no individual can adopt more than two animals within a 30 day period;
- Transfer to another releasing agency for the purposes of adoption or euthanasia; or
- Euthanasia by a method approved by the State Veterinarian.

It is not permissible to return an animal to an at-large status regardless of the circumstances, and such an action would be subject to a civil penalty. Therefore, the SPCA cannot in and of itself conduct a TNR program in any capacity.

The only way by which a TNR program can legally function in Virginia under the Code is if an individual or organization claims ownership of the cats (under the Code, a claim of custodianship can be considered ownership), and has authority to keep cats on the premise where the colony is located.

The SPCA can provide assistance in spaying and neutering animals on behalf of their owner, but again once the cat is under the custody of the SPCA the only options available to the SPCA are to return the animal to its owner, effect an adoption, transfer (for the purposes of adoption or euthanasia) to another releasing agency, or euthanize the animal.

This office does appreciate the sincere desire of many Virginia citizens to utilize TNR programs as a method of controlling truly feral cats. However, at this time the Code of Virginia does not support and indeed explicitly bars animal pounds and shelters from conducting such an effort. If you have any additional questions, I can be reached at 804-786-2483. You may also contact me by email at Dan.Kovich@vdacs.virginia.gov.

Sincerely,



Daniel A. Kovich, DVM, MPH
Staff Veterinarian for Animal Care and Health Policy
Office of Animal Care and Health Policy
Virginia Department of Agriculture and Consumer Services

Copy: Darnice Pettigrew, DVM, North Fork Veterinary Hospital
Richard L. Wilkes, DVM, State Veterinarian & Director
Sherry Helsel, LVT, Animal Pound and Shelter Inspector