

Review Article **Compte rendu**

Toward a harmonized approach to animal welfare law in Canada

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Abstract – Animal protection law in Canada varies across the country. Federal animal protection law exists in the *Criminal Code*, in regulations for the transport of animals, and in regulations for humane handling and slaughter at abattoirs that are inspected by the Canadian Food Inspection Agency. Provincial animal protection laws often include provisions that i) describe a duty of care toward animals; ii) prohibit causing or permitting animal “distress;” iii) specify exemptions from prosecution; and iv) reference various national and other standards. Inconsistencies lead to duplication of effort, create difficulty in working across jurisdictions, and may erode public trust. A more consistent approach might be achieved by i) referencing a common suite of standards in provincial statutes; ii) citing the federal transport and humane slaughter regulations in provincial regulations; iii) establishing agreements so provincial authorities may enforce federal regulations; iv) wider and more uniform adoption of enforcement tools that require people to take immediate action to protect animal welfare; v) developing new standards; and vi) national consultation to define frequently used terms.

Résumé – Vers une harmonisation législative du bien-être animal au Canada. La réglementation applicable en matière de protection animale est variable au Canada. Au niveau fédéral, on retrouve des règles de protection au sein du *Code criminel*, de la réglementation sur le transport et de celle sur la manipulation et l’abattage lorsque ce dernier a lieu dans les abattoirs inspectés par l’Agence Canadienne d’Inspection des Aliments. Les règles de protection animale applicables au niveau provincial prévoient généralement i) la définition d’un devoir de diligence envers les animaux, ii) l’interdiction de causer ou de permettre une ‘détresse’ chez l’animal, iii) des dispenses à l’exercice de poursuites, et iv) la description de standards, notamment nationaux. L’absence d’uniformisation des textes nuit à l’efficacité des efforts réalisés, complique la compréhension et l’application des textes existants et peut alimenter la méfiance du public. Une approche plus rationnelle pourrait être appliquée en, i) adoptant une liste commune de standards au sein des lois provinciales, ii) citant les normes fédérales régulant le transport et l’abatage des animaux dans les lois provinciales, iii) établissant des accords visant à faire appliquer les lois fédérales par les provinces, iv) élargissant et uniformisant l’adoption d’outils juridiques permettant de prendre des actions immédiates afin de protéger le bien-être des animaux, v) en développant de nouveaux standards et vi) à travers une consultation nationale visant à définir les termes fréquemment utilisés.

(Traduit par les auteurs)

Can Vet J 2018;59:293–302

Introduction

Most animal protection law in Canada is made at the sub-national level, especially by provincial and territorial governments which have taken different approaches to the issue (1,2). The result is a patchwork of laws that can be confusing

to the public and that prevent Canada from demonstrating a consistent approach to animal protection. In this paper we summarize key differences among the various jurisdictions, illustrate where and how national and other standards are cited in provincial legislation, and suggest ways to move toward a more harmonized national system.

Current animal protection law in Canada

In Canada, national animal protection law is limited in scope. The *Constitution Act* of 1867 gives the provinces power to make laws with respect to “property” and “all matters of a merely local or private nature in the province.” Animals are considered property under the law, and therefore the provinces have jurisdiction over laws concerning animals kept within the province. However, federal law applies to animal protection in several ways. First, the *Criminal Code* prohibits acts that wilfully (including recklessly) cause unnecessary pain, suffering, or injury to animals, and it bans certain activities such as the fighting or baiting of animals. Second, the transportation of animals

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Table 1. Features of the major provincial/territorial animal protection laws in Canada. Additional Acts with implications for animal care are included in the “Other requirements” column. Current as of September 2017.

