c 22 Animals for Research Act

Ontario
CHAPTER 22

Animals for Research Act

1. In this Act,

(a) "animal" means a live, non-human vertebrate;

(b) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;

(c) "inspector" means an inspector appointed under this Act;

(d) "licence" means a licence under this Act;

(e) "Minister" means the Minister of Agriculture and Food;

(f) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs or cats so impounded;

(g) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;

(h) "registration" means a registration under this Act;

(i) "regulations" means the regulations made under this Act;

(j) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, and diagnosis of disease and the production and testing of preparations intended for use in the diagnosis, prevention and treatment of any disease or condition;
(k) “research facility” means premises on which animals are used in research and includes premises used for the collecting, assembling or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are kept for the collection of urine;

R.S.O. 1980, c. 270

(l) “Review Board” means the Agricultural Licensing and Registration Review Board under the Ministry of Agriculture and Food Act;

(m) “supply facility” means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;

R.S.O. 1980, c. 522

(n) “veterinarian” means a person registered under the Veterinarians Act. R.S.O. 1970, c. 22, s. 1; 1971, c. 50, s. 6 (1); 1972, c. 1, s. 1; 1978, c. 100, s. 3 (1).

Operator required to be licensed

2. — (1) No person shall commence or continue to be an operator of a supply facility without a licence as an operator of a supply facility from the Director unless he is exempt under this Act or the regulations.

Exception as to certain sales

(2) An operator of a supply facility is exempt from subsection (1) respecting cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in the Game and Fish Act, but in all other respects he is subject to the provisions of this Act and the regulations.

Requirements for licensing

(3) No person shall be granted a licence as an operator of a supply facility unless he,

(a) is experienced in the proper care and handling of animals; and

(b) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises.

Suspension or revocation of licence

(4) A licence as an operator of a supply facility may be suspended or revoked where,

(a) the operator has not properly maintained any of the facilities, equipment or materials referred to in clause (3) (b); or
(b) the operator or any person employed by him or associated with him in connection with his operation as an operator has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any other Act relating to cruelty, maltreatment or neglect of animals. R.S.O. 1970, c. 22, s. 3.

3.—(1) Subject to subsection 12 (1), the Director shall issue a licence as an operator of a supply facility to an applicant therefor unless, in his opinion, the applicant does not comply with clauses 2 (3) (a) and (b). R.S.O. 1970, c. 22, s. 4 (1).

(2) Where the Director is of the opinion that an applicant does not comply with clauses 2 (3) (a) and (b), he may, after a hearing, refuse to issue the licence.

(3) Subject to subsection (4), the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

(4) Where the Director is of the opinion, in the case of a licensee, that clause 2 (4) (a) or (b) applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. 1971, c. 50, s. 6 (2).

4.—(1) No person shall commence or continue to operate a research facility unless the research facility is registered under this Act.

(2) No research facility shall be registered unless there are therein or adjacent thereto and in connection therewith all pens, cages, compounds, tools, implements, buildings and dietary materials necessary to properly care for and handle animals that are in the research facility.

(3) The registration of a research facility may be suspended or revoked where,

(a) any of the facilities, equipment or materials referred to in subsection (2) have not been properly maintained therein; or

(b) the operator or any person employed by him or associated with him in the operation of the research facility has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or
(ii) any Act relating to cruelty, maltreatment or neglect of animals. R.S.O. 1970, c. 22, s. 5.

5.—(1) Subject to subsection 12 (2), the Director shall register a research facility in Ontario unless, in his opinion, it does not contain the facilities, equipment or materials referred to in subsection 4 (2). R.S.O. 1970, c. 22, s. 6 (1).

Refusal to register

(2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 4 (2), he may, after a hearing, refuse to register the research facility.

Renewal

(3) Subject to subsection (4), the Director shall renew a registration on application therefor by the registrant in accordance with this Act and the regulations and payment of the prescribed fee.

Refusal to review, suspension, etc.

