

Draft Law No. 19.25

Concerning Humane Dog and Cat Care Welfare and Management

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Scope

This law sets forth the rules for humane dog and cat care and management.

It includes provisions on responsible ownership, setting out duties upon owners to care for their animals properly; and measures to manage stray animal populations humanely and effectively to control their reproduction and spread and to protect them and the public from health, safety and welfare risks.

Preamble

Recognizing that animals, like humans, are sentient beings with biologically determined natures, instincts, emotions and needs which matter to them; as well as the ability to experience pain, fear and to suffer. This provides an ethical responsibility to optimize the welfare of animals to the greatest extent possible.

Recognizing that any modern animal protection and welfare law should be dedicated and geared to meet the following three main requirements: to promote animal welfare, to prevent animal cruelty and to minimize the suffering of animals.

Acknowledging that Morocco is a member of the World Organization for Animal Health (WOAH) and has agreed both their general principles of animal welfare (Terrestrial Animal Health Code Article 7.1.) and their dog population management. (Terrestrial Animal Health Code Article Chapter 7.7, as amended).

Further acknowledging that Morocco is a member of the African Union, which has an Animal Welfare Strategy for Africa (AWSA). This was agreed by the African Union Commission for implementation of its members. It recognizes the need for animals to be treated as sentient beings, to mainstream animal welfare in legislation, including alignment with WOAH standards, and to attain behavioral change.

Acknowledging that in the case of dogs and cats Catch–Neuter–Vaccinate–Return (CNVR) or equivalent neutering programs are the only sustainable, effective, and humane methods for controlling stray populations. This is in accord with the 2019 order from King Mohammed VI which was agreed with the competent authorities.

Also recognizing the importance of tackling the root causes of the abandonment of stray animals; and that these necessitate the development of humane attitudes and behavior. Thus, provisions have been included on responsible ownership, setting out duties upon the owners of animals to care for those animals properly, together with enforcement mechanisms.

Article 1: Definitions

(a) Animal: For the purposes of this law, “animal” shall mean only dogs and cats, whether kept as pets, owned but roaming, or without an owner.

(b) Animal Welfare: How an animal is coping with the conditions in which it is living. For animal welfare to be satisfactory, the animal must be in a state of overall well-being, which is a condition of physical, mental and emotional harmony, and which includes the ability to live naturally and to meet all species-specific and ethological needs. This would include the provision of the Five Freedoms.

(c) Catch-Neuter-Vaccinate-Return (CNVR): A management strategy in which stray animals are humanely caught, evaluated and sterilized to prevent reproduction (spayed or neutered), vaccinated (against rabies and other diseases as appropriate), and marked to show their sterilization and vaccination status before return to their original location.

(d) Civil Society Organization: A non-governmental, non-profit, association recognized by the Competent Authority.

(e) Collective Health Office: *(Requires Explanation)*

(f) Competent Authority: The ministry, municipality, or other government body designated to implement and enforce the provisions of this law.

(g) Communal Health Preservation Office: *(Requires Explanation)*

(h) Humane: Treatment of animals that cares for and respects their welfare and sentience.

(i) Owner: Owner used with reference to the animal includes not only the owner but also any keeper or any other person for the time being in possession, charge, custody or control of the animal, whether or without the consent of the owner;

(j) Sentience: The capacity to perceive or feel things. Sentient beings share with us consciousness, feelings, emotions, perceptions – and the ability to experience pain, suffering, fear, distress and states of well-being.

(k) Stray: For the purposes of this law, this means a dog or cat not under direct control by a person or not prevented from roaming.

There are three types of stray animals:

- 1) Free-roaming owned – not under direct control of, or restriction by, a person/owner at a particular time,
- 2) Free-roaming with no owner or keeper, and,
- 3) Feral – a domesticated animal having returned to an untamed state, after escape from captivity or after abandonment.

(l) Stray Animal Care Center: Any establishment under this law and licensed by competent authority to provide care, management, neutering, vaccination, adoption, or humane euthanasia for stray animals.

