

# PETS AS PRIZES

The following 27 states have laws that regulate or prohibit the practice of giving away animals as prizes:

Alabama  
Arkansas  
California  
Connecticut  
Florida  
Illinois  
Iowa  
Kansas  
Kentucky

Maine  
Maryland  
Massachusetts  
Minnesota  
Montana  
New Hampshire  
New Jersey  
New York  
North Carolina

North Dakota  
Ohio  
Pennsylvania  
Rhode Island  
South Carolina  
Tennessee  
Vermont  
Virginia  
Wisconsin

## **ALABAMA**

### **Code of Ala. § 3-1-15 (2003)**

#### **§ 3-1-15. Rabbits and chicks, ducklings, or other fowl; sale, etc., as pets or novelties**

It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby rabbits, or baby chicks, ducklings or other fowl, but not including parrots, parakeets and canaries, as pets or novelties, regardless of whether or not such rabbits or fowl are dyed, colored or otherwise artificially treated. Whoever violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as prescribed by law.

## **ARKANSAS**

### **Ark. Stat. Ann. § 5-62-121 (2003)**

#### **§ 5-62-121. Transfer of certain chicks, ducklings, or rabbits**

(a) It shall be unlawful for any person, firm, or corporation to sell or offer for sale, barter, or give away living baby chicks, rabbits, or ducklings under two (2) months of age in any quantity less than six (6). (b) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, barter, give away, or display living baby chicks, rabbits, or ducklings which have been dyed, colored, or otherwise treated so as to impart to them an artificial color. (c) This section shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes. (d) Any person, firm, or corporation violating any of the provisions of this section shall, upon conviction, be deemed guilty of a Class C misdemeanor. (e) Nothing in this section shall prohibit growers of living baby chicks, rabbits, ducklings, or other fowl from selling or making gifts thereof in quantities they deem appropriate.

## CALIFORNIA

### Cal Pen Code § 599 (2003)

#### **§ 599. Commercial use of rabbits, chicks, ducklings, or other fowl.**

Every person is guilty of a misdemeanor who (a) Sells or gives away, any live chicks, rabbits, ducklings, or other fowl as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement or place of business; or (b) Dyes or otherwise artificially colors any live chicks, rabbits, ducklings or other fowl, or sells, offers for sale, or gives away any live chicks, rabbits, ducklings, or other fowl which has been dyed or artificially colored; or (c) Maintains or possesses any live chicks, rabbits, ducklings, or other fowl for the purpose of sale or display without adequate facilities for supplying food, water and temperature control needed to maintain the health of such fowl or rabbit; or (d) Sells, offers for sale, barter, or for commercial purposes gives away, any live chicks, rabbits, ducklings, or other fowl on any street or highway. This section shall not be construed to prohibit established hatchery management procedures or the display, or sale of natural chicks, rabbits, ducklings, or other fowl in proper facilities by dealers, hatcheries, poultrymen, or stores regularly engaged in the business of selling the same.

## CONNECTICUT

### Conn. Gen. Stat. § 53-250 (2003)

#### **Sec. 53-250. Use of animals, reptiles and birds.**

Any person who uses any animal, reptile or bird for the purpose of soliciting any alms, collection, contribution, subscription, donation or payment of money, or uses any animal or bird as a prize or award in the operation of any game or device, or exhibits any wild animal in connection with any business for the purpose of attracting trade upon any street, highway or public park or at any fair, exhibition or place of amusement, recreation or entertainment, or owns, keeps or has in his custody any animal, reptile or bird for any such purpose, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both, but no provision of this section shall be construed so as to apply to the exhibition of any animal, reptile or bird by any educational institution or in a zoological garden or in connection with any theatrical exhibition or circus or to the use of any animal in a cow-chip raffle.

### Conn. Gen. Stat. § 53-249a (2003)

#### **Sec. 53-249a. Sale of dyed fowl or rabbits.**

Any person who sells or offers for sale at retail or gives away, living chickens, ducklings, other fowl or rabbits, which have been dyed, colored or otherwise treated so as to impart to them an artificial color, shall be fined not more than one hundred and fifty dollars.