(4) Where the Director is of the opinion that clause 4 (3) (a) or (b) applies, he may, after a hearing, refuse to renew or may suspend or revoke the registration of the research facility. 1971, c. 50, s. 6 (3).

Provisional suspension, etc.

6. —(1) Notwithstanding section 3 and section 5, the Director, by notice to an operator and without a hearing, may provisionally refuse to renew or suspend the operator’s licence or registration where in the Director’s opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence or registration should be refused or whether the licence or registration should be further suspended or revoked under this Act and the regulations.

Continuation of licence or registration pending renewal

(2) Subject to subsection (1), where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence or registration, an operator has applied for a renewal thereof and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence or registration shall be deemed to continue until he has received the decision of the Director on his application for renewal. 1971, c. 50, s. 6 (4), part.

Notice of hearing

7. —(1) The notice of a hearing by the Director under section 3 or section 5 shall afford to the applicant or operator a reasonable opportunity to show or to achieve compliance
before the hearing with all lawful requirements for the issue or retention of the licence or registration.

(2) An applicant or operator who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 1971, c. 50, s. 6 (4), *part.*

8. Where the Director has refused to issue or renew or has suspended or revoked a licence or registration pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or operator, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act or the regulations. 1971, c. 50, s. 6 (4), *part.*

9.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence or registration, the applicant or operator may, by written notice delivered to the Director and filed with the Review Board within fifteen days after receipt of the decision of the Director, appeal to the Review Board.

(2) The Review Board may extend the time for the giving of notice by an applicant or operator under subsection (1) either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

(3) Where an applicant or operator appeals to the Review Board in accordance with subsection (1), the Review Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence or registration should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Review Board considers proper and, for such purpose, the Review Board may substitute its opinion for that of the Director.

(4) Notwithstanding that an applicant or operator has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of. 1971, c. 50, s. 6 (4), *part.*
10. — (1) The Director, the appellant and such other persons as the Review Board may specify are parties to the proceedings before the Review Board under this Act.

(2) Members of the Review Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(3) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(4) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the Statutory Powers Procedure Act.

(5) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision. 1971, c. 50, s. 6 (4), part.

11. — (1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Divisional Court in accordance with the rules of court.

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(3) The chairman of the Review Board shall file with the Registrar of the Supreme Court the record of the proceedings before the Review Board which, together with a transcript of the evidence before the Review Board, if it is not part of the Review Board’s record, shall constitute the record in the appeal.

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any
act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board.

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Review Board, unless the Review Board otherwise directs, the decision of the Review Board is effective until the appeal is disposed of. 1971, c. 50, s. 6 (4), *part.*

12.—(1) The Director shall not issue a licence to any person who formerly held a licence as an operator of a supply facility and whose licence was revoked less than one year before the date of the application.

(2) The Director shall not register a research facility that was formerly registered and the registration of which was revoked less than one year before the date of the application. R.S.O. 1970, c. 22, s. 15.

13. Animals that are bred and reared in a supply facility shall, at all times, be maintained by the operator thereof in such manner that they are separate from any other animals owned by him. R.S.O. 1970, c. 22, s. 17.

14.—(1) No person shall purchase or otherwise acquire an animal from any person in Ontario for use in a research facility except from,

(a) the operator of a registered research facility;

(b) the operator of a pound, under section 20;

(c) the operator of a supply facility who is,

(i) the holder of a licence as an operator of a supply facility, or

(ii) exempt under this Act or the regulations from the provisions of subsection 2 (1) in respect of the animal.

(2) No operator of a research facility shall sell or otherwise dispose of any dog or cat purchased or otherwise acquired under section 20 to any person other than the operator of a registered research facility in Ontario.

(3) Nothing in this section prevents,
the acquisition by a research facility of a dog or cat that has been donated to the research facility by the owner thereof;

(b) the return by the research facility of a dog or cat acquired under clause 20(6)(c) to the person who was the owner thereof before it came into possession of the operator of the pound; or

(c) the acquisition by the operator of a supply facility of breeding stock from any person not referred to in subsection (1). R.S.O. 1970, c. 22, s. 18.