(m) Veterinarian: Veterinary Surgeon who is qualified and licensed under the provisions of the Law.

Chapter One: General Provisions

Article 2

The competent authorities shall work to progressively develop an ethic of care and respect for animals throughout society; in terms of both practical care and protection of animals, and humane attitudes. This will include the development of a modern, comprehensive animal welfare framework law and education and awareness programs, which includes the promotion of adoption of dogs and cats.

Article 3

The owner(s) of animals must ensure the welfare of their animals, by meeting their physical, health and behavioral needs; and alleviating any pain or distress.

With regards to stray animals with no known owners, the competent authorities and citizens shall have a duty to safeguard their welfare. In particular, their safety must be protected from all types of cruelty, suffering, maltreatment, harm, killing, torture, or violence; and they must be safeguarded from contagious diseases. Where direct intervention is not possible by the citizens, this duty of care would involve immediate action under this law, through reporting to the relevant authorities and civil society organizations.

In accordance with the internationally-agreed World Organization for Animal Health (WOAH)'s Guiding principles for animal welfare , the "five freedoms" (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behavior) will be used to ensure the satisfactory welfare of animals, and the 'five domains' (nutrition, environment, health, behavior, and mental state) used to support the systematic scientific assessment of animal welfare.

Where there is any doubt that an animal's welfare needs can be met, then the "international established precautionary principle" must be applied, and the animal's welfare given precedence.

Chapter Two: Owner's Duties and Responsibilities

Article 4

The animal's owner must take all necessary measures to protect the animal's welfare, including from all dangers that could threaten its health or safety.

To this end, the animal's owner must:

- Ensure that the animal is vaccinated against any prevalent preventative zoonotic diseases, including rabies.
- Keep and maintain a health record booklet for the animal in accordance with the procedures specified in a regulatory text.

Article 5

The competent authorities shall provide for the neutering of all owned dogs or cats in areas with unmanageable stray populations.

Article 6

An owner shall declare every dog or cat in their possession.

The declaration shall be made via the electronic platform created for this purpose in accordance with the procedures specified in a regulatory text.

Article 7

The competent authorities shall create and accurately maintain the electronic platform for this purpose.

An identification number, shall be given to the animal immediately upon its declaration via the electronic platform, enabling the animal and its owner to be identified (and authorized).

Article 8

The animal's owner must take the necessary measures to ensure that the animal permanently bears its identification number.

A regulatory text shall determine the procedures for granting and carrying the animal's identification number, using the most suitable and effective method of identification available.

Article 9

The animal's owner must immediately declare any change in any of the information previously declared, particularly in the event of the animal's death or transfer of ownership to another person.

The animal's owner shall be notified, via the electronic platform or by the competent administration, of the measures to be taken in the event of the animal's death or infection with a notifiable disease. In this case, the aforementioned owner must take these measures.

Article 10

If the authorized animal is lost, for any reason, the owner must declare this via the electronic platform stipulated in Article 6 above, within a maximum period of seven (7) days from the date of the disappearance.

If the said animal is found, the owner must update the animal's data via the aforementioned electronic platform.

Article 11

If a lost dog or cat is found at a stray animal care center and it is determined that the animal is authorized, the center shall immediately notify its owner to collect it.

The owner must collect the animal within ten (10) working days from the date of notification and shall bear the costs of its care throughout the period of its shelter at the center.

The animal should also be sterilized before leaving the center, at the owner's expense, to prevent further over-population.

If the animal's owner does not collect the animal within the period referred to in the second paragraph above, the animal shall be considered abandoned.

Article 12

The owner of each authorized animal that they wish to surrender must deposit it, against a receipt, at a stray animal care center. The stray animal care center shall record such reasons in a register or electronic database for the purpose of monitoring and improving animal welfare policies.

Abandonment in public spaces shall constitute an offence.

Chapter Three: Breeding and Sales

Article 13

The competent authority shall develop a licensing system for breeders and dealers of dogs and cats, with regulations governing the applicable conditions and controls.