Province or territory and Act	Duties of person responsible ^a	Offences and prohibitions	Exemptions to offences	Power to set standards by regulation	Standards referenced	Other requirements
<i>Alberta Animal Protection Act</i>	<ul style="list-style-type: none"> to provide adequate food, water, care, protection, shelter, ventilation, and space 	<ul style="list-style-type: none"> causing distress <i>Person responsible:</i> causing or permitting distress 	<ul style="list-style-type: none"> if following regulations if following reasonable and generally accepted practices 	<ul style="list-style-type: none"> to develop regulations for animal care to adopt or incorporate published standards, codes, etc. 	<ul style="list-style-type: none"> CCAC guides zoos must comply with published standards^b 	<ul style="list-style-type: none"> regulations for transport, markets, and assembly stations additional regulations under other Acts^c
<i>British Columbia Prevention of Cruelty to Animals Act</i>	<ul style="list-style-type: none"> to care for the animal, including protecting the animal from circumstances that are likely to cause distress 	<ul style="list-style-type: none"> causing distress <i>Person responsible:</i> causing or permitting distress animal fighting 	<ul style="list-style-type: none"> if following reasonable and generally accepted practices 	<ul style="list-style-type: none"> to develop regulations for animal care to adopt a regulation, code, etc., set by an organization regarding a regulated activity to require licensing or registration for regulated activities 	<ul style="list-style-type: none"> NFACC dairy cattle code CVMA kennel and cattery codes CVMA <i>Guidelines for Euthanasia of Domestic Animals by Firearms</i> (in <i>Sled Dog Standards of Care Regulations</i>) 	<ul style="list-style-type: none"> <i>Sled Dog Standards of Care Regulation</i> <i>Cattery and Kennel Regulations</i> <i>Dairy Cattle Regulations</i> Additional regulations under other Acts^d
<i>Manitoba Animal Care Act</i>	<ul style="list-style-type: none"> to provide adequate food, water, medical care, protection from injurious heat or cold, space, sanitation, ventilation, and opportunity for exercise 	<ul style="list-style-type: none"> inflicting acute sufferings, injury, harm, anxiety, or distress that significantly impairs health or well-being transporting unfit animals animal fighting other prohibitions 	<ul style="list-style-type: none"> if following standards, codes etc., specified as acceptable, or generally accepted practices, or if treatment is deemed reasonable where suffering/injury/etc. is caused by a process in the course of an accepted activity^e 	<ul style="list-style-type: none"> to designate accepted activities to specify standards, codes, etc. as acceptable to prohibit practices to set standards for animal markets, assembly points, retail stores, etc. 	<ul style="list-style-type: none"> NFACC farm animal codes PMU code CCAC guides CVMA kennel and cattery codes PIJACC recommended stocking densities specified euthanasia standards^f other standards^g 	<ul style="list-style-type: none"> standards for circuses and non-domestic species licensing for kennels and companion animal breeding premises and retail stores <i>Animal Care Regulations</i>
<i>New Brunswick Society for the Prevention of Cruelty to Animals Act</i>	<ul style="list-style-type: none"> to provide food, water, shelter, and care in accordance with the regulations^h 	<ul style="list-style-type: none"> failure to comply with regulations animal fighting 	<ul style="list-style-type: none"> if following standards, etc. in Schedule A (NFACC codes) if following generally accepted practices if treatment is reasonable 	<ul style="list-style-type: none"> to specify standards, codes etc. deemed acceptable 	<ul style="list-style-type: none"> NFACC farm animal codes CCAC guides CVMA kennel and cattery codes, plus others for pet establishmentsⁱ Specified euthanasia standards^j 	<ul style="list-style-type: none"> <i>Horse and Pony Hauling Contests Regulations</i> <i>Pet Establishment Regulations</i>
<i>Newfoundland and Labrador Animal Health and Protection Act^k</i>	<ul style="list-style-type: none"> none defined 	<ul style="list-style-type: none"> causing distress <i>Owner:</i> permitting distress prohibition of practices for animal transport, fighting, confinement, hitching, tail-docking, ear-cropping, cosmetic surgery of dogs 	<ul style="list-style-type: none"> if the class of animals is exempted from the regulation if animals live as prescribed by regulation in the course of an accepted activity 	<ul style="list-style-type: none"> to prescribe standards for facilities, care, and activities involving animals to prescribe accepted activities and how activities are conducted to prescribe classes of animals covered 	<ul style="list-style-type: none"> NFACC farm animal codes CCAC guides CVMA kennel and cattery codes AVMA <i>Guidelines on Euthanasia</i> Other standards^l 	<ul style="list-style-type: none"> sled dog standards in the <i>Animal Protection Standards Regulations</i> basic standards of dog care <i>Fur Farm Regulations</i>

Table 1. Features of the major provincial/territorial animal protection laws in Canada. Additional Acts with implications for animal care are included in the “Other requirements” column. Current as of September 2017 (continued).

Province or territory and Act	Duties of person responsible ^a	Offences and prohibitions	Exemptions to offences	Power to set standards by regulation	Standards referenced	Other requirements
<i>Nova Scotia Animal Protection Act</i>	<p>For non-farm animals:</p> <ul style="list-style-type: none"> to provide adequate food, water, medical attention, protection, space, sanitation, ventilation, and opportunity for exercise 	<ul style="list-style-type: none"> causing distress <i>Person responsible:</i> <ul style="list-style-type: none"> permitting distress <i>Orca</i> possession or breeding^b animal fighting 	<ul style="list-style-type: none"> if following reasonable and generally accepted practices if person responsible takes immediate appropriate steps to relieve the distress 	<ul style="list-style-type: none"> to prescribe standards for facilities and care to define unacceptable practices to define acceptable methods of euthanasia to prescribe or adopt codes to exempt research done under aegis of CCAC 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> <i>Standards of Care for Cats and Dogs Regulations</i> additional regulations under other Acts^m
<i>Ontario Society for the Prevention of Cruelty to Animals Act</i>	<ul style="list-style-type: none"> to comply with prescribed standards of care 	<ul style="list-style-type: none"> causing distress <i>Person responsible:</i> <ul style="list-style-type: none"> permitting distress <i>Orca</i> possession or breeding^b animal fighting 	<ul style="list-style-type: none"> if following reasonable and generally accepted practices in cases of prescribed classes of animals, prescribed circumstances, or prescribed activities^o 	<ul style="list-style-type: none"> to prescribe standards of care to prescribe activities that constitute reasonable and generally accepted practices 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> standards for food, water, medical care standards for dogs kept outdoors, captive wildlife and primates, marine mammals additional regulations under other Acts^p
<i>Ontario Animals for Research Act</i>	<ul style="list-style-type: none"> to register facilities, file reports, operate an animal care committee, use anesthetics and analgesics 	<ul style="list-style-type: none"> failure to comply with the Act or Regulations 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> to prescribe facilities, transportation, and standards for health, welfare, and care of animals 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> standards for housing, care, and transport of animals used in research facilities standards for dog and cat shelters
<i>Prince Edward Island Animal Welfare Act</i>	<ul style="list-style-type: none"> to provide adequate food, water, veterinary care, shelter, opportunity for exercise, safe transport 	<ul style="list-style-type: none"> causing or prolonging distress torturing an animal animal fighting cosmetic surgery^q releasing a horse or dog in a way that causes distress loading or unloading an unfit commercial animal 	<ul style="list-style-type: none"> if following reasonable and generally accepted practices if activity is consistent with a standard specified as acceptable in regulations if activity is otherwise reasonable and does not cause unnecessary suffering 	<ul style="list-style-type: none"> to prohibit or restrict activities to adopt standards, manuals, etc. 	<ul style="list-style-type: none"> NFACC farm animal codes PMU code CCAC guides CVMA kennel and cattery codes Sled Dog Code of Practice^r PIJACC recommended space requirements specified euthanasia standards^s 	<ul style="list-style-type: none"> standards for companion animal retail stores standards for exotic companion animals standards of care for animals at markets and in fairs and exhibitions <i>Circus Animals Regulations</i>
<i>Quebec Animal Welfare and Safety Act</i>	<ul style="list-style-type: none"> to provide adequate food, water, suitable living conditions, exercise, protection from excessive heat or cold, proper transport, care when injured, ill, or suffering 	<ul style="list-style-type: none"> causing distress animal fighting transporting or shipping an unfit animal to auction 	<ul style="list-style-type: none"> agricultural, veterinary, teaching, and research activities carried out in accordance with generally recognized rules^t 	<ul style="list-style-type: none"> to designate other animals to be included to make compliance with standards and codes mandatory 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> <i>Regulation Respecting the Safety and Welfare of Cats and Dogs</i> additional regulations under other Acts^u

Table 1. Features of the major provincial/territorial animal protection laws in Canada. Additional Acts with implications for animal care are included in the “Other requirements” column. Current as of September 2017 (continued).

