



## THE WASHINGTON FEDERATION OF ANIMAL CARE AND CONTROL AGENCIES

### House Bill 1026 (Appleton, Fitzgibbon, and Stanford) Questions & Answers About the Legislation and Its Implementation

#### What is House Bill 1026 (HB 1026)?

HB 1026 is a new law that will become effective on January 1, 2020. The bill adds a new section to Chapter 16.08 RCW that preempts local authority to prohibit possession of a particular breed of dog, declare a breed of dog to be dangerous or potentially dangerous, or impose other requirements associated with possession of specific dog breeds, unless a reasonable exemption process is maintained.

#### What are the primary changes that HB 1026 will make to existing law?

Existing state law at 16.08 RCW articulates the manner in which dangerous and potentially dangerous dogs may be regulated in the state. Effective January 1, 2020, the law will be amended to specify that a city or county may not prohibit possession of a dog based on its breed, impose requirements specific to possession of a dog based on its breed, or declare a dog to be dangerous or potentially dangerous based on its breed unless the following conditions are met:

- The city or county has established and maintains a reasonable process for exempting a specific dog upon passage of the AKC Canine Good Citizen test or a reasonably equivalent canine behavioral test;
- Any dog passing the Good Canine Citizen test, or equivalent test, is exempt from breed-based regulations for a period of at least two years, and may retest to maintain the exemption; and
- Any dog that fails the Good Canine Citizen test, or equivalent test, may retest within a reasonable period of time.

A city or county may still document a dog's breed, physical appearance, or both for identification purposes when declaring a dog to be dangerous or potentially dangerous.

#### Who is impacted by this law?

Any jurisdiction that currently has an ordinance that regulates the possession or maintenance of a dog based upon the breed of that dog and does not meet the requirements of HB 1026 should be aware that their law will no longer be enforceable on January 1, 2020, the effective date of HB 1026. In order to meet the requirements of the law, jurisdictions will need to remove references to specific dog breeds or incorporate an exemption process as provided by law.

#### What options do jurisdictions with breed-based dog regulations have?

Jurisdictions with breed-based ordinances are not required to repeal their existing ordinances but should be aware that these laws will no longer be enforceable. In order to avoid this consequence, jurisdictions may: 1) remove references to breed and adopt a breed-neutral ordinance that regulates the possession and maintenance of dangerous or potentially dangerous dogs, or 2) incorporate an exemption process in accordance with provision of HB 1026. The Washington Federation highly encourages option #1 and has a [position statement](#) about breed specific legislation. These options are summarized below.



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### Option 1

The Federation recommends that jurisdictions consider removing references to specific dog breeds and, instead, adopt regulations that are breed-neutral, specifically targeting dogs that have engaged in actions that would be characterized as behaviors exhibited by dangerous or potentially dangerous as those terms are defined by state law. Breed-neutral laws avoid arbitrary punishment of responsible dog owners and, instead, focus regulation on owners that have demonstrated themselves to be irresponsible.

### Option 2

If the jurisdiction determines that it would prefer to continue to include a reference to specific breeds in its regulation of dangerous dogs, it will be required to establish and maintain a process to exempt specific dogs from the regulations regardless of its breed. Per HB 1026, one alternative for a process for exemption of dogs from breed-based determination is the American Kennel Club (AKC) Canine Good Citizen Program. This program is a two-part program that emphasizes responsible pet ownership for owners and basic good manners for dogs. All dogs that pass the ten-step canine good citizen test may receive a certificate from the AKC. Items on the canine good citizen test include accepting a friendly stranger, sitting politely for petting, appearance and tolerating grooming, walking on a loose lead, walking through a crowd, sitting and staying on command, coming when called, reaction to other dogs, reaction to distraction, and supervised separation.

### Further questions?

#### WA Federation of Animal Care & Control Agencies

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Other resources supporting breed neutral ordinances:

<https://www.aspcapro.org/resource/disaster-cruelty-animal-cruelty-animal-fighting/are-breed-specific-laws-effective>

<https://resources.bestfriends.org/article/breed-specific-legislation-bsl-cost-calculator>

<https://resources.bestfriends.org/article/dog-breed-neutral-laws-safe-communities>

<https://www.animalsheltering.org/page/repealing-breed-specific-legislation>