## FLORIDA

### Fla. Stat. § 828.161 (2002)

#### **828.161 Prohibiting artificial coloring and sale of certain animals and fowls; construction.**

(1) It is unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into this state. (2) It is unlawful for any person to sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys

or retail premiums. (3) This section shall not be construed to apply to any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions. (4) Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

## **ILLINOIS**

### **§ 510 ILCS 70/4. (2003)**

#### **§ 510 ILCS 70/4. Prohibited acts**

Sec. 4. Prohibited acts. No person may sell, offer for sale, barter, or give away as a pet or a novelty any rabbit or any baby chick, duckling or other fowl which has been dyed, colored, or otherwise treated to impart an artificial color thereto. Baby chicks or ducklings shall not be sold, offered for sale, bartered, or given away as pets or novelties. Rabbits, ducklings or baby chicks shall not be awarded as prizes. A person convicted of violating this Section is guilty of a Class B misdemeanor. A second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense.

## **IOWA**

### **H.F. 2480 (passed 2004)**

#### **717E.2 PET AWARDS PROHIBITED.**

A person is guilty of a simple misdemeanor if the person awards a pet or advertises that a pet may be awarded as any of the following: 1. A prize for participating in a game. 2. A prize for participating in a fair event. 3. An inducement or condition for visiting a place of business or attending an event sponsored by a business. 4. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care, or disposition of the pet.

**717E.3 EXCEPTIONS.** This chapter shall not apply to any of the following: 1. A pet shop licensed pursuant to section 162.5 if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop. 2. Youth programs associated with 4-H clubs; future farmers of America; the Izaak Walton league of America; or organizations associated with outdoor recreation, hunting, or fishing including but not limited to the Iowa sportsmen's federation.

## **KANSAS**

### **K.S.A. § 21-4312 (2002)**

#### **21-4312. Unlawful disposition of animals.**

(1) Unlawful disposition of animals is raffling, giving as a prize or premium or using as an advertising device or promotional display living rabbits or chickens, ducklings or goslings, but shall not include the giving of such animals to minors for use in agricultural projects under the supervision of commonly recognized youth farm organizations. (2) Unlawful disposition of animals is a class C misdemeanor.

## **KENTUCKY**

## **KRS § 436.600 (2002)**

### **§ 436.600. Dyeing or selling dyed baby chicks, rabbits, etc**

No person shall sell, exchange, offer to sell or exchange, display or possess living baby chicks, ducklings or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings or other fowl or rabbits, under two (2) months of age in any quantity less than six (6), except that any rabbit weighing three (3) pounds or more may be sold at an age of six (6) weeks. Any person who violates this section shall be fined not less than \$100 nor more than \$500.

## **MAINE**

## **7 M.R.S. § 3972 (2003)**

### **§ 3972. Unlawful use of animals**

1. UNLAWFUL USE OF ANIMALS. It is unlawful for any person to: A. Sell, display, raffle, give away or offer for sale within the State any live animals that have been dyed or otherwise artificially colored; B. Sell, display, raffle, give away or offer for sale to the public any live fowl, turtles or rabbits under 8 weeks of age in lots of less than 6; C. Use any live animal as a premium, fund-raising device, prize or award or use any live animal in a raffle, contest, game or promotion except as authorized by law or rule; D. Use any live animal as bait in any racing contest or in the training of animals for racing contests; 2. VIOLATION. Any person who makes unlawful use of animals contrary to this section commits a civil violation for which a forfeiture not to exceed \$ 100 may be adjudged. For the purposes of this section, "animal" does not include lobsters or shellfish. 3. CONSTRUCTION. Nothing in this section may be construed to apply to any animal to be used or raised for agriculture, aquaculture or fishing, to any dog to be used or raised for hunting or exhibition purposes, by persons with proper facilities otherwise authorized by law, or to games using animals in which the participating animal is not caused, directly or indirectly, to perform any act that deviates from the animal's natural behavior provided that the game is conducted by an educational or cultural institution or other nonprofit service organization. 4. EXCEPTION. Notwithstanding subsection 1, paragraph C, livestock may be raffled by charitable organizations licensed under Title 17, section 332, subsection 6 for fund-raising purposes. For the purposes of this section, "charitable organization" has the same meaning as defined in Title 9, section 5003, subsection 1. Proceeds from a raffle under this subsection must be used for charitable purposes. The animal must be awarded in freezer-ready form.