Province or territory and Act	Duties of person responsible ^a	Offences and prohibitions	Exemptions to offences	Power to set standards by regulation	Standards referenced	Other requirements
<i>Quebec Animal Health Protection Act</i>	<ul style="list-style-type: none"> • none defined 	<ul style="list-style-type: none"> • none defined 	<ul style="list-style-type: none"> • none 	<ul style="list-style-type: none"> • to regulate the sanitary condition of facilities (stables, vehicles, assembly yards, etc.) • to establish sanitary standards for pet shops, pounds, or facilities 	<ul style="list-style-type: none"> • none 	<ul style="list-style-type: none"> • <i>Regulation Respecting the Sale of Livestock by Auction</i>
<i>Saskatchewan Animal Protection Act</i>	<ul style="list-style-type: none"> • none defined 	<ul style="list-style-type: none"> • causing distress <i>Person responsible:</i> • causing or permitting distress 	<ul style="list-style-type: none"> • if following standards, etc. prescribed as generally accepted • if following generally accepted practices 	<ul style="list-style-type: none"> • to prescribe acceptable standards or codes, etc. for animal care • to prescribe standards for facilities for animals kept for sale, exhibition, etc. 	<ul style="list-style-type: none"> • NFACC farm animal codes • PMU code • CVMA kennel and cattery codes • Mush with P.R.I.D.E. <i>Sled Dog Care Manual</i> standards^v 	<ul style="list-style-type: none"> • additional regulations under another Act^w
<i>Yukon Animal Protection Act</i>	<ul style="list-style-type: none"> • none defined 	<ul style="list-style-type: none"> • causing distress <i>Person responsible:</i> • permitting distress 	<ul style="list-style-type: none"> • if following reasonable and generally accepted practices if done humanely 	<ul style="list-style-type: none"> • to prescribe standards of care for animals kept for sale, hire, or exhibition 	<ul style="list-style-type: none"> • none 	<ul style="list-style-type: none"> • none

^a “Person responsible” is variously defined as “the owner,” “the person in charge,” “the person who has ownership, possession and control,” “the person who owns or has custody or care,” etc.

^b In Alberta, zoos operating under a permit issued under the *Wildlife Act* must comply with the *Government of Alberta Standards for Zoos in Alberta*.

^c The *Domestic Cervid Industry Regulation* under the *Livestock Industry Diversification Act*; the *Egg Farmers of Alberta Marketing Regulations* under the *Marketing of Agricultural Products Act*.

^d The *Game Farm Regulations* and the *Fur Farm Regulations* are under the *Animal Health Act*; the *Meat Inspection Regulations* under the *Food Safety Act*; and relevant *Motor Vehicle Act Regulations* under the *Motor Vehicle Act*.

^e In Manitoba, Section 4(1) of the Act states that “accepted activities” include agricultural use of animals, slaughter, research, pest control and others, provided that these are done in a manner that is consistent with a standard, code, etc. specified as acceptable in the regulations, and that is “consistent with generally accepted practices or procedures for such activities, and that does not cause needless suffering,” or “that is otherwise reasonable in the circumstances and that does not cause needless suffering,” and “is not a practice or procedure specified as prohibited in the regulations.”

^f Manitoba lists the following standards for euthanasia: *Guidelines for Euthanasia of Domestic Animals by Firearms (CVMA), 1993 Report of the AVMA Panel on Euthanasia and the CCAC Guide to the Care and Use of Experimental Animals*.

^g *CAFE Animal Safety and Security Manual*; Mush with P.R.I.D.E. *Sled Dog Care Manual*.

^h In New Brunswick, regulations expand on the duties listed in the Act by requiring that responsible persons provide adequate food, water, medical attention, protection from injurious heat and cold, and that animals in enclosures have adequate space, sanitation, ventilation and opportunity for exercise.

ⁱ New Brunswick’s *Pet Establishment Regulation* requires licenced kennels to comply with the CVMA kennel code, and animal shelters and pet retail stores to comply with provisions of the CVMA kennel and cattery codes, the PIJACC recommended stocking densities, and 2 standards for exotic pets published by the New Brunswick Society for the Prevention of Cruelty to Animals.

^j New Brunswick lists the following standards for euthanasia: *AVMA Guidelines for the Euthanasia of Domestic Animals by Firearms (CVMA), 2013 Edition*, *Guidelines for Euthanasia of Domestic Animals by Firearms (CVMA)*, and *CCAC Guidelines on: Euthanasia of Animals Used in Science*.

^k The *Newfoundland and Labrador Animal Health and Protection Act* states that the Act shall be read in conjunction with the *Labrador Inuit Land Claims Agreement Act*, and the latter will have precedence.

^l *CAZA Animal Care and Housing Manual*; PIJAC *Animal Care Guidelines for the Retail Pet Industry*.

^m The *Animal Care Program and On-Farm Food Safety Assurance Program Regulations* are under the *Natural Products Act* and is a Chicken Farmers of Canada program based on the NFACC code; the *Meat Inspection Regulations* are made under the *Meat Inspection Act*.

