

A Summary of the changes in Canadian Federal and Provincial/Territorial Animal Protection Laws since the Publication of Fraser et al., (2018)¹

Submitted by

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I. INTRODUCTION AND BACKGROUND

In Canada, animal protection laws consist of a combination of federal and provincial/territorial regulations plus industry-driven codes of practices that are sometimes, but not always, referenced in the regulations. This patchwork of laws and use of the codes of practice results in considerable variation across Canada. In 2018, Fraser et al. summarized animal welfare laws across Canada in their paper entitled “*Toward a harmonized approach to animal welfare law in Canada,*” and published their findings in the peer reviewed journal the *Canadian Veterinary Journal*. In their paper, the authors David Fraser, Katherine Koralesky and Geoff Urton, called for a consistent national animal protection system. At the time of writing this report in December 2021, the laws in the different provinces and territories remain highly variable across the country, but some progress in how animals are protected has been made.

At the request of the National Farmed Animal Health and Welfare Council (renamed Animal Health Canada on January 10, 2022), this report was commissioned to provide a summary of the changes in Animal Protection Laws at the federal, provincial and territorial level since the publication of Fraser et al. (2018). As such, this report has been prepared as an addendum to the Fraser et al. (2018) paper and should be read in conjunction with the original paper. Below I have also provided a high-level summary of some of the key changes (but not all) that have occurred since their research was completed in September 2017 that formed the bases of the Fraser et al., 2018 publication. I encourage the reader to review Tables 1 and 2 of this report for a detailed description on each of the changes. For those interested there is a hyperlink that links the reader to the current version of the legal text.

II. MAIN CHANGES AT THE FEDERAL LEVEL

In Canada, the majority of laws pertaining to animal protection are adopted at a provincial/territorial level, but not exclusively as some federal animal protection laws also exist. Since September 2017, several changes have occurred resulting in amendments to existing acts or regulations at the federal level (see Table 1). For example, the federal *Criminal Code* now includes an extended list of prohibited activities, including keeping **cetaceans in captivity** (with

exceptions). Existing provisions within this Code also relating to **animal fighting** and **bestiality** have also been expanded to provide broader impact.

The revision of the federal legislation on **live animal transportation**, referred to as the “*humane transport regulations*,” is likely the area of governance that has impacted farm animals the most in Canada. The federal *Health of Animals Regulations* were updated in February 2019 following a 6-year consultation period that included a broad range of stakeholders. The new federal humane transport regulations replace text that was adopted 40 years ago in 1977; the new regulations came into effect in February 2020. The revised legislation includes more outcome-based requirements; an outcome-based approach provides more leeway for transporters and farmers/producers to achieve the required outcome. This contrasts with prescriptive regulations that provide clear requirements that must be met. A few key examples of changes include [shorter journey times](#) (with longer rest-times after maximum intervals – 8 hours instead of 5) and more strict regulations regarding fitness for transport.

The new regulations provide shorter transport times and stricter requirements regarding journey durations for young animals. Young animals (livestock, camelids and cervids aged 8 days or less; young ruminants aged 9 days or more but who are too young to be fed exclusively on hay or grain) can only be transported if the expected time in transit (between loading and unloading) and the maximum interval without feed water and rest does not exceed 12 hours. However, very young animals (aged 8 days or less) can only be transported once; they cannot transit via an assembly centre. In contrast, young ruminants aged 9 days or more but who are too young to be fed exclusively on hay or grain can transit via an assembly centre and thus can be transported a second time.

Amended regulations also refine the definition of “unfit animals” by providing a more detailed list of signs (e.g., gangrenous udder; laboured breathing; extremely thin animals). In addition, the new regulations now address “compromised animals” (e.g., acute frostbite; blind in both eyes; period of peak lactation) and explicitly state that they cannot be transported to an assembly centre and can only be transported for a maximum of 12 hours without feed, water and rest. Also, animals in peak lactation that cannot be milked to prevent engorgement are defined as “compromised” and are therefore subjected to the transport time for compromised animals. In contrast, lactating animals

that are milked to prevent engorgement can be transported, but general journey times requirements must be adhered (e.g., maximum 36 hours without feed, water and rest for dairy cows).

The use of electric prods for **handling** animals is also more strictly regulated (prohibited with exceptions) by the *Safe Food for Canadians Regulations* (previously called the *Meat Inspection Regulations*).

Shark finning trade is now prohibited according to the revised *Fisheries Act* which also includes expanded provisions on the protection of fish and fish habitats. Finally, additional regulations specifically target improving protection of **marine mammals** against disturbance (e.g., required distances to approach marine mammals) have also been adopted (*Marine Mammal Regulations under the Fisheries Act*).

III. MAIN CHANGES AT THE PROVINCIAL/TERRITORIAL LEVEL

- **Changes in the provinces/territories**

Most provinces/territories have revised their acts or regulations that set out to protect animals to some degree since September 2017 (see detailed summary in Table 2). In Alberta, British Columbia, Manitoba, Prince Edward Island, Newfoundland and Labrador, New Brunswick and the Northwest Territories, the changes are minor and/or limited in scope compared to some of the other provinces/territories. For example, in Prince Edward Island, the *Animal Welfare Act* was amended in 2020 but only to include provisions on improper releases of commercial animals. The changes in Alberta, Manitoba, Prince Edward Island and the Northwest Territories are almost exclusively related to the revision of wildlife regulations.

In contrast, Nova Scotia, Ontario, Quebec and Saskatchewan have all extensively revised their animal protection legislations. In Saskatchewan, for example, the *Fur Farming Regulations* (2017), *Animal Protection Act* (2018), *Animal Protection Regulations* (2018), *Domestic Game Farm Animal Regulations* (2019) and more recently *Captive Wildlife Regulations* (2021) were significantly amended (see Table 2).