## **MARYLAND**

## **Md. CRIMINAL LAW Code Ann. § 10-610 (2002)**

### **§ 10-610. Animal as prize**

(b) Prohibited. -- Without the approval of the Secretary of Agriculture, a person may not give away a live animal as: (1) a prize for, or inducement to enter, a contest, game, or other competition; (2) an inducement to enter a place of amusement; or (3) an incentive to make a business agreement if the offer is to attract trade. (c) Penalty. -- A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 500.

## **Md. CRIMINAL LAW Code Ann. § 10-614 (2002)**

### **§ 10-614. Transfer or coloring of chick**

(a) "Chick" defined. -- In this section, "chick" means a chicken, duckling, or other fowl under the age of 3 weeks. (b) Exception. -- This section does not prohibit the sale or display of a chick in proper facilities by

a breeder or store engaged in the business of selling chicks for commercial breeding and raising. (c) Prohibited. -- A person may not: (1) sell, offer for sale, barter, or give away a chick as a pet, toy, premium, or novelty; or (2) color, dye, stain, or otherwise change the natural color of a chick. (d) Penalty. - A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 25.

## **MASSACHUSETTS**

### **Mass. Ann. Laws ch. 272, § 80F (2003)**

#### **§ 80F. Animals May Not Be Offered As Prizes.**

No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

### **Mass. Ann. Laws ch. 272, § 80D (2003)**

#### **§ 80D. Retail Sales of Baby Chicks, Ducklings, Rabbits, etc.**

No person shall sell, offer for sale, barter or give away as premiums living baby chickens, ducklings or other fowl under two months of age. No person shall sell, offer for sale, barter, display or give away living rabbits, chickens, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color. Nothing in this section shall be construed to prohibit the sale or display of baby chickens, ducklings or other fowl under two months of age by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising; provided, however, that prior to May first in any year, such ducklings may be sold or purchased only in quantities of twenty-four or more. This section shall not prohibit, however, the sale or donation of such chickens, ducklings or fowl to schools for use in classroom instruction. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

## **MINNESOTA**

### **Minn. Stat. § 343.32 (2002)**

#### **343.32 Artificially colored animals; sale**

No chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale; raffled; offered or given as a prize, premium, or advertising device; or displayed in any store, shop, carnival, or other public place.

### **Minn. Stat. § 343.33 (2002)**

#### **343.33 Use as advertising devices**

Chicks, ducklings, and goslings younger than four weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device, in quantity of fewer than 12 birds to an individual person unless sold by a person, firm, partnership or corporation engaged in the business of selling chicks, ducklings, and goslings for agricultural or wildlife purposes.

### **Minn. Stat. § 343.34 (2002)**

#### **343.34 Care of animals used as advertising devices**

Stores, shops, vendors, and others offering chicks, ducklings, or goslings for sale; raffle; or as a prize, premium, or advertising device; or displaying chicks, ducklings, or goslings to the public; shall provide

and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

## **MONTANA**

### **Mont. Code Anno., § 81-8-401 (2002)**

#### **81-8-401 Certain dealings in baby animals unlawful.**

(1) Except as provided in subsection (2), it is unlawful for any person, firm, or corporation to: (a) sell, offer for sale, barter, or give away for commercial purposes baby chickens, ducklings, or other fowl, under 3 weeks of age, or rabbits under 2 months of age, as pets, toys, premiums, or novelties; (b) color, dye, stain, or otherwise change the natural color of baby chickens, ducklings, or other fowl or rabbits; or (c) bring or transport the same into the state. (2) This section shall not be construed to prohibit the sale, dyeing, staining, or otherwise changing of the natural color, or display of such baby chickens, ducklings, or other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of breeding and raising.

## **NEW HAMPSHIRE**

### **RSA 437:14 (2002)**

**§ 437:14. Artificial Coloring** No chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially shall be sold or offered for sale; raffled; offered or given as a prize, premium, or advertising device; or displayed in any store, shop, carnival, or other public place.

### **RSA 437:15 (2002)**

**§ 437:15. Sale or Gift of Small Quantities** Chicks, ducklings, goslings, and rabbits younger than 4 weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device, in quantity of less than 12 birds or animals to an individual person.