ⁿ Possession of an *Orca* may continue if the person possessed the *Orca* in Ontario before the Act received Royal Assent.

^o In Ontario, these exemptions apply to the Requirement to comply with prescribed standards of care (Section 11.1 of the Act), not to the prohibition on causing or permitting distress (Section 11.2).

^p The *Disposal of Deadstock Regulation* under the *Food Safety and Quality Act*; other provisions exist in the *Livestock Community Sales Act*.

^q Cosmetic surgery includes tail-docking dogs, horses, or cattle, tail-nicking for horses, ear-cropping of dogs, and any other prescribed alteration or surgery.

^r PEI refers to the Sled Dog Code of Practice published in 2012 by the Ministry of Agriculture in British Columbia.

^s PEI lists the following standards for euthanasia: *AVMA Guidelines for the Euthanasia of Animals: 2013 Edition*; provisions related to euthanasia in the CVMA kennel and cattery codes and the NFACC farm animal codes; the *CCAC Guidelines on: Euthanasia of Animals Used in Science* and the *Guidelines for Euthanasia of Domestic Animals by Firearms (CVMA)*.

^t This exemption applies to the obligations to protect welfare and safety and the prohibition of causing distress.

^u The *Regulations Respecting Animals in Captivity* are under the *Act Respecting the Conservation and Development of Wildlife*; the *Regulations Respecting Food* are under the *Food Products Act*.

^v Saskatchewan lists the following standards for euthanasia: *Guidelines for Euthanasia of Domestic Animals by Firearms (CVMA)* and the *AVMA Guidelines for the Euthanasia of Animals: 2013 Edition*.

^w The *Fur Farming Regulations*, *Domestic Game Farm Animal Regulations*, *Livestock Dealer Regulations*, and the *Livestock Inspection and Transportation Regulations* are under the *Animal Products Act*.

is subject to regulations under the federal *Health of Animals Act*. Third, the handling and slaughter of animals at federally inspected abattoirs (abattoirs whose products are allowed to cross provincial and international borders) are regulated under the *Meat Inspection Act* (1).

On a sub-national level, all provinces plus Yukon have legislation pertaining to the protection, care, or welfare of animals. Provinces define “animal” in different ways, some simply stating that an animal is a non-human being with a developed nervous system, and others listing numerous species under the definition. Laws pertaining to animals differ in several key ways which are summarized as follows and in Table 1.

Duty of care

Seven provinces set out specific duties of people who own or are responsible for animals. In Alberta, for example, a person “who owns or is in charge of an animal” must ensure that the animal has adequate food and water, provide adequate care when the animal is wounded or ill, provide reasonable protection from injurious heat and cold, and provide adequate shelter, ventilation, and space. Manitoba and New Brunswick have similar requirements, and include that a person shall not confine an animal without providing an opportunity for exercise. Nova Scotia specifies roughly similar duties but applies them only to non-farm animals. British Columbia requires that anyone responsible for an animal must care for the animal and protect the animal “from circumstances that are likely to cause the animal to be in distress.” It also requires the operators of a “regulated activity” (keeping sled dogs, dairy farming, and operating a kennel or cattery) to ensure that their employees are “adequately trained and sufficiently equipped” to comply with the relevant regulations, and it creates a structure for the licensing or registration of operators and allows the government to set relevant standards. In Quebec the *Animal Welfare and Safety Act* specifies that the “owner or custodian” of an animal must ensure that the animal’s welfare and safety are not compromised.

Distress

Most jurisdictions specify some form of offence relating to animal “distress.” Nine provinces and Yukon prohibit any person from causing animals to be in distress, and additionally prohibit the owner (or person in charge) from permitting animals to be in distress. In British Columbia, for example, the *Prevention of Cruelty to Animals Act* states that “a person must not cause an animal to be in distress” (Section 23.2) and that the “person responsible for an animal must not cause or permit the animal to be, or continue to be, in distress” (Section 9.1).

Nine provinces and Yukon provide definitions of “distress.” For example, in Saskatchewan, an animal is deemed to be in distress if it is “deprived of adequate food, water, care or shelter; injured, sick, in pain or suffering; or abused or neglected.” Alberta’s definition also includes deprivation of adequate ventilation, space, and reasonable protection from injurious heat or cold.

Generally, the legal definitions of distress have broadened over time. For instance, amendments in 2008 to the British Columbia *Prevention of Cruelty to Animals Act* expanded the

definition of distress beyond deprivation of adequate food, water, and shelter to include deprivation of “adequate ventilation, space, care, or veterinary treatment.” In 2012, the definition was broadened further to include deprivation of adequate exercise, failure to protect animals “from excessive heat or cold,” and keeping animals in unsanitary conditions. Manitoba’s law now also prohibits causing an animal “extreme anxiety...that significantly impairs its health or well-being.” Quebec’s definition of distress includes exposing an animal to conditions that cause “extreme anxiety or suffering;” Nova Scotia’s law includes animals that are “suffering undue hardship, anxiety, privation or neglect;” and in Prince Edward Island, distress is “any pain, suffering, harm, extreme anxiety, or other impairment of health or well-being.”

Exemptions

Most of the jurisdictions allow some form of exemption from prosecution under certain conditions. All provinces and Yukon include an exemption in cases in which a person has followed “reasonable and generally accepted practices” (or just “generally accepted practices”) of animal management (Table 1). Some provinces include other exemptions, for example, in Nova Scotia if the person “takes immediate appropriate steps to relieve the distress” or in New Brunswick if the treatment of an animal is “reasonable in the circumstances” or is “consistent with a standard or code of conduct, practice, or procedure specified in Schedule A” which lists the national farm animal codes. However, little or no specific guidance is generally given on the interpretation of terms such as “generally accepted” and “reasonable.” In addition, some provinces create an exemption in cases where a person has followed “regulations” (Alberta) or follows standards that have been “prescribed as acceptable” (Saskatchewan). In such cases, the Act typically gives the government the power to make regulations and/or to adopt existing standards.