15. The operator of a registered research facility shall submit to the Director such reports respecting animals used in the research facility for research as may be prescribed in the regulations. R.S.O. 1970, c. 22, s. 19.

16.—(1) Every animal used in a registered research facility in any experiment that is likely to result in pain to the animal shall be anaesthetized so as to prevent the animal from suffering unnecessary pain.

(2) The operator of a research facility shall provide analgesics adequate to prevent an animal from suffering unnecessary pain during the period of its recovery from any procedure used in an experiment. R.S.O. 1970, c. 22, s. 20.

17.—(1) Every person or body of persons having control of a registered research facility or facilities shall establish in connection therewith an animal care committee, one of the members of which shall be a veterinarian.

(2) Every animal care committee established under subsection (1) shall be responsible for co-ordinating and reviewing,

(a) the activities and procedures relating to the care of animals;

(b) the standards of care and facilities for animals;

(c) the training and qualifications of personnel that are engaged in the care of animals; and

(d) procedures for the prevention of unnecessary pain including the use of anaesthetics and analgesics,

in every research facility in connection with which the animal care committee is established, having regard to the requirements of this Act and the regulations.
(3) The operator of a research facility shall, prior to conducting any research project in which animals are to be used, file, or cause to be filed, with the animal care committee a research project proposal setting forth the nature of all procedures to be used in connection with such animals, the number and type of animals to be used and the anticipated pain level that any such animal is likely to experience.

(4) Where an animal care committee has reason to believe that there is, will be or has been an offence committed against section 16 in any research facility in connection with which it is established, the animal care committee shall order,

(a) that any research in connection with such offence be stopped or not proceeded with; and

(b) that where such research has caused, in any animal, severe pain or illness that cannot be alleviated, such animal be forthwith humanely destroyed. R.S.O. 1970, c. 22, s. 21.

18.—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he considers necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as prima facie proof of his appointment without further proof of the signature or authority of the Minister.

(3) Subject to subsections (4), (5), (6), (7) and (8), an inspector, for the purpose of carrying out his duties under this Act, may, upon production of a certificate of his appointment,

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;

(b) enter any pound and inspect the pound, any facilities or equipment therein and any animals therein; and

(c) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or of extracts therefrom relating to animals that,
(i) are in a pound, or

(ii) he believes on reasonable and probable grounds are used or intended to be used in research.

(4) Except under the authority of a warrant under section 142 of the Provincial Offences Act, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless,

(a) the occupant is a licensed operator of a supply facility; and

(b) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

(5) An inspector shall exercise his powers under subsection (3) only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 142 of the Provincial Offences Act.

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, if such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(7) Where a book, record, document or extract has been photocopied under subsection (6), a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection (6) is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(8) Where an inspector makes a demand under clause (3)(c), the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

(9) The Ontario Society for the Prevention of Cruelty to Animals Act does not apply in respect of animals in the possession of the operator of a registered research facility or of a licensed operator of a supply facility. R.S.O. 1970, c. 22, s. 22.

19. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. R.S.O. 1970, c. 22, s. 23.
20.—(1) The minimum redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period.

(2) The council of a local municipality may, by by-law, fix a redemption period that is longer than the minimum redemption period prescribed by or under this Act and shall file a copy of any such by-law with the Director.

(3) Except with the approval in writing of the Director, no by-law referred to in subsection (2) shall be repealed or amended.

(4) Where the operator of a pound has impounded a dog or cat that has a tag, name plate or other means of identification, he shall,

(a) notify the nearest office of the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, except where the pound is operated by such society or affiliated society; and

(b) take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded.

(5) During the redemption period and subject to subsection (7), the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may return the dog or cat to the person who owned it before it came into his possession, subject to the payment of such damages, fines and expenses as are required by law.