### **RSA 437:16 (2002)**

#### **§ 437:16. Conditions of Keeping and Display**

Stores, shops, vendors, and others offering chicks, ducklings, goslings, or rabbits younger than 4 weeks of age for sale, raffle, or as a prize, premium, or advertising device, or displaying chicks, ducklings, goslings, or rabbits to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings, or rabbits in good health, and shall keep adequate food and water available to the birds or animals at all times.

## **NEW JERSEY**

### **N.J. Stat. § 4:22-26 (2003)**

#### **§ 4:22-26. Penalty for acts constituting cruelty in general**

A person who shall: o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color; p. Use any animal, reptile, or fowl for the purpose of

soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations; q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets; r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals.

## **NEW YORK**

### **NY CLS Agr & M § 354 (2003)**

#### **§ 354. Sale of baby chicks and baby rabbits**

1. No person shall sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl or baby rabbits unless such person provides proper brooder facilities where appropriate for the care of such baby chicks, ducklings or other fowl or baby rabbits during the time they are in the possession of such person. For the purposes of this section, a baby rabbit shall be a rabbit of less than two months of age. 2. No person shall sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or baby rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color. 2-a. No provision of subdivision two shall be interpreted or applied to prevent or restrict teachers and qualified instructors of youth under the guidance and supervision of the New York state cooperative extension service from using eggs for non-profit educational purposes or from observing fowl hatched from such eggs for non-profit educational purposes. 3. No person shall sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl or baby rabbits under two months of age in any quantity less than six. 4. A violation of the provisions of this section is a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both.

### **NY CLS Agr & M § 358-a (2003)**

#### **§ 358-a. Live animals as prizes prohibited**

1. For the purposes of this section "livestock" shall mean any domesticated sheep, goat, horse, cattle or swine. 2. No person shall give or offer to give away as a prize, or exchange or offer to exchange for nominal consideration, any live animal other than purebred livestock or fish [fig 1] in any game, drawing, contest, sweepstakes or other promotion, except when any live animal is given away by individuals or organizations operating in conjunction with a cooperative extension education program or agricultural vocational program sanctioned by the state education department. 3. The commissioner shall promulgate rules and regulations which provide guidelines, conditions and requirements when any live animal is given away under the exceptions provided for in subdivision two of this section. 4. Any person who violates the provisions of this section shall be subject to civil penalty of not more than two hundred fifty dollars or in lieu thereof shall be guilty of a violation punishable solely by a fine of not more than two hundred fifty dollars.

## **NORTH CAROLINA**

### **N.C. Gen. Stat. § 14-363.1 (2003)**

#### **§ 14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden.**

If any person, firm or corporation shall sell, or offer for sale, barter or give away as premiums living baby

chicks, ducklings, or other fowl or rabbits under eight weeks of age as pets or novelties, such person, firm or corporation shall be guilty of a Class 3 misdemeanor. Provided, that nothing contained in this section shall be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, or of other fowl from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties.

## **NORTH DAKOTA**

### **N.D. Cent. Code, § 36-21.1-08 (2003)**

#### **§ 36-21.1-08. Artificially colored animals -- Sale**

No person may sell or offer for sale, raffle, offer, or give as a prize, premium, or advertising device, or display in any store, shop, carnival, or other public place, a chick, duckling, gosling, or rabbit which has been dyed or otherwise artificially colored.

### **N.D. Cent. Code, § 36-21.1-09 (2003)**

#### **§ 36-21.1-09. Use of certain birds as advertising devices -- Use of live beef or dairy cattle as raffle prizes -- Gifts of animals**

1. No person may sell, offer for sale, raffle, offer, or give as a prize, premium, or use as an advertising device, chicks, ducklings, or goslings younger than four weeks of age in quantities of less than twelve birds to an individual person. Persons engaging in the business of selling chicks, ducklings, or goslings for agricultural or wildlife purposes are exempt from the provisions of this section, but only when selling for such purposes. 2. An eligible organization authorized to conduct games of chance under chapter 53-06.1 may raffle live beef or dairy cattle if each raffle ticket contains a statement that the winner of the beef or dairy cattle prize may convert that prize to a cash prize. The donor of the beef or dairy cattle prize shall determine the amount of the cash prize, which must be equivalent to the value of the beef or dairy cattle prize and cannot exceed the limitations of section 53-06.1-10.1. 3. A person may not give away any live animal, other than those authorized under subsections 1 and 2, as: a. A prize for, or as an inducement to enter any contest, game, or other competition; b. An inducement to enter a place of amusement; or c. An incentive to enter into any business agreement where the offer was for the purpose of attracting trade. 4. The provisions of subsection 3 do not apply to a person or organization that gives away an animal: a. As a project for the promotion of the equine and livestock industry of North Dakota; b. As a project for the promotion of conservation of animals and wildlife in North Dakota; or c. Which is intended for slaughter.