Transport and slaughter

Federal regulations for the transportation of animals (*Health of Animals Regulations, Part XII-Transportation of Animals*) apply throughout the country, but additional provincial statutes, combined with different arrangements regarding enforcement, create a more complex picture. For the most part, only federal authorities or designated individuals are empowered to enforce the federal regulations. However, Ontario and Quebec have agreements with the Canadian Food Inspection Agency (CFIA) whereby provincial inspectors can monitor compliance with the federal transportation of animals regulations in order to achieve more efficient inspection and sharing of information with federal authorities.

Various other regulations for humane transport of animals exist in Alberta and Saskatchewan, and Ontario has regulations for the transport of animals (including livestock) used in research. Ontario also has the *Disposal of Deadstock Regulation* under the *Food Safety and Quality Act* which states that the person responsible for a fallen animal shall kill or arrange to have it killed humanely, and that “no person may move a fallen animal before it is killed.” In British Columbia’s *Motor Vehicle*

Table 2. National and other animal welfare standards cited in Canadian provincial animal protection Acts and Regulations. The current codes are listed; some legislation cites codes with the provision “as amended from time to time.”

Farmed animals

- *Recommended Code of Practice for the Care and Handling of Farmed Deer (Cervidae)* (1996)
- *Recommended Code of Practice for the Care and Handling of Farm Animals: Transportation* (2001)
- *Recommended Code of Practice for the Care and Handling of Farm Animals Goats* (2003)
- *Code of Practice for the Care and Handling of Dairy Cattle* (2009)
- *Code of Practice for the Care and Handling of Beef Cattle* (2013)
- *Code of Practice for the Care and Handling of Equines* (2013)
- *Code of Practice for the Care and Handling of Farmed Fox (Vulpes vulpes)* (2013)
- *Code of Practice for the Care and Handling of Farmed Mink* (2013)
- *Code of Practice for the Care and Handling of Sheep* (2013)
- *Code of Practice for the Care and Handling of Pigs* (2014)
- *Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chicken and Turkeys* (2016)
- *Code of Practice for the Care and Handling of Bison* (2017)
- *Code of Practice for the Care and Handling of Veal Cattle* (2017)
- *Code of Practice for the Care and Handling of Pullets and Laying Hens* (2017)
- *Recommended Code of Practice for the Care and Handling of Horses in PMU Operations, 6th Edition printing* (2013)

Animals used in research, teaching, and testing

- *CCAC Guide to the Care and Use of Experimental Animals*, Vol. 1, 2nd ed. (1993)
- *CCAC Guide to the Care and Use of Experimental Animals*, Vol. 2 (1984)
- *CCAC Guidelines on: Animal Use Protocol Review* (1997)
- *CCAC Guidelines on: Transgenic Animals* (1997)
- *CCAC Guidelines on: Choosing an Appropriate Endpoint in Experiments Using Animals for Research, Teaching and Testing* (1998)
- *CCAC Guidelines on: Institutional Animal User Training Program* (1999)
- *CCAC Guidelines on: Antibody Production* (2002)
- *CCAC Guidelines on: The Care and Use of Wildlife* (2003)
- *CCAC Guidelines on: Laboratory Animal Facilities — Characteristics, Design and Development* (2003)
- *CCAC Guidelines on: The Care and Use of Fish in Research, Teaching and Testing* (2005)
- *CCAC Guidelines on: The Care and Use of Farm Animals in Research, Teaching and Testing* (2005)
- *CCAC Guidelines on: Procurement of Animals Used in Science* (2007)

Companion animals

- *Animal Husbandry Manual* (PIJAC 1987) USA
- *Animal Care Guidelines for the Retail Pet Industry* (PIJAC 2006) USA
- *A Code of Practice for Canadian Kennel Operations* (CVMA 2007)
- *A Code of Practice for Canadian Cattery Operations* (CVMA 2009)
- *Recommended Stocking Densities for Dogs Kept in a Retail Environment* (PIJACC 2004)
- *Recommended Stocking Densities for Birds Kept in a Retail Environment* (PIJACC 2007)
- *Recommended Stocking Densities for Cats Kept in a Retail Environment* (PIJACC 2008)
- *Recommended Stocking Densities for Juvenile Small Animals Kept in a Retail Environment* (PIJACC 2008)
- *Certified Reptile Specialist Program* (PIJACC 2010)
- *Code of Practice for the Care of Amphibians in New Brunswick Pet Establishments* (New Brunswick Society for the Prevention of Cruelty to Animals 2010)
- *Care of Small Animals and Birds in New Brunswick Pet Establishments — Food and Water* (New Brunswick Society for the Prevention of Cruelty to Animals 2010)

Euthanasia

- *1993 Report of the American Veterinary Medical Association Panel on Euthanasia*
- *2000 Report of the American Veterinary Medical Association Panel on Euthanasia*
- *American Veterinary Medical Association Guidelines for the Euthanasia of Animals: 2013 Edition*
- *Guidelines for Euthanasia of Domestic Animals by Firearms* (cited as CVMA or Longair et al., 1991 depending on the province)
- *CCAC Guide to the Care and Use of Experimental Animals*, Vol. 1, 2nd ed. (1993)
- *CCAC Guidelines on: Euthanasia of Animals Used in Science* (2010)

Other standards

- *Animal Safety and Security Manual*, 2nd ed. (Canadian Association of Fairs and Exhibitions, CAFE 1995)
- *Government of Alberta Standards for Zoos in Alberta* (Alberta Zoo Standards Committee 2005)
- *Sled Dog Care Guidelines* (Mush with P.R.I.D.E. 2009) USA
- *Sled Dog Code of Practice* (British Columbia Ministry of Agriculture 2012)
- *Animal Care and Housing Manual* (Canada's Accredited Zoos and Aquariums, CAZA 2008)

Act Regulations, poultry and livestock must be transported with “adequate accommodation...to ensure that suffocation, injury or overcrowding does not occur.” Additionally, 8 provinces and Yukon contain provisions for the safe transport of animals. For example, Yukon’s *Animal Protection Act* states that “no person shall transport an animal outside the passenger compartment of any motor vehicle or trailer unless the animal is adequately confined.”