Such regulations should include specific requirements for accommodation, provision of suitable food, drink and bedding, adequate exercise, veterinary care and disease control measures. These regulations shall require breeders and dealers to allow regular inspection, including periodic veterinary checks.

Article 14

There shall be no sales of dogs or cats in markets and other public places, but only licensed establishments.

Chapter Four: Stray Animals

Article 15

Stray dogs and cats shall be humanely managed by implementing Catch -Neuter-Vaccinate-Return (CNVR) programs. These shall ensure:

1. The use of humane methods for catching, transporting and holding dogs and cats;

2. That neutering is carried out by a veterinarian, and that sufficient recovery time is given prior to release;
3. That the dog or cat be returned to a place that is as near as possible to the point of capture; and,
4. That the welfare of dogs or cats after release be monitored and action taken if required.

Article 16

Any owned dogs or cats which are allowed to roam freely shall be spay-neutered, at the owner's expense if no governmental or other free spay-neuter services are available, to prevent further overpopulation.

Article 17

Culling of healthy stray animals as a method of population control is prohibited, consistent with the principle of protecting stray animals from killing or harm.

Article 18

Using humane method of euthanasia by a veterinarian only when necessary to prevent untreatable or unavoidable suffering or when an animal poses an imminent threat to public health or safety.

Article 19

The presence of a demonstrably and uncontrollably dangerous stray animal in a public space, particularly on public streets, shared residential buildings or other places open to the public, shall be reported by all available means, especially if it poses a threat to its health or to the health or safety of citizens or other animals. This shall be done through the electronic platform created for this purpose, or in absence of access to the platform directly to the competent authorities.

Chapter Five: Database for Stray Animals

Article 20

A digital database shall be created entitled "Database for Stray Animals", hereinafter referred to as the "database".

The management of the database shall be entrusted to the competent authority, and within its framework, the data shall be processed by recording, compiling, storing, and updating them as necessary in a timely and accurate manner.

Article 21

The database aims to:

1. Process data on stray animals managed using CNVR.
2. Assign an identification number to each stray animal and record how this number is indicated on the animal, to enable tracking the status of stray animals.
3. Provide data related to the protection measures (including neutering and vaccination) to which stray animals have been subjected.

4. Provide the necessary data related to the center in charge of animal care.
5. Contribute to improving and developing the measures to be taken to limit the spread and reproduction of stray animals.

Article 22

Data related to stray animals shall be recorded and updated in the database by Stray Animal Care Centers in accordance with the procedures specified in a regulatory text.

Chapter Six: Stray Animal Care Centers

Article 23

Stray Animal Care Centers established at the level of the communal health preservation offices shall take the necessary measures to provide appropriate living conditions for stray animals. To this end, they shall exercise the following conditions:

- (a) Monitoring, collecting, and transporting stray animals using appropriate means.
- (b) Receiving stray animals, numbering them, and evaluating their health and behavior.
- (c) Implementing Catch-Neuter-Vaccinate-Return (CNVR) of stray cats and dogs and returning them to the location in which they lived previously.
- (d) Receiving any animal whose owner wishes to surrender it.
- (e) Updating the data related to the surrendered animal included in the electronic platform provided for in Article 12 of this law.
- (f) Facilitating the adoption and rehoming of suitable animals from the center to individuals or organizations assessed as willing and able to provide proper care, in accordance with the terms and conditions specified in a regulatory text. Adoption may be conducted with or without a fee. Animals must be **spayed or neutered prior to adoption**, unless a licensed veterinarian determines otherwise for clinical reasons.
- (g) Meeting the health and welfare needs of the animals housed by the center according to the Five Freedoms as outlined in Article 3 above (by WOA, Chapter 7.1).
- (h) Taking every measure aimed at protecting stray animals and those housed by the center from diseases, particularly by vaccinating them against serious or contagious diseases.
- (i) Taking every measure aimed at reducing the suffering of stray animals and those housed by the center.
- (j) Using humane method of euthanasia by a veterinarian only when necessary to prevent untreatable or unavoidable suffering or when an animal poses an imminent threat to public health or safety.
- (k) Raising citizens' awareness of the principles of animal welfare, the measures that must be taken to prevent diseases that can be transmitted from animals to humans and encouraging community participation in the humane care of stray animals in coordination with the authorities.
- (l) Each center must record and maintain data on compliance with animal welfare standards, neutering, vaccination, adoption, euthanasia, disease and death statistics, as well as any identified shortcomings, deficiencies or violations.