### **N.D. Cent. Code, § 36-21.1-10 (2003)**

#### **§ 36-21.1-10. Care of animals used as advertising devices**

Every person who sells, offers for sale, raffles, offers, or gives as a prize, premium, or advertising device, chicks, ducklings, or goslings to the public, shall provide and operate brooders or other heating devices necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

## **OHIO**

### **ORC Ann. 925.62 (Anderson 2003)**

#### **§ 925.62 Coloring rabbits or chicks prohibited.**

No person, firm, or corporation shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person, firm, or corporation shall sell, offer for sale, expose for sale,



raffle, or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away, or otherwise distributed to any person in lots of less than six. Stores, shops, vendors, and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

## **PENNSYLVANIA**

### **18 Pa.C.S. § 5511 (2003) [Pa.C.S.]**

#### **§ 5511. Cruelty to animals**

(B) REGULATING CERTAIN ACTIONS CONCERNING FOWL OR RABBITS.-- A person commits a summary offense if he sells, offers for sale, barter, or gives away baby chickens, ducklings, or other fowl, under one month of age, or rabbits under two months of age, as pets, toys, premiums or novelties or if he colors, dyes, stains or otherwise changes the natural color of baby chickens, ducklings or other fowl, or rabbits or if he brings or transports the same into this Commonwealth. This section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or such rabbits, in proper facilities by persons engaged in the business of selling them for purposes of commercial breeding and raising.

### **18 Pa.C.S. § 5511.1 (2003) [Pa.C.S.]**

#### **§ 5511.1. Live animals as prizes prohibited**

(A) GENERAL RULE.-- No person shall give or offer to give away any live animal, except fish, as a prize in any drawing, lottery, contest, sweepstakes or other game. No person operating any drawing, lottery, contest, sweepstake or other game shall sell or offer to sell any live animal, except fish, in conjunction with the operation of a drawing, lottery, contest, sweepstakes or other game. (B) EXCEPTION.-- (1) This section shall not apply to any domestic animal given away or sold in connection with any agricultural, educational or vocational program sponsored or sanctioned by the Department of Agriculture. (2) The Department of Agriculture shall promulgate the rules and regulations necessary to provide the conditions and requirements of live animal offerings under this subsection. (D) PENALTY.-- A violation of this section constitutes a summary offense punishable by a fine of not more than \$ 250.

## **RHODE ISLAND**

### **R.I. Gen. Laws § 4-1-8 (2002)**

#### **§ 4-1-8. Sale of chicks and ducklings -- Dyeing prohibited**

It is unlawful for any person to dye a chick, duckling, or other live poultry, or to have in his or her possession any chick, duckling, or other live poultry which has been dyed. No person shall sell or offer for sale any live chicks or ducklings under two (2) months of age in quantities of less than twelve (12), and provided further, that no person, firm, corporation or association shall offer live chicks or ducklings under two (2) months of age as a bonus, or as an inducement to the sale of or in conjunction with the purchase of any article. Any person, firm, or corporation violating this section shall for each offense be punished in the manner provided in § 4-1-2. No pet store shall sell chicks or ducklings in any quantity.

## **SOUTH CAROLINA**

**S.C. Code Ann. § 47-1-125 (2002)**

**§ 47-1-125. Coloring or dyeing animals prohibited; sale or distribution of certain young animals prohibited; penalty.**

(1) It is unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into this State. (2) It is unlawful for any person to sell, offer for sale or give away as merchandising premiums, baby chickens, ducklings or other fowl under four weeks of age or rabbits under two months of age to be used as pets, toys or retail premiums. (3) This section shall not be construed to apply to any animal or fowl, including but not limited to rabbits, baby chickens and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions. (4) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned for not more than thirty days.