Several provinces (Alberta, Nova Scotia, Ontario, Quebec, and Saskatchewan) have provincial meat inspection regulations containing provisions for humane slaughter that apply to abattoirs that are not inspected by the CFIA and hence are not required to comply with federal regulations. In 4 provinces, however, the wording effectively requires provincially inspected abattoirs to conform to the same standards of humane slaughter as federally inspected abattoirs. Specifically, i) in British Columbia, the *Meat Inspection Regulation* under the *Food Safety Act* requires animals to be kept and slaughtered “in accordance with the provisions relating to the humane treatment of animals” contained in the federal *Meat Inspection*

Regulations; ii) in Quebec, in addition to requirements for humane slaughter made under the *Animal Welfare and Safety Act*, the *Regulations Respecting Food* under the *Food Products Act* state that animals “must be restrained, rendered unconscious and bled” in accordance with the relevant sections (Sections 76–80) of the federal *Meat Inspection Regulations*; iii) Manitoba’s *Animal Care Regulation*, under the *Animal Care Act*, states that the slaughter of animals shall be done in accordance with the *Meat Inspection Act* (Canada) and the *Meat Inspection Regulations* made under that Act; and iv) Prince Edward Island’s *Animal Welfare Regulations* under the *Animal Welfare Act* state that “no person shall slaughter a food animal except in accordance with the provisions of Sections 77 to 80 of the *Meat Inspection Regulations*.”

Finally, provisions for religious slaughter also exist. Section 77 of the federal *Meat Inspection Regulations* states that “every food animal that is ritually slaughtered in accordance with Judaic or Islamic law shall be restrained and slaughtered...in a manner that causes the animal to lose consciousness immediately.” Alberta, Ontario, and Saskatchewan also include exemptions on religious grounds in their respective meat inspection regulations.

Compliance orders and other tools to safeguard animal welfare

As additional enforcement tools, some provinces have provisions that allow inspectors, agents, and/or directors to take immediate action, or to require others to take immediate action, regarding animal welfare.

Manitoba, Nova Scotia, Ontario, Prince Edward Island, and Quebec have legislation that authorizes a director, inspector, agent, or minister to issue an order that requires animal owners or custodians to take certain actions. For example, the “*Director’s Order to Take Action*” in Manitoba authorizes “the director” to order the individual responsible for an animal to take certain actions to relieve the animal of distress or seek veterinary care for the animal. Similarly, in Quebec the minister may order a person to relinquish custody of an animal, or impose other conditions, for a period of 60 days if an animal is in distress. In general, these options allow authorities to require immediate action without the potential delays involved in prosecution. Also in Manitoba, the “*Justice’s Order to Restrict Number of Animals*” allows a Justice of the Peace to prohibit “an owner from owning or having possession or control of more than a specified number or type of animals.” This type of provision can help deal with people who have a known propensity to hoard animals.

Ontario, Manitoba, and Prince Edward Island have additional options for safeguarding animal welfare at livestock auctions. In Ontario, the *Livestock Community Sales Act* requires that a provincially appointed inspector be present at auction markets when auction is being conducted. A compromised animal found at the auction can be tagged by a provincially appointed veterinarian so that it must proceed directly to a nearby slaughter plant (or be euthanized, treated, or sent for treatment) and not experience the handling and delays that may occur in the normal marketing process. In Manitoba, the transportation of unfit animals is prohibited by the *Animal Care Act*. The operator of a commercial animal market or assembly station, therefore, must notify the director of any unfit animals that arrive at the facility and must supply any additional information requested by the director. Under the *Animal Welfare Regulations* in Prince Edward Island, operators of commercial markets must provide shelter, food, water, and bedding for animals that remain at the market for more than 36 hours, and they must provide appropriate care and treatment if an animal becomes ill, injured, or fatigued.

Duplication of Criminal Code provisions

Seven provincial laws effectively duplicate provisions in the *Criminal Code*, most notably by banning the fighting of animals (see Table 1).

Standards referenced in animal protection law

In many provinces, animal protection regulations give formal recognition to the following national or other standards (Table 2).

1. Codes of practice for the care and handling of animals have been written for the major farm animal species, currently under the auspices of the National Farm Animal Care

Council (NFACC) or, in the case of the code for pregnant mare urine operations, the government of Manitoba.

2. The Canadian Council on Animal Care (CCAC) has published numerous guides and guidelines on the care of animals used for research, teaching, and testing, plus a number of policy statements on matters such as the functioning of institutional animal care committees.
3. The Canadian Veterinary Medical Association (CVMA) has published codes for kennels and catteries, plus guidance on the use of firearms for euthanasia of animals.
4. The Pet Industry Joint Advisory Council of Canada (PIJACC) has published guidance on maximum stocking densities for animals in retail stores, plus other material.
5. The Canadian Association of Fairs and Exhibitions (CAFE) has published an *Animal Safety and Security Manual*, which is referenced by Manitoba.
6. Finally, Canada’s Accredited Zoos and Aquariums (CAZA, previously called the Canadian Association of Zoos and Aquariums) has an *Animal Care and Housing Manual*, which is referenced by Newfoundland and Labrador.

Some international standards are also referenced in provincial regulations. These include various guidance documents on euthanasia by the American Veterinary Medical Association (AVMA), *Sled Dog Care Guidelines* of the Alaska-based organization Mush with Providing Responsible Information on a Dog’s Environment (P.R.I.D.E.) and the *Animal Care Guidelines for the Retail Pet Industry*, published by the Pet Industry Joint Advisory Council (PIJAC) in the United States (Table 2).