Stray Animal Care Centers exercise the powers referred to above, in accordance with the provisions of this law and the texts adopted for its implementation.

Article 24

The municipality shall grant a license for any Stray Animal Care Centers with the following determined by a regulatory text:

1. Criteria for establishing Stray Animal Care Centers.
2. Technical standards for establishing a center according to its capacity.
3. Institution equipment standards.
4. Health and safety rules applicable to these centers, including a requirement for each center to be equipped to carry out neutering surgeries, which may be performed only by a veterinarian.
5. Animal welfare, health, safety, and risk prevention standards.
6. How services are provided.
7. Required qualifications and training for center staff, including skilled and experienced management.
8. Mechanisms and procedures for monitoring each centers' work.
9. The competence or competences stipulated in Article 25 of this law, which the center may be entrusted with exercising.
10. Criteria for assessing sound legal and financial status.

Article 25

A Stray Animal Care Center established at the level of the collective health office shall exercise its powers under the supervision of a veterinarian affiliated with this office, who shall provide daily operational supervision during the center's hours of operation. In the event of his absence, the supervision task shall be entrusted, notwithstanding all provisions to the contrary, to a veterinarian, who shall be delegated for this purpose by contract by the president of the communal council, to ensure uninterrupted daily supervision.

Article 26

Stray Animal Care Centers must be open to the public on every working day to facilitate reclaim of lost animal and adoptions.

Chapter Seven: Implementation Partnerships

Article 27

Communes may, by virtue of partnership agreements concluded for this purpose, seek the assistance of civil society organizations or veterinarians in exercising some of the conditions of Stray Animal Care Centers stipulated in Article 23.

Partners are required to meet the following conditions:

1. They must be of a sound legal status.
2. Their objectives must include the care of animals, especially stray animals.
3. They must commit to humane population management methods.

4. They must have sufficient human and financial resources to carry out the tasks assigned to them.

Article 28

The partners mentioned under Article 27 must fully comply with the relevant sections of this law. The agreement shall also include:

1. The duration of the association's services.
2. How the association will provide its services.
3. The qualifications required of the persons entrusted with providing the service.
4. Monitoring mechanisms and how they are carried out.
5. Cases of termination or suspension of the agreement.

Article 29

The competent authority will work with the veterinary profession to make spay-neuter services more affordable and widely accessible, including by collaboration on the provision of free or low cost spay-neuter services for dogs and cats owned by disadvantaged people.

Chapter Eight: Monitoring of Stray Animal Care Centers

Article 30

Stray Animal Care Centers shall be subject to monitoring to ensure their compliance with the provisions of this law and the texts adopted for its implementation.

Monitoring of the centers shall be entrusted to a monitoring committee; the powers, composition and operating procedures of which shall be determined by a regulatory text.

Article 31

The monitoring committee shall, at least twice a year, monitor Stray Animal Care Centers and relevant partners under Articles 23, 25 and 27. This monitoring shall be the subject of a report prepared by the committee and submitted to the competent administration and to the president of the relevant community council. The report shall include an update on adherence to animal welfare standards; neutering, vaccination, adoption, euthanasia, disease and death statistics, as well as any shortcomings, deficiencies or violations found. The report shall be made publicly available within 90 days of an inspection.

Article 32

If, through monitoring operations, it becomes clear that the center has failed to exercise the conditions under Articles 23-26 the committee shall advise the center of the necessary measures to correct the violations within a period it specifies.

The regulatory advice shall be delivered to the center within a maximum of fifteen (15) days from the date of detecting the violation.