(6) After the redemption period has expired and subject to subsection (7), the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may,

(a) return the dog or cat to the person who owned it before it came into the possession of the operator of the pound, subject to the payment of such damages, fines and expenses as are required by law;

(b) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a bona fide purchaser or donee,

   (i) as a pet,

   (ii) for use in hunting, or
(iii) for working purposes; or

(c) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the operator of the pound to sell him a dog or cat, as the case may be.

(7) Notwithstanding subsection (5) or (6), the operator of a pound may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where,

(a) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;

(b) an inspector or veterinarian has ordered that the dog or cat be destroyed pursuant to subsection (11);

(c) the dog or cat has been impounded in the pound for the redemption period and the operator of the pound has satisfied all requests referred to in clause (6) (c) from operators of research facilities; or

(d) during the redemption period, the dog or cat is in a pound and,

(i) is ill or injured and in his opinion is incapable of being so cured or healed as to live thereafter without suffering, and

(ii) he has satisfied all requests referred to in clause (6) (c) from operators of research facilities.

(8) Where the operator of a pound sells a dog or cat to the operator of a research facility under subsection (6), the price of the dog or cat,

(a) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or

(b) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.

(9) In addition to the price paid for a dog or cat under clause (8) (b), the operator of a pound may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat.
(10) Where a dog or cat is sold or otherwise disposed of in a manner referred to in subsection (6), no person shall make any payment in respect of the dog or cat to the operator of the pound or any person employed therein but shall make such payment in the manner and to such other person as is prescribed in the regulations.

(11) An inspector or veterinarian may order a dog or cat to be destroyed,

(a) where, during the redemption period, the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or

(b) where the dog or cat,

(i) is in a pound, supply facility or research facility,

(ii) has not, where it is in a pound, been redeemed by its owner within the redemption period, and

(iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

(12) Where the operator of a pound has in his possession a dog or cat that is impounded pursuant to a by-law of a local municipality, he shall at all times identify the dog or cat in such manner as is prescribed in the regulations.

(13) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to the Public Health Act or the Animal Contagious Diseases Act (Canada). R.S.O. 1970, c. 22, s. 24.

21.—(1) Every person who contravenes any of the provisions of this Act, other than section 15, or the regulations, other than a regulation made under clause 23 (h) (j) or (l), or of an order made under subsection 17 (4), is guilty of an offence and on conviction is liable for a first offence to a fine of not more than $500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both.

(2) Every person who contravenes the provisions of section 15 or of a regulation made under clause 23 (h) (j) or (l), is
guilty of an offence and on conviction is liable for a first offence to a fine of not more than $25 and for a subsequent offence to a fine of not more than $100. R.S.O. 1970, c. 22, s. 25.

**Injunction proceedings**

22. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a pound, research facility or supply facility or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such pound, research facility or supply facility absolutely or for such period as seems just. R.S.O. 1970, c. 22, s. 26.

**Regulations**

23. The Lieutenant Governor in Council may make regulations,

(a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;

(b) providing for the manner of registering research facilities in Ontario, prescribing the fees payable therefor, and prescribing terms and conditions for such registration;

(c) prescribing further procedures for hearings before the Review Board;

(d) prescribing the buildings, facilities and equipment to be provided by the operator of a research facility, supply facility or pound or any class thereof;

(e) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, supply facility or pound;

(f) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;

(g) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
(h) prescribing the records to be made and kept by the operator of a research facility, supply facility or pound, or any class thereof, and prescribing the places at which such records shall be kept;

(i) prescribing reports to be submitted to the Director by the operator of a research facility;

(j) prescribing methods for the identification of animals;

(k) subject to subsection 20 (1), prescribing the redemption period in respect of dogs or cats or any class thereof;

(l) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities, to the operators of pounds, determining different prices for different parts of Ontario and prescribing the manner in which and the person to whom such prices shall be paid;

(m) prescribing for the purposes of subsection 20 (9), an amount or amounts that the operator of a pound may require the operator of a research facility to pay respecting the care, treatment, food and accommodation of a dog or cat;

(n) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;

(o) prescribing forms and providing for their use;

(p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 22, s. 27.