Some provincial governments have created their own standards for specific activities. As examples, Alberta requires that licenced zoos comply with the *Government of Alberta Standards for Zoos in Alberta*, and British Columbia has regulations for sled dogs under the *Prevention of Cruelty to Animals Act*, as well as regulations for fur and game farms under the *Animal Health Act*. New Brunswick requires licenced shelters and pet retail stores to comply with provincial codes for amphibians, small animals, and birds, and the *Horse and Pony Hauling Contests Regulation* prohibits shouting at and whipping horses and ponies. Ontario has created its own regulation on standards of care for all animals, including captive wildlife and marine mammals, under its *Society for the Prevention of Cruelty to Animals Act*, and Manitoba and Prince Edward Island have specific requirements for circus animals and other non-domestic species.

Different approaches to referencing standards

The standards described are sometimes used in court cases, for example to establish whether a defendant was following “generally accepted” practices or rules. There is also a growing trend to reference standards explicitly in provincial regulations, but jurisdictions do this in different ways (Table 1).

In the case of farm animals, 6 provinces (British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Prince Edward Island, and Saskatchewan) reference 1 or more of the national codes for farm animals in their animal protection regulations (Table 1), and Saskatchewan, Manitoba, and

Prince Edward Island reference the code for pregnant mare urine (PMU) operations.

In a different approach, some provinces reference national codes in their marketing or food regulations, sometimes through certification programs developed by producer organizations (3). For example, Nova Scotia's *Animal Care Program and On-Farm Food Safety Assurance Program Regulations* under the *Natural Products Act*, state that chicken producers in Nova Scotia must meet the Requirements of the Animal Care Program and the On-Farm Food Safety Assurance Program that were developed by Chicken Farmers of Canada and is based on the NFACC *Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chicken and Turkeys*. Similarly, the *Egg Farmers of Alberta Marketing Regulations*, under Alberta's *Marketing of Agricultural Products Act*, states that the Board may cancel, suspend, or refuse to renew a licence if a registered producer "fails to comply with the animal care policy," which is based on the NFACC *Code of Practice for the Care and Handling of Pullets and Laying Hens*.

For laboratory animals, 5 provinces cite 1 or more CCAC guides or guidelines as appropriate standards. Nova Scotia's Act, while not referencing CCAC documents, gives the government the power to exempt research from prosecution if it is done under the aegis of the CCAC. In contrast, Ontario created its own extensive regulations for laboratory animal care under its *Animals for Research Act*.

For kennels and other establishments dealing with companion animals, 6 provinces (British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Prince Edward Island, and Saskatchewan) cite 1 or more national standards. In New Brunswick, for example, licenced kennels must comply with the kennel code of the CVMA, and licenced shelters and pet retail stores must comply with a range of requirements, some of which are taken from the CVMA kennel and cattery codes. In contrast, Nova Scotia and Quebec have regulations regarding the care of cats and dogs, but do not refer to the CVMA codes; Ontario has regulations for animal shelters under its *Animals for Research Act*; and both Nunavut and the Northwest Territories have a *Dog Act* that prohibits dog abuse.

Six provinces cite standards for the euthanasia of animals, although details vary from standard to standard, and NFACC codes also generally give guidance on euthanasia. Manitoba, New Brunswick, Prince Edward Island, and Saskatchewan reference the same *Guidelines for Euthanasia of Domestic Animals by Firearms*, attributed to the CVMA or Longair et al (4), depending on the province. British Columbia also cites these guidelines, but only in the *Sled Dog Standards of Care Regulation*. New Brunswick, Prince Edward Island, and Saskatchewan cite the *AVMA Guidelines for the Euthanasia of Animals: 2013 Edition*, while Manitoba cites the *1993 Report of the AVMA Panel on Euthanasia*, and Newfoundland and Labrador references the "latest edition" of the *Guidelines on Euthanasia* published by the AVMA. New Brunswick and Prince Edward Island cite the *CCAC Guidelines on: Euthanasia of Animals Used in Science*, while Manitoba refers to CCAC's *Guide to the Care and Use of Experimental Animals*.

The language used in referencing standards can either create a positive duty to comply or provide a defense by establishing

"accepted practices," giving standards varying degrees of strength in the law. British Columbia and Saskatchewan cite standards as a means of establishing generally accepted practices. Hence, failure to follow the standards is not by itself an offence; rather, the offence consists of causing or permitting distress, and conforming to the standards would allow the defence of following accepted practices. For example, British Columbia's *Dairy Cattle Regulation* under the *Prevention of Cruelty to Animals Act* recognizes the NFACC *Code of Practice for the Care and Handling of Dairy Cattle* as "reasonable and generally accepted practices of dairy farming." As another example, the *Animal Protection Regulations* under the *Animal Protection Act* in Saskatchewan cite prescribed standards or codes of conduct as "acceptable."

In contrast, some provinces use language like "shall comply" or "must comply" when referencing certain standards. In Prince Edward Island, for example, license-holders for companion animal retail stores, owners of boarding facilities, and owners of commercial animals and/or sled dogs "shall comply" with the standards referenced, and animals used for research "shall be kept in accordance with" the CCAC guides listed. In Manitoba, the various animal activities listed "shall be done in accordance with" the standards referenced. New Brunswick states that "a person who has ownership, possession or care and control of more than 5 dogs ... shall provide the animals with food, water, shelter and care in accordance with" the CVMA code for kennel operations, and that "failure to comply with the Regulations" (where the farm animal codes are listed) is an offence. Additionally, Alberta has the provision that "a person who owns or has custody, care or control of an animal for research activities must comply with" the CCAC documents listed.