**S.C. Code Ann. § 47-1-210 (2002)**

**§ 47-1-210. Live animals as prizes; exceptions; penalties.**

(A) It is unlawful to give away a live animal including, but not limited to, a fish, bird, fowl, or reptile, as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement, or for these species to be used as an incentive to enter into any business agreement if the offer made was for the purpose of attracting trade. (B) Nothing in this section may be construed to prohibit an auction or raffle of a live animal including, but not limited to, a fish, bird, fowl, or reptile. Further, the giving away or the testing of game or fowl for breeding purposes only is lawful and is not prohibited by this section as an incentive to enter into a business agreement if the person giving away or testing game or fowl is engaged in that trade. (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each separate offense by a fine not to exceed three hundred dollars or imprisonment not to exceed thirty days, or both. (D) This section does not apply when a live animal is given away as follows: (1) by individuals or organizations operating in conjunction with a cooperative extension education program or agricultural vocational program sanctioned by the State Department of Education or local school districts; (2) by individuals or organizations operating in conjunction with field trials approved by the Department of Natural Resources; or (3) by kennels that advertise in national publications in regard to dogs that are registered with the United Kennel Club or the American Kennel Club.

**TENNESSEE**

**Tenn. Code Ann. § 39-14-204 (2003)**

**39-14-204. Dyed baby fowl and rabbits**

(a) (1) It is unlawful for any person to: (A) Sell, offer for sale, barter or give away baby chickens, ducklings or goslings of any age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties, if such fowl or rabbits have been colored, dyed, stained or otherwise had their natural color changed; or (B) Bring or transport such fowl or rabbits into the state for such purposes. (2) This section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising or laboratory testing. (3) Each such baby chicken, duckling, other fowl or rabbit sold, offered for sale, bartered or given away in violation of this section constitutes a separate offense. (b) A violation of this section is a Class C misdemeanor.

## VERMONT

### 13 V.S.A. § 352 (2003)

#### **§ 352. Cruelty to animals**

A person commits the crime of cruelty to animals if the person: (9) knowingly sells, offers for sale, barter or displays living baby chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or fails to provide poultry with proper brooder facilities.

### 13 V.S.A. §§ 366 (2003)

#### **§ 366. Prohibited use of animals**

(a) No live animal shall be used as a fund-raising device or award in a contest, lottery, game, or promotion by any person or entity other than at an event recognized by an agricultural or sporting association. An alternative cash prize shall be offered. A person or entity shall not transfer or award an animal without reasonable assurance that the person receiving the animal will provide proper transportation and adequate care. (b) No live fowl, turtles or rabbits under eight weeks of age in lots of less than six shall be offered for sale or sold, displayed or given away. (c) A person who violates this section shall be subject to a fine of not more than \$250.00.

## VIRGINIA

### Va. Code Ann. § 3.1-796.70 (2003)

#### **§ 3.1-796.70. Sale, etc., of unweaned or certain immature animals prohibited, vaccinations required for dogs and cats; penalty**

A. No person shall sell, raffle, or offer for sale as pets or novelties, or offer or give as a prize, premium, or advertising device any living chicks, ducklings, or other fowl under two months old in quantities of less than six or any unweaned mammalian companion animal or any dog under the age of seven weeks without its dam, or any cat under the age of seven weeks without its queen. Dealers may offer immature fowl, unweaned mammalian companion animals, dogs or cats under the age of seven weeks for sale as pets or novelties with the requirement that prospective owners take possession of the animals only after fowl have reached two months of age, mammalian companion animals have been weaned, and dogs and cats are at least seven weeks of age. Nothing in this section shall prohibit the sale of an unweaned animal (i) as food for other animals or (ii) with the lactating dam or queen or a lactating surrogate dam or queen that has accepted the animal. C. A violation of this section is punishable as a Class 3 misdemeanor.

## WISCONSIN

### Wis. Stat. §§ 951.10 (2002)

#### **951.10. Sale of baby rabbits, chicks and other fowl.**

(1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl unless the person provides proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in the persons possession. (2) No retailer, as defined in s. 100.30 (2) (e), may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under 2 months of age in any quantity less than 6 unless in the business of selling these animals for agricultural, wildlife or scientific purposes.

**Wis. Stat. § 951.11 (2002)**

**951.11. Artificially colored animals; sale.**

No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

05/04