The municipality shall withdraw the license if the Stray Animal Care Center fails to correct the violations within the period stipulated in the first paragraph of this article. In this case, the municipality shall take the necessary measures to house the animals in one or more other Stray Animal Care Centers located within its territorial jurisdiction or within the territorial jurisdiction of another municipality. This housing shall be carried out in accordance with the conditions and procedures specified in a regulatory text.

Article 33

If the center voluntarily decides to stop providing its services, it must declare this in advance to the municipality that issued it the license, no less than four (4) months before the date of cessation. Before cessation, the center shall ensure all dogs are adopted or transferred to other Stray Animal Care Centers.

Chapter Nine: Investigation and Inspection of Violations

Article 34

In addition to judicial police officers, administrative and community agents appointed for this purpose and sworn in accordance with the legislation in force are authorized to investigate and inspect violations of the provisions of this law.

The violations referred to in the first paragraph above shall be recorded in reports and referred to the competent public prosecutor in accordance with the provisions of the legislation in force within ten (10) working days from the date of their preparation.

Article 35

The agents referred to in Article 34 above have the right, to carry out their duties, to visit all relevant public and private places. They may also inspect these places, and all means of transportation in accordance with the provisions of the applicable law. They may also seize animals that are the subject of a violation and draw up a report thereon. Agents must receive training in humane capture and handling techniques before seizing animals and demonstrate humane capture and handling during seizure.

Article 36

Seized animals may be kept at the violator's expense in one of the Stray Animal Care Centers until the public lawsuit is decided.

Article 37

Subject to provisions set out in article 35, agents referred to in Article 34 above may resort to proportional force to carry out their duties.

Chapter Ten: Penalties

Article 38

The penalties stipulated in this chapter do not preclude the application of more severe penalties stipulated in the legislation in force.

Article 39

Acts of omission or commission that results in death, torture, or harm of a stray animal in any way shall be punished with imprisonment of two to six months or a fine of 5,000 to 20,000 dirhams, or with both.

Article 40

Anyone who obstructs the work of the monitoring committee stipulated in Article 31 of this law or the Stray Animal Care Centers performing the duties stipulated in Articles 23-26 of this law shall be punished by imprisonment from one to three months or a fine of 10,000 to 35,000 dirhams, or with both.

Article 41

Anyone who fails to provide for the welfare of an animal, in violation of Article 3 of this law, shall be punished by a fine of 1,500 to 3,000 dirhams.

Article 42

Anyone who intentionally endangers an animal, in violation of the provisions of the first paragraph of Article 4 of this law, shall be punished by a fine of 1,500 to 3,000 dirhams.

Article 43

Anyone who establishes or manages a Stray Animal Care Center without obtaining the license stipulated in Article 24 of this law shall be punished with a fine of 100,000 to 500,000 dirhams.

Article 44

Any Stray Animal Care Center that has obtained the license stipulated in Article 24 of this law shall be punished with a fine of 50,000 to 100,000 dirhams, if found guilty of:

1. Exercising their duties without the supervision of a veterinarian.
2. Failure to record or update data related to stray animals in the database, in violation of the provisions in Article 22-23
3. Failure to provide prior declaration, in violation of the provisions of Article 33 of this law, to cease providing its services.

Article 45

Any Stray Animal Care Center holding the license stipulated in Article 24 of this law that, in violation of the provisions of Article 22 above, fails to notify the competent authority of any change to any of the conditions stipulated in Articles 23 and 24 of this law shall be punished by a fine of 20,000 to 50,000 dirhams.

Article 46

Any animal owner who, in violation of the provisions of Articles 4 and 6 of this law, fails to declare an animal in his possession or does not have the animal's health book shall be punished with a fine of 5,000 to 15,000 dirhams.

Article 47

Any Stray Animal Care Center, holding the license stipulated in Article 24 above, that, in violation of the provisions of Article 11 of this law, fails to notify the animal's owner to collect it shall be punished with a fine of 10,000 to 25,000 dirhams.

Article 48

A fine of between 5,000 and 15,000 dirhams shall be imposed on any animal owner who in violation