- **Updated or new standards referenced in provincial animal protection laws**

Many provinces refer in their legislations to national or international animal protection “standards” that are also sometimes called “codes of practice” (e.g., National Farm Animal Care Council (NFACC) codes for farm animals) or guidelines (e.g., Canadian Council on Animal Care (CCAC) guidelines for experimental animals). Most provinces/territories have revised their legislations to include updated and/or new standards. For example, in British Columbia, as of September 2017, only the NFACC Code for the Care and Handling of Dairy Cattle was mentioned as the reference document for “*reasonable and generally accepted practices*”. The new regulation (revised in 2019) now makes reference to additional NFACC codes (i.e., beef cattle; bison; equines; pigs; foxes; minks; hatching eggs, breeders, chickens and turkeys; pullets and laying hens; rabbits; sheep; veal cattle). Similarly, Saskatchewan now references the *Minimum Standards for Wildlife Rehabilitation* published in the United States by the International Wildlife Rehabilitation Council (IWRC) and the National Wildlife Rehabilitators Association (NWRA). The newly published NFACC rabbit code – first released in 2018 – is also now cited in several provincial acts or regulations (i.e., British Columbia; Newfoundland and Labrador; Saskatchewan). In other cases, the revised legislations now refer to updated versions of standards (i.e., Newfoundland and Labrador; Saskatchewan). For example, in Newfoundland and Labrador, the *Animal Protection Standards Regulations* (2019) now refer to updated versions of the Canadian Veterinary Medical Association (CVMA) Kennel Code (2018) and other recently revised NFACC codes.

However, the language used to reference these standards (accepted practice or duty to comply)³ was in general not affected by these recent changes. For example, in Saskatchewan, the *Act* now states that euthanasia “*must be carried out in a manner that is consistent with the prescribed standards, codes of practice or guidelines*” (i.e., duty to comply). In Nova Scotia, the new *Act* has removed the following “*in accordance with reasonable and generally accepted practices of animal management*” (except for acceptable alterations/surgery carried out in accordance with the NFACC

³ According to Fraser et al. (2018), “[t]he 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”.

codes or other codes of practice prescribed by the regulations) which was previously cited as an exception to an animal in distress.

- **Duty of care and definition of distress**

According to Fraser et al. (2018), seven provinces included specific duties of persons responsible for animals in their legislations. However, in Nova Scotia the new *Animal Protection Act* (2018) now fails to define specific duties of care. In contrast, in 2018 the province of Saskatchewan adopted language similar to the duties of care described in Manitoba's regulations (e.g., to provide sufficient food, water, adequate veterinary care or medical attention when animals are wounded or ill, shelter and reasonable protection from injurious heat or cold).

Among the provinces mentioning animals in distress, two provinces have revised their definitions of this term. Since 2018, in Nova Scotia the definition now includes animals that are subjected to cosmetic surgery (e.g., tail docking; ear cropping) or being trained for, or engaged in, animal fighting. Following the same trend, Saskatchewan's definition of distress was also broadened in 2018 to include animals kept in conditions that for example "*contravene the prescribed standards, codes of practices or guidelines*".

With the exception of Nova Scotia, these changes are welcomed as they contribute to refine the list of duties of care and the legal definitions of distress, as already noted by Fraser et al. (2018).

- **Enforcement**

Enforcement of animal protection laws is highly variable across the country, a point also noted in Fraser et al 2018. However, one notable change has occurred in Ontario where a new approach to enforcement has been implemented. In 2019, Ontario introduced "*the first provincial government-based animal welfare enforcement system*"⁴ which included removal of the Society for the Prevention of Cruelty to Animals (SPCA) as the primary enforcer enforcing the *Act* (now *Provincial Animal Welfare Services Act*). The new enforcement team now includes provincial

⁴ <https://news.ontario.ca/en/release/54953/ontario-puts-teeth-into-animal-welfare-system>

inspectors as well as specialized inspectors for livestock, zoos, aquariums and equines. The Chief Animal Welfare Inspector is now appointed by the Minister. An example of change within this new system is the possibility for provincial animal welfare inspectors, the Police and First Nations constables to enter motor vehicles to help animals in critical distress.

Nova Scotia and Saskatchewan have also revised their enforcement regulations. In Nova Scotia, the SPCA inspectors have greater powers to enter private dwelling places or to seize an animal. In Saskatchewan, changes include animal protection officers now being able to order the person responsible for the animal to take corrective actions to relieve or prevent the animal's distress.

Stricter penal and administrative penalties have also been introduced in Quebec (under the *Act respecting the Conservation and Development of Wildlife*, 2021) and additional regulations related to penalties are now in effect in Saskatchewan (under the *Animal Protection Act*, 2018). The *Ontario Provincial Animal Welfare Services Act* (2019) also includes stiffer penalties, introducing “the strongest penalties in Canada”⁵.

- **Wildlife**

Although Fraser et al. (2018) did not primarily focus on wildlife and hunting regulations, this report includes some (but not all) recent changes on this topic.

While in some provinces the regulations have been significantly revised (e.g., in Alberta: new prohibition on feeding wildlife; several hunting restrictions removed), changes were limited in others (e.g., New Brunswick).

In Quebec, the *Regulations respecting Animals in Captivity* and the *Regulation respecting licences to keep animals in captivity* (2018) introduced new licences and stricter conditions for the capture of animals but also for importing animals into the province, for keeping animals in captivity and for public protection. In 2021, Quebec amended the *Act respecting the Conservation and Development of Wildlife* (e.g., invertebrates and wildlife by-products are now in the scope of the

⁵ <https://news.ontario.ca/en/backgrounder/54948/ontarios-new-animal-welfare-system#resources>

Act). The scope of the *Animal Welfare and Safety Act* (2021) is broader (i.e., includes additional wild animals or fish kept in captivity, such as bison, pheasants, rainbow trout and honey bee kept for breeding purposes).

In 2021, Saskatchewan adopted several changes to the *Captive Wildlife Regulations* (e.g., now include a list of restricted species; new regulations on unlisted species and restricted species; reference to the *CAZA* Standards; new requirements for importing and exporting captive wildlife). Ontario also adopted new regulations, for example on wildlife disease control (*Fish and Wildlife Conservation Act*, 2019). In Prince Edward Island, changes affected several regulations (e.g., regulations now include a list of species that shall not be sold or kept in captivity as pets). Finally, in the Northwest Territories, the revised *Wildlife General Regulations* (2019) introduced changes, providing, for example, a list of species that shall not be imported, possessed, or transported in the territories.

Several provinces also revised their hunting regulations. For example, Manitoba (2020) and Prince Edward Island (2019) adopted a ban on night hunting. In Newfoundland and Labrador, the *Wild Life Regulations* (2020) revised the conditions for hunting (e.g., lower minimum age). In British Columbia, changes include a ban on grizzly bear hunting (2017) and a ban on baiting or feeding a turkey or an ungulate in the Kootenay region (2020). Finally, several provinces have prohibited or restricted the use of drones for hunting (Alberta, Northwest Territories, the Yukon).

- **Other changes**

In Quebec, a new *Act* adopted in 2018 (*Act to promote the protection of persons by establishing a framework with regard to dogs*) sets out specific regulations for dogs (e.g., mandatory registration; leash mandatory in public places). This legislation also specifically addresses dogs considered as “dangerous” or “potentially dangerous”. For example, local municipalities may now require an examination of a dog by a veterinarian for assessing its condition and dangerousness; veterinarians must also report without delay to the local municipality any injuries to persons arising from a dog bite.

In the province of Saskatchewan, in addition to the *Livestock Inspection and Transportation Regulations*, the revised *Animal Protection Act* includes a prohibition of transporting unfit animals

and now mentions euthanasia and “*humane*” slaughter. Also in Saskatchewan, the new *Fur Farming Regulations* (2017) have a more restrictive scope of species (i.e., several species are not allowed to be farmed anymore) and new regulations (e.g., licences; new pen size standards; respect of the *Animal Protection Act*) are now included. New requirements for licences were also included in the *Domestic Game Farm Animal Regulations* in Saskatchewan in 2019.

Finally, an 18-month ban on second-generation anticoagulant rodenticides (SGARs) has been issued in British Columbia in July 2021 to reduce the risk of wildlife poisoning. Exemptions include essential services and agriculture operations.

- **Possible future changes**

Future changes may include amendments to the *Pet Establishment Regulation* and the *General Regulation* in New Brunswick (e.g., mandatory health certificate for selling cats and dogs). In Quebec, future changes are expected on permits, custody and care standards and other regulations related to cats and dogs. Finally, in November 2021, the province of British Columbia has begun a process to phase out mink farming.

Table 1. Main changes – major federal animal protection laws in Canada since September 2017 (see Fraser et al., 2018 for summary of laws prior to this date). Information provided is current as of December 31, 2021.

Federal animal protection laws	Main changes (date of adoption of a new regulation or any amendment to an existing regulation)
<p><u>Criminal Code</u></p>	<ul style="list-style-type: none"> - Phasing-out of cetaceans in captivity (2019) <ul style="list-style-type: none"> ○ Prohibition of: <ul style="list-style-type: none"> ▪ keeping a cetacean in captivity ▪ breeding or impregnating a cetacean ▪ possessing or seeking to obtain reproductive materials of cetaceans. ○ Exceptions to the offence of keeping a cetacean in captivity: <ul style="list-style-type: none"> ▪ animals that are already in captivity at the coming into force of this regulation ▪ cetacean in captivity for the purpose of providing it with assistance/care/rehabilitation ▪ if captivity is in the best interests of the cetacean’s welfare ▪ for research purposes - Animal fighting – provisions expanded (2019) <ul style="list-style-type: none"> ○ Encouraging, aiding, <i>promoting, arranging</i>, assisting, <i>receiving money</i> or <i>taking part</i> in animal fighting or <i>the training, transporting, breeding</i> of animals for animal fighting = offence ○ Building/making/maintaining/keeping an arena for animal fighting (or allowing to do so) = offence - Bestiality – provisions expanded (2019) <ul style="list-style-type: none"> ○ Definition of bestiality: “any contact, for a sexual purpose, with an animal” ○ Possibility for the court to add to any other sentence for bestiality: <ul style="list-style-type: none"> ▪ prohibition for the accused from owning, having the custody or control of or residing in the same premises as an animal (minimum of 5 years in the case of a second or subsequent offence) ▪ order that the accused pay to the person or organization that has taken care of an animal as a result of the commission of the offence the reasonable costs that the person or organization incurred in respect of the animal

<p><u>Health of Animals Regulations</u></p>	<p>- Revision of the <u>legislation on animal transportation</u> (2019)</p> <ul style="list-style-type: none"> ○ Fitness for transport <ul style="list-style-type: none"> ▪ More detailed list of signs for unfit (e.g., gangrenous udder; laboured breathing; extremely thin animals) ▪ Now address compromised animals with a detailed list of signs (e.g., acute frostbite; blind in both eyes; period of peak lactation): compromised animals cannot be transported to an assembly centre and can only be transported for a maximum time of 12 hours without feed, water and rest. ▪ Lactating animals: transported with their suckling offspring or milked at intervals sufficient to prevent mammary engorgement ○ Journey times <ul style="list-style-type: none"> ▪ Shorter journey times (ex: max 36h without feed, water and rest for ruminants) ▪ Longer rest-time: 8h ▪ Shorter times for young animals: <ul style="list-style-type: none"> • Animals aged 8 days or less: can only be transported once while the animal is 8 days or less and for a maximum time of 12 hours between loading and unloading and without feed, water and rest; they cannot transit via an assembly centre. • Young ruminants aged 9 days or older and fed exclusively on hay and grain: maximum time of 12 hours between loading and unloading and without feed, water and rest; can transit via an assembly centre and can be transported a second time. ○ More outcome-based requirements
<p><i>Meat Inspection Regulations (repealed in 2018)</i></p> <p>=> <u>Safe Food for Canadians Regulations</u> (2018)</p>	<p>- Handling – use of electric prods more strictly regulated</p> <ul style="list-style-type: none"> ○ Prohibition of the use of electric prods ○ Unless: <ul style="list-style-type: none"> ▪ No reasonable alternative to move the animal ▪ Application of the prod to the lateral portion of the rear leg muscles between the hock joint and the hip joint [...].
<p><u>Fisheries Act</u></p>	<p>- Shark finning (2019)</p> <ul style="list-style-type: none"> ○ Prohibition of shark finning ○ Prohibition of importing or exporting (or attempting to do so) shark fins or part of shark fins that are not attached to a shark carcass. Exception: research purposes.

	<p>- Protection of fish and fish habitat – provisions expanded (2019)</p> <ul style="list-style-type: none"> ○ Provisions expanded to all fish and fish habitat ○ Prohibition of harmful alteration, disruption or destruction of fish habitat
<p><u>Marine Mammal Regulations under the Fisheries Act</u></p>	<p>- Marine mammal disturbance (2018)</p> <ul style="list-style-type: none"> ○ The prohibition to disturb a marine mammal now includes (under exceptions): <ul style="list-style-type: none"> ▪ Feeding or interacting ▪ Separating an animal from its group/calf ▪ Trapping ▪ Tagging or marking ▪ Approaching using a vehicle within a specific distance during a specific period ○ <u>Required distances to approach marine mammals</u> (ex: 100 metres for most whales; 200 metres for killer whales in BC and the Pacific Ocean). <p>- Accidental contact with marine mammals (2018)</p> <p>In case of accidental contact between a vehicle/fishing gear and a marine mammal, except if the contact is reported as a bycatch in a log book, it is mandatory to notify the Minister of the date, time, location of the incident; the species; the circumstances of the contact [...].</p>

Table 2. Main changes – major provincial/territorial animal protection laws in Canada since September 2017 (see Fraser et al., 2018 for description of animal laws prior to this date). Information provided is current as of December 31, 2021. Please note that there were no major changes in Nunavut and thus no changes are cited.

Province or territory and Act	Main changes (date of adoption of a new regulation or any amendment to an existing regulation)
Alberta	<p>- Revision of the Wildlife Act (2020): unmanned or remotely controlled aircrafts, drones, watercrafts and vehicles are now prohibited for hunting all wildlife.</p> <p>- Revision of the Wildlife Regulation (2020): for a summary of amendments, see official summary. Changes include:</p> <ul style="list-style-type: none"> ○ Some hunting restrictions are removed; hunting season is extended for bobcat and black bear ○ Allows hunting of ravens by the owner/occupant/authorized resident on public lands used for grazing ○ Temporary changes for outfitters (e.g., resident hunters are allowed to guided hunts) ○ New prohibition on feeding of wildlife (under exceptions) ○ Unmanned vehicles for hunting and scouting: prohibited ○ New and stricter penalties (e.g., feeding dangerous wildlife: new offence and new penalty; hunting in an emergency protection sanctuary: new offence and new penalty)
British Columbia	<p>- Adoption of the Animal Care Codes of Practice Regulation (2019): only the NFACC dairy cattle code was previously mentioned as “reasonable and generally accepted practices” in the regulations (<i>Dairy Cattle Regulation</i>). The new regulation now mentions: NFACC beef cattle (2013), bison (2017), dairy cattle (2009), equines (2013), pigs (2014), foxes (2013), minks (2013), hatching eggs, breeders, chickens and turkeys (2016), pullets and laying hens (2017), rabbits (2018), sheep (2013) and veal cattle (2017) codes.</p> <p>- Phasing out of mink farming: in November 2021, the province of British Columbia has begun a process to phase out mink farming (News Release). Changes to the <i>Fur Farm Regulation</i> are expected.</p> <p>Proposed phase out plan:</p>

	<ul style="list-style-type: none"> ○ a permanent ban on breeding mink; ○ a permanent ban on live mink on farms by April 2023; and ○ all operations ceasing completely, with all pelts sold, by 2025. <p>- Temporary ban on second-generation anticoagulant rodenticides (SGARs) – starting on July 21, 2021: the BC Minister of Environment and Climate Change Strategy issued an order under the section 8 of the <i>Integrated Pest Management Act</i> banning the use of SGARs for 18 months to reduce the risk of wildlife poisoning. Exemptions include essential service (businesses and services related to preserving Life, Health, Public safety, Critical societal functioning) and agriculture operations.</p> <p>- Revision of the Limited Entry Hunting Regulation (2017): changes include a ban on grizzly bear hunting.</p> <p>- Revision of the Wildlife Act General Regulation (2018; 2019; 2020): changes include a prohibition on baiting or feeding a turkey or an ungulate in Kootenay (Region 4) and other changes on licences/authorizations (e.g., hunters must carry all their species licences during a hunting trip); transport; retrieval of wildlife killed; reports.</p> <p>- Revision of the Wildlife Act Commercial Activities Regulation (2018): changes include a new offence (a taxidermist or tanner who receives a grizzly bear or a part of a grizzly bear must submit a report within 10 days); new regulations on trapping methods; licences.</p> <p>- Revision of the Hunting Regulation (2020): changes include prohibitions on hunting with a firearm that has an electronically controlled firing mechanism; big game with any weapon other than a rifle, shotgun, muzzleloader or bow; using or sharing information on the location of wildlife for the purpose of hunting wildlife that is obtained by means of aircraft; infrared optics during a hunting trip; operating electric bikes in areas where motor vehicles are prohibited or restricted; compulsory reporting for harvested feral pigs.</p>
Manitoba	<p>- Revision of the Wildlife Act (2020; 2021): changes include a prohibition on night hunting (under exceptions); possibility for the owner of private land or an authorized person to destroy or remove a beaver dam or beaver lodge; the Minister may appoint shared management committees to provide recommendations on the conservation/management of wildlife in an area designated by the Minister.</p>

	<p>- Revision of the <u>General Hunting Regulation</u> (2017): changes include a modification on killing by trapping in a specific area (black bears are no longer mentioned and cannot therefore be killed by trapping in that area); bait for the purpose of hunting black bears or gray wolves; licences and permits issued using Internet; party hunting.</p> <p>- Revision of the <u>Trapping of Wild Animals Regulation</u> (2020): changes include new regulations on licences and permits issued using Internet; trapping methods and changes in scope.</p>
New Brunswick	<p>- <u>Possible future changes on regulations under the <u>Society for the Prevention of Cruelty to Animals Act</u></u>:</p> <ul style="list-style-type: none"> ○ Amendments to the <u>Pet Establishment Regulation</u>: <ul style="list-style-type: none"> ▪ pet establishment licences: mandatory approval of the Society before altering or extending the premises if it impacts the activity in respect of which the licence was issued ▪ now refers to an updated version of the CVMA kennel code (2018) ○ Amendments to the <u>General Regulation</u>: <ul style="list-style-type: none"> ▪ veterinary certificate of health for dogs and cats to be sold now mandatory ▪ tethering dogs outdoors allowed only if in accordance with several provisions of the NBSPCA <i>Code of Practice for the Care of Dogs in New Brunswick</i> (2018): section 2.1; paragraphs 2.2(a) and (b); subparagraphs 2.2(c)(1) to (4); section 2.3. ▪ repealing of the regulation prohibiting animal fighting contests ▪ now refers to an updated version of the CVMA kennel code (2018) ▪ now includes the NFACC rabbits code (2018) and the NBSPCA dogs code (2018) to the list of codes of practice mentioned in the <i>General Regulation</i> as standards for animal care <p>- Revision of the <u>Fur Harvesting Regulation</u> (2019): changes include new regulations on trapping methods for bobcats.</p>
Newfoundland and Labrador	<p>- Revision of the <u>Animal Protection Standards Regulations</u> (2019):</p> <ul style="list-style-type: none"> ○ Now includes the NFACC rabbit code (2018) ○ Compliance with requirements in the codes or standards now extends to: ponies, miniatures horses, donkeys, mules, hinnies or rabbits ○ Now refers to updated versions of: NFACC equines (2013), pullets and laying hens (2017), sheep (2013), beef cattle (2013), veal cattle (2017), rabbits (2018), pigs (2014), hatching eggs, breeders, chickens and turkeys (2016), bison (2017) codes; CVMA kennel code (2018); CAZA <i>Accreditation Standards</i> (2018); CCAC <i>Guide to the Care and Use of Experimental Animals</i> (2017).

	<p>- Revision of the <u>Wild Life Regulations</u> (2020): changes include an exemption to the prohibition on night hunting (for moose if they are considered to be a nuisance or menace and with permission) and new regulations on age/disability to hunt (e.g., lower minimum age).</p>
Nova Scotia	<p>- Revision of the <u>Animal Protection Act</u> (2018):</p> <ul style="list-style-type: none"> ○ Broader definition of animal ‘distress’: distress now includes: <ul style="list-style-type: none"> ▪ cosmetic surgery ▪ animal fighting ○ Society for the Prevention of Cruelty to Animals (SPCA) description of powers: <ul style="list-style-type: none"> ▪ Greater clarity provided: inspectors’ scope (farm / companion animals) and their powers ▪ Powers expanded for inspectors or peace officers in private dwelling places: <ul style="list-style-type: none"> • They can require from the owner to produce any animal on the premises for examination • They can enter a private dwelling place (if they have a warrant/tele warrant) if they believe on reasonable and probable grounds that there is an abandoned animal in the place and the custodian cannot be found; if an animal is in distress and the custodian cannot be found or refuses to produce the animal; if an animal is owned/possessed in contravention of a court order and the custodian cannot be found or refuses to produce the animal. ▪ Greater powers to seize an animal (inspectors or peace officers): <ul style="list-style-type: none"> • If an inspector believes on reasonable and probable grounds that the owner is in violation of a condition of a court order to not own/possess an animal • Abandoned animals • Animals in distress ▪ An owner/custodian of a seized animal has 7d (instead of 5d for a removed animal in the previous Act) to appeal the seizure ▪ Hearings are now open to public (unless the Appeal Board decides otherwise) ▪ Decisions or summaries made by the Appeal Board are now available to the public (the Appeal Board may omit some information) ○ Changes in the wording: <ul style="list-style-type: none"> ▪ The section “Prevention of cruelty to animals” is now “Protecting the welfare of animals”. ▪ The “Animal Cruelty Appeal Board” is now the “Animal Welfare Appeal Board”.

○ **Exemptions to offences – animal in distress:**

The *Act* includes exceptions to animal in distress = an animal is not in distress in a number of cases: this is not new and existed before 2018; however, the new *Act* has removed the following which was previously cited as an exception “in accordance with reasonable and generally accepted practices of animal management” (except for acceptable alterations/surgery carried out in accordance with the NFACC codes or other codes of practice prescribed by the regulations).

○ **New exceptions to:** “*The custodian of an animal is not continuing to permit the animal to be in distress if the custodian takes immediate appropriate steps to relieve the distress*” = does not apply if:

- failure to comply with Section 20 (inspection of premises by SPCA inspectors) or 22 (interference or obstruction) or unwillingness to take corrective action
- custodian previously convicted (of an offence under this Act or under any sections of the *Criminal Code* (Canada) related to animal cruelty)
- immediate seizure required

○ **Prohibition – cosmetic surgery:**

- Definition: “surgery performed solely for the purpose of altering the appearance of an animal, without a medical benefit”, including:
 - tail docking
 - tail nicking, setting or blocking
 - ear cropping
 - devocalization or debarking
 - onychectomy (declawing)
 - dewclaw removal
 - any other prescribed alteration/surgery
- Exceptions to the prohibition:
 - Surgery performed by a vet to treat any injury/disease/other medical reasons necessary/beneficial to the animal’s health
 - Agricultural practices – in accordance with NFACC codes or other codes of practice prescribed by the regulations

	<ul style="list-style-type: none"> ○ Duties of person responsible: not defined anymore
Ontario	<p>- The Ontario Society for the Prevention of Cruelty to Animals Act now becomes the <u>Provincial Animal Welfare Services Act</u> (“PAWS” Act, 2019)</p> <ul style="list-style-type: none"> ○ Changes – enforcement: <ul style="list-style-type: none"> ▪ The Ontario SPCA is no longer responsible for enforcing the Act => this role is held by the Chief Animal Welfare Inspector, deputies and other inspectors (the Minister also plays an important role including monitoring the Chief Animal Welfare Inspector’s performance) ▪ The “Chief Inspector” is now called the “Chief Animal Welfare Inspector” and is now appointed by the Minister (and no longer by the SPCA; previously the Chief Inspector was appointed from amongst current SPCA employees). ▪ Animal Welfare Inspectors: <ul style="list-style-type: none"> • Appointed by the Chief Animal Welfare Inspectors; persons employed by a public sector body that is an institution. • New specific regulations including compliance with a Code of conduct • Inspectors are peace officers for the purposes of enforcing this Act • New specific regulations for complaints ▪ Broader scope – veterinarians’ obligation to report: now they need to report when they have reasonable grounds to believe that an animal is being abused, <i>being subject to undue physical or psychological hardship, privation or neglect, including by participating/being trained for animal fighting.</i> ▪ Broader scope of inspections: now includes animals kept for charitable and educational purposes or another purpose related to sport prescribed by the Lieutenant Governor in Council ▪ Greater powers / more detailed regulations: <ul style="list-style-type: none"> • for inspectors including entering and inspecting places being used as dwellings without a warrant (if animal in critical distress and if there is no time to wait for a warrant) • during inspections including opening any receptacle/baggage/package/container/cage, making any photographic or other record, requiring the production of any animal or thing, using or causing to be used any computer containing information, removing any documents; taking possession of animals trained to or participating in fight • for enforcing the Act, including search warrants re offences; warrantless searches re offences; retrieving information – computers; warrant to conduct tests; production orders; seizure

	<ul style="list-style-type: none"> ○ New section – critical distress in motor vehicle: a prescribed person may now enter a motor vehicle (and may cause damage to the vehicle) if reasonable grounds to believe there is an animal in distress; the person may take possession of the animal and takes reasonable steps to relieve its distress ○ Broader scope – animal fighting prohibitions: now include encouraging, promoting, arranging, conducting, assisting in, receiving a financial or material benefit for or taking part in the training of an animal or any meeting, competition, exhibition, pastime, display, event ○ Prohibition to breed or possess an orca is now extended to any prohibited animals (animals that pose an undue risk to human safety or cannot be humanely kept in captivity). ○ Prohibition to possess or breed restricted animals (unless authorization) ○ Prohibition – exposure to undue risk of distress ○ Stricter penalties; new: administrative penalties (see table – Stiffer Penalties) <p>- Revision of the Fish and Wildlife Conservation Act (2019): changes include specific regulations on wildlife disease control and surveillance zone</p> <p>- Revision of the Hunting Regulations (2017, 2018, 2020): changes include new regulations on licences, hunting in a party, small game, wild turkey, frogs, deer, elk, moose, bear, hunter reporting, hunting with a dog, hunting game birds; a prohibition on hunting double-crested cormorant (unless the person has adequate means to retrieve any such bird that may be killed or injured in the hunt).</p> <p>- Revision of the Trapping Regulations (2017; 2018; 2020): changes on trapping methods and scope (e.g., bobcats and wolves may be trapped using a suspended snare).</p>
Prince Edward Island	<p>- Revision of the Animal Welfare Act (2020)</p> <ul style="list-style-type: none"> ○ Improper release of commercial animals: <ul style="list-style-type: none"> ▪ Prohibition to enter a building/other enclosed place and release the animals or allowing them to escape ▪ Liability for improper release + an additional fine may be imposed <p>- Revision of the Wildlife Conservation Act General Regulations (2019): changes include new regulations on export and import permits.</p> <p>- Adoption of the Hunting Regulations (2019): changes include a prohibition on night hunting (under exceptions)</p>

	<ul style="list-style-type: none"> - Revision of the <u>Keeping Wildlife in Captivity</u> (2019): ○ Similar requirements for any class of licence (some requirements that were required for Class 1 & 2 are now required for all classes). ○ Changes in the scope of the regulations (e.g., class 5 of licence is now dedicated to keeping wild animal lawfully imported as a pet). ○ Now include a list of species that shall not be sold or kept in captivity as pets (e.g., crocodilia; primates).
Quebec	<ul style="list-style-type: none"> - Revision of the <u>Animal Welfare and Safety Act</u> (2021): “subspecies” are now included in the scope of “animals” - Adoption of the <u>Act to promote the protection of persons by establishing a framework with regard to dogs</u> (2018) and the <u>Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs</u> (2019) <ul style="list-style-type: none"> ○ Veterinarians must now report without delay to the local municipality if they believe that a dog that has inflicted a bite injury to a person/domestic animal constitutes a risk for public health and safety ○ Veterinarians must also report any injuries to persons arising from a dog bite ○ Local municipalities: <ul style="list-style-type: none"> ▪ may require an examination of a dog by a vet for assessing its condition and dangerousness ▪ may declare a dog potentially dangerous after this examination or if bit or attacked by a dog that resulted in injury of a person/domestic animal ▪ orders the dog to be euthanized if it bit or attacked a person and caused the person’s death or inflicted a serious injury ▪ may, where circumstances justify it: <ul style="list-style-type: none"> ● order the person responsible to submit the dog to one or more standards listed in the Regulation (Division IV) or any other procedure to reduce the risk that the dog constitutes for public health and safety ● have the dog euthanized ● order the person responsible to get rid of the dog, prohibit him for owning/acquiring/keeping/breeding for a determined period ○ New standards: <ul style="list-style-type: none"> ▪ all dogs: mandatory registration; leash mandatory in public places; presence of a dog that is not on the property of its person responsible expressly authorized ▪ potentially dangerous dogs: rabies vaccination status up to date at all time; mandatory spay/neuter and microchip; not in the presence of a child (10 years of age or under) unless constant supervision of an adult; the dog must be prevented to go beyond the boundaries of a private property; sign announcing the presence of a dog

- declared potentially dangerous on the property; mandatory basket muzzle and shorter leash at all times in public places
- Inspection – inspectors:
 - in premises/vehicle (they can enter, inspect, examine the dog, take photographs and make recordings, require the production of documents)
 - in a dwelling house (the person responsible must comply immediately if the inspector requires to see the dog: warrant necessary if the owner refuses)
 - Seizure – inspectors:
 - for vet examination
 - if the person responsible did not comply with local municipalities' orders
 - Offences (see sections 33-40)
- **Revision of the [Act respecting the Conservation and Development of Wildlife](#) (2021)**
- Invertebrates and wildlife by-product are now in the scope of the Act
 - New attributions and powers for the Minister including pilot projects to experiment/innovate in the protection of wildlife or its habitat; prohibition/limitation of hunting and trapping when necessary
 - Stricter penal and administrative penalties
- **Revision of the [Regulation respecting Animals in Captivity](#) and the [Regulation respecting licences to keep animals in captivity](#) (2018)**
- Revision of the licences (including larger scope of species covered by the mandatory licence, including some exotic animals; categories and classes of licences; maximum number of specimens set for different classes of licence)
 - New, stricter and more detailed conditions for the capture of an animal (including the prohibition of capturing an animal with hurting or intoxicating it; ways of capturing some species, for example by hand or using a spoon-net)
 - New conditions and restrictions for importing an animal into Québec
 - New, stricter and more detailed conditions for keeping an animal in captivity (including food and water, habitat, physical integrity)
 - New, stricter and more detailed regulations for the protection of the public/security with specific requirements depending on the category of animals (including specific designs/minimum dimensions/perimeters for keeping animals)
- **Adoption of the [Regulation respecting the designation of other animals governed by the Animal Welfare and Safety Act](#) (October 2021; entering into force in October 2022, except for the regulations regarding fish that will come into force in October 2024): the *Animal Welfare and Safety Act* now also apply to these wild animals or fish kept in captivity:**

	<ul style="list-style-type: none"> ○ Mammals: bison, water buffalo, red deer or elk, sika deer, white-tailed deer, fallow deer, barbary sheep, sheep, arctic fox, wild boar, Himalayan tahr, yak ○ Birds: ostrich, quail, Japanese quail, mallard duck, Muscovy duck, bobwhite quail, capercaillie, wild turkey, emu, pheasants, francolins, greater rhea, swan goose, graylag goose, partridges, rock dove, helmeted guineafowl ○ Fish: striped bass, walleye, spotted wolffish, arctic char, brook trout, yellow perch, Atlantic salmon or landlocked salmon, lake trout, rainbow trout, brown trout ○ Honey bee kept for breeding purposes <p>- Revision of the <u>Regulation respecting hunting</u> (2018; 2019; 2020): changes include new regulations on licences; hunting is permitted only at a distance of more than 100 m from any place where bait has been deposited (during a wild turkey season); changes on bag limit; use of food/odorous/natural substances for baiting.</p> <p>- Possible future changes - draft regulations:</p> <p>In 2019, a Draft Regulation was published in the Gazette (<u><i>Regulation respecting animal welfare and safety and the designation of other animals governed by the Animal Welfare and Safety Act</i></u>). This draft has not been adopted; instead of adopting one broad regulation, several regulations were recommended for adoption, the first being the <i>Regulation respecting the designation of other animals governed by the Animal Welfare and Safety Act which was</i> adopted in October 2021 (see above).</p> <p>The 2019 Draft Regulation included:</p> <ul style="list-style-type: none"> ○ New species would enter the scope of the <i>Animal Welfare and Safety Act</i> => new regulation adopted in 2021 ○ Permits ○ General and special custody and care standards ○ Regulations related to cats and dogs; broader scope; additional rules ○ Repealing of the <i>Regulation respecting the Safety and Welfare of cats and dogs</i>.
Saskatchewan	<p>- Revision of the <u>Animal Protection Act</u> (2018)</p> <ul style="list-style-type: none"> ○ Part II “Animals in Distress” now becomes “Protection of Animals” and is divided into 4 sections: Animal Care Duties and Prohibitions; Administration; Intervention and Relief of Distress; General. ○ Humane societies (i.e., the Saskatchewan SPCA or any organization approved as a human society) are now <i>animal protection agencies</i> ○ Broader definition of distress with addition of: <ul style="list-style-type: none"> ▪ animals in need of reasonable protection from injurious heat/cold

- animals kept in conditions that are: unsanitary; will significantly impair the animal's health/well-being over time; cause extreme anxiety/suffering; contravene the prescribed standards/codes of practices/guidelines
- animals abandoned by the person responsible in a matter that causes or is likely to cause distress resulting from any or all of the factors listed in the definition of distress
- Specific duties of care are now defined:
 - To provide sufficient food, water, adequate veterinary care or medical attention when wounded or ill, shelter and reasonable protection from injurious heat or cold
 - To not significantly impair the animal's health or well-being by confining the animal to an enclosure/area with inadequate space, unsanitary conditions, inadequate ventilation or lighting, without opportunity for exercise
 - The person responsible is deemed to have complied the previous requirements if compliance with standards/codes of practice/guideline
- Transporting unfit animals is now prohibited in the *Act*:
 - Definition: animal unable to stand or would suffer during transport because of infirmity, illness, injury, fatigue or any other cause
 - An unfit animal may be transported (if loaded and transported humanely) to receive care or medical attention
- Humane slaughter/euthanasia is now mentioned in the *Act*:
 - Minimum pain and anxiety
 - Euthanasia: following prescribed standards/codes of practice/guidelines + immediate loss of sensibility + followed by rapid progression to death
- Veterinarians must now report without delay to an animal protection officer/agency any events he believes are contraventions of these requirements: animals in distress; transportation of unfit animals and humane slaughter and euthanasia.
- All prescribed animal protection officers or prescribed classes of animal protection officers have the powers of peace officers to enforce *Part 2. Protection of Animals* of the *Act* and are entitled to the same protection of peace officers when pursuing to the *Criminal Code*.
- Broader inspection scope – animal protection officers: now also includes vehicles, premises and places where animals are kept *for the provision of a service with respect to the animal*.
- Animal protection officers – broader scope: include relieving and now also *preventing* animal's distress; animals in distress but also *likely to be* in distress
- Greater powers for animal protection officers: corrective action orders
 - they may now order the person responsible for the animal to take corrective actions necessary to relieve or prevent the animal's distress within a specified period (right to appeal); the person responsible shall comply with the order.

- if an order is still in force, officers may enter and inspect in vehicles/places/premises (other than a private dwelling) without a warrant to verify compliance with the order
 - order cancelled after compliance
 - Animal protection officers may now take abandoned animals in custody.
 - Longer delay – animal in custody: the animal may be sold/given/destroyed if the person responsible is not located and notified within 5 days or is located and notify but does not comply with the corrective action order and other requirements (i.e., payment of the expenses)
 - Penalties: corporations are now mentioned (not only individuals) and officers/directors (in some cases) are also guilty of the offence and liable on summary conviction to the penalties provided for the offence; second/subsequent offences are now also included (not only first offence)
 - Compliance order: an animal protection agency or the minister may now apply to a judge for a compliance order
 - Protection of certain animals against dogs: a person guilty of an offence for destroying or disposing of a dog pursuant other than in the prescribed manner is now liable on summary conviction to fine not exceeding \$5,000 (\$1,000 before 2018)
- Revision of the [Animal Protection Regulations](#) (2018)**
- Changes in the standards, guidelines and codes of practice referenced:
 - updates – now refers to the most recent version of the NFACC veal calves (2017), bison (2017), hatching eggs, breeders, chickens and turkeys (2016) codes; horses on Pregnant Mare Urine (PMU) Ranches code (2018); kennel code (2018)
 - new – now refers to:
 - Minimum Standards for Wildlife Rehabilitation (2012) published by the International Wildlife Rehabilitation Council and the National Wildlife Rehabilitators Association
 - NFACC transportation (2001), pullets and laying hens (2017) and rabbits (2018) codes
 - not mentioned anymore:
 - Guidelines for euthanasia of domestic animals by firearms (written by J. (Al) Longair et al. and published in 1991 in the *Canadian Veterinary Journal*)
 - Recommended code of practice for the care and handling of pullets, layers and spent fowl: Poultry – Layers (Canadian Agri-Food Research Council, 2003)

- Revision of the Fur Farming Regulations (2017)

- More restricted scope – fur farm animals: the following species are not mentioned in the revised legislation and are therefore not allowed to be farmed anymore: beaver; fitch; marten; muskrat; racoon; red squirrel; weasel; fox having the scientific name *Alopex lagopus* or *Vulpes velox*.
- New regulations related to licence application, issuance, transfer, including the possibility for the minister to require an inspection of the proposed fur farm (or the fur farm in case of a transfer)
- In case of a cancellation or expiration of a licence: within 180 days, the pelts/remaining fur farm animals must be harvested or any remaining animals must be transferred or sold
- Possibility to request a licence for animals that are not listed as fur farm animals but are currently native wildlife species in Saskatchewan (under conditions)
- New prohibitions: no person shall
 - display a fur farm animal for public viewing
 - hunt or permit hunting of fur farm animals
- The possibility for a person who holds a fur animal to release it into the wild (under conditions) is not mentioned anymore.
- New regulations related to import/export including the prohibition to import Eurasian lynx.
- New requirement related to care and handling: licence holders shall maintain their animals in a manner consistent with the *Animal Protection Act*
- New pen size standards

- Revision of the Domestic Game Farm Animal Regulations (2019)

- New and additional requirements for licences including the possibility for the Minister to amend or cancel a licence
- Publicity of the information on the CWD surveillance program

- Revision of the Captive Wildlife Regulations (2021)

- Allowed species: more precise and detailed list including class and scientific name (Table 1 of the Appendix)
- Now include a list of restricted species: Appendix of the regulations (table 2)
- Unlisted species: prohibited unless (transitional period)
 - The animal poses an imminent risk to public health or safety: the person may be allowed to keep the animal during the time in which the minister determines if the unlisted species is an allowed or a restricted species (and if restricted species: Division 1 or 2 of Table 2 of the Appendix).
 - The animal is designated as a restricted species:

	<ul style="list-style-type: none"> • Division 1 of Table 2 of the Appendix: the person has to dispose of the wildlife (i.e., to a licenced and authorized zoo – within Saskatchewan; to an allowed individual/facility – outside Saskatchewan; other manner determined appropriate by the minister) • Division 2 of Table 2 of the Appendix: possible to keep the animals <ul style="list-style-type: none"> ○ Restricted species: prohibited unless: <ul style="list-style-type: none"> ▪ Licence or ▪ Mandatory notification to the minister for people who already holds in captivity restricted species without a licence – transitional period: <ul style="list-style-type: none"> • Restricted species (Division 1 of Table 2 of the Appendix): the person has to dispose of the wildlife (i.e., to a licensed and authorized zoo – within Saskatchewan; to an allowed individual/facility – outside Saskatchewan; other manner determined appropriate by the minister) • Restricted species (Division 2 of Table 2 of the Appendix): possible to keep the animals ○ New licences for wildlife rehabilitation and scientific research ○ Now specific regulations with different standards: falconry; zoo and travelling zoo (including the <i>CAZA Standards</i>; wildlife rehabilitation; scientific research and captive upland game bird licences ○ New and stricter requirements for importing and exporting captive wildlife; quarantine; diseased wildlife; dangerous wildlife; destruction of wildlife <p>- Revision of the <u>Wildlife Regulations</u> (2018; 2021): changes include new regulations on certain firearms; feeding dangerous wildlife or providing/leaving/place an attractant to attract dangerous wildlife are now prohibited (under exceptions); mandatory report for anyone who under exigent circumstances unlawfully kills any wildlife that could not survive in the wild; licences.</p>
Northwest Territories*	<p>- Revision of the <u>Wildlife General Regulations</u> (2019):</p> <ul style="list-style-type: none"> ○ Now prohibit damaging, destroying, disturbing or adversely affecting the summer abode of a bat without authorization (under exception)

* Nunavut and the Northwest territories’ animal protection legislations are essentially limited to the protection of dogs (each territory has a *Dog Act*) and wildlife.

	<ul style="list-style-type: none"> ○ Now address the issue of drones for hunting (e.g., no hunting of game or migratory game birds within 12h after locating the game or birds by using a drone) ○ The following species shall not be imported/possessed/transported in the NWT (under exceptions/special requirements): mule or white-tailed deer and bats ○ The following species shall not be imported/possessed/transported in the NWT in specific zones and areas (e.g., in the Wildlife Management Zone G west of the Mackenzie River); under exceptions <ul style="list-style-type: none"> ▪ Alpacas or vicuña ▪ Domestic goats ▪ Domestic sheep ▪ Llamas or guanaco ○ Wildlife declared to be a pest by the Minister may now be killed/captured by a resident if not contained within an enclosure ○ Provide additional information on wildlife management and monitoring plans <p>- Revision of the Big Game Hunting Regulations (2018; 2021): changes include new restrictions on moose hunting and caribou in specific areas.</p>
Nunavut*	--
Yukon	<p>- Revision of the Wildlife Regulation (2017; 2019; 2020): changes include new prohibition on drone hunting; new regulations on hunting polar bears (now polar bears less than 2 years shall not be hunted; it used to be less than 3 years); biological submissions of bear to be delivered; harvesting on Yukon north slope by Inuvialuit; hunting methods; waste of meat/pelt.</p>