Finally, the *Animal Protection Regulations* of Newfoundland and Labrador take a different approach by referencing a large number of codes and standards, and stating that the code or standard "may be considered a Requirement where the word 'must,' 'shall,' or 'require' is contained in the standard" (Table 1).

Toward a coherent national system

In a country as large and diverse as Canada, a persistent challenge is to balance the simplicity of a consistent, national approach against the desire to protect real differences among jurisdictions. Animal protection is an obvious case in point as some aspects (such as criminal law) are national, while many others vary by jurisdiction. The variation is obviously relevant where it meaningfully reflects the diversity of the country including different concerns or practices, for example between jurisdictions that do or do not have farming of wildlife. We suspect, however, that many of the differences in animal protection law in Canada arose more incidentally, for example if legislators or regulators were concerned about specific issues at a given time, or if options that were developed in one province were not widely known in others.

A more consistent, national approach could have several advantages, at least for jurisdictions with significant animal industries and a public that expresses concern over animal welfare. Many animal producer and user organizations support codes of practice (including the NFACC codes and CCAC guides) and see them as a way of maintaining good standards

and public confidence in their spheres of activity. However, because these codes and guidelines have different legal status in different jurisdictions, they provide limited assurance to the public of a consistent system of animal protection, and Canada cannot assure potential trading partners of a uniform approach. The use of national standards could also prevent duplication of effort in creating, enforcing, and complying with standards. In Ontario, for example, research establishments currently must comply with provincial regulations under the *Animals for Research Act* as inspected by provincial officials, and most must also comply with CCAC guides as assessed by the CCAC. In addition, some provinces duplicate each other's efforts, for example, by writing provincial standards, such as Nova Scotia's *Standards of Care for Cats and Dogs Regulations* rather than adopting national standards such as the CVMA kennel and cattery codes. The NFACC has established methods for using scientific evidence as a basis for setting standards for farm animals with broad input from across the country. This method seems likely to create public confidence (3,5), whereas the *ad-hoc* development of provincial standards may not.

Greater harmonization of animal welfare law could be relevant to veterinarians in several ways. As captured in the Veterinarian's Oath, veterinarians aspire to be promoters of animal welfare, but in Canada, as a federated nation, they have little national policy to draw on (6,7). Creation of an effective national approach to animal welfare law could support veterinarians in this role and simplify their work in cases in which individuals practice in more than one province or territory. Veterinarians are also directly involved in animal welfare enforcement in some jurisdictions; this work could be facilitated if jurisdictions adopt effective regulations and compliance tools that have already proven valuable in other provinces. Moreover, many veterinarians play key roles in developing provincial/territorial policies and regulations; hence, communication and cooperation among veterinary services could play an important role in harmonization.

A concern is sometimes expressed that if codes are cited in regulations, there may be a temptation to include only minimal standards in future codes. Experience does not appear to support this view. For example, the NFACC *Code of Practice for the Care and Handling of Dairy Cattle* was published in 2009 when codes were already referenced in several provinces, yet it contained major new Requirements, for instance that pain control must be used for disbudding, dehorning and castration, and that tail-docking be discontinued "unless medically necessary." Similarly, the NFACC *Code of Practice for the Care and Handling of Pigs* (published in 2014) called for significant changes regarding pain control and limits on the use of gestation stalls.

In some provinces regulators may not wish to cite national standards because they do not want to be bound by standards set by an outside body, especially if these may be revised in the future. However, many provinces now have years of experience in citing national standards, and the trend over time has been for more provinces to adopt the approach and for none to abandon it. In addition, standards are normally cited in Regulations rather than the Act, so provincial regulators could make changes

with relatively little difficulty if a standard is revised in a way that proves unacceptable to them.

Movement toward a consistent national program might be achieved in several ways.

1. One option is that provincial regulations could cite the same suite of codes and guidelines in a consistent way so that the same basic standards apply throughout the country. It may also be helpful to specify that it is the "Requirements" of the codes that should be followed, so that codes can continue to include recommendations for best practices without the risk that these will be interpreted as mandatory.
2. Marketing regulations and other programs that license or certify producers could incorporate codes in uniform ways, possibly following the examples of Alberta and Nova Scotia.
3. Provinces and territories could also cite the federal regulations for humane treatment and slaughter of animals, under the *Meat Inspection Act*, so that these become the standard for provincially as well as federally inspected abattoirs.
4. Similarly, provinces and territories could cite the federal transportation of animals regulations, so that both provincial and federal officials are empowered to enforce what are effectively the same transportation standards.
5. Agreements between federal and provincial/territorial authorities, such as those that exist in Ontario and Quebec regarding the transportation of animals regulations, could allow provincial/territorial officials to enforce federal regulations and allow sharing of information on compliance perhaps *via* a shared database. This might require an agreement on cost-sharing as well.
6. Enforcement tools that authorize immediate action, such as compliance orders and options for handling compromised animals at auction markets, could be adopted more broadly and in a consistent manner.
7. When a jurisdiction needs a new standard, the process could be done at a national level according to the well-established procedures for code development of organizations such as NFACC.
8. As a more long-term goal, national consultation might help to achieve broad agreement on common approaches including duties of owners, the definition of distress, and other common terms such as "reasonable and generally accepted practices" so that more uniform approaches can be adopted as appropriate when Acts are revised.
9. Consultation and sharing of experience might help to clarify the effects of duplicating certain provisions, notably the ban on animal fighting that occurs in both criminal and certain provincial laws.

Acknowledgments

The authors thank Betty Althouse, Vaughan Black, Ken Bryenton, Mike Draper, Jim Fairles, Michelle Follensbee, LeeAnn Forsythe, Jim Goltz, Leighann Hartnett, Hussein Keshwani, Candace King, Colleen Marion, Marcie Moriarty, Jane Pritchard, H el ene Tr epanier, Dwight Thompson, Mary Vanderkop, and the journal reviewers for helpful information and suggestions. The opinions and recommendations, however, are solely those of the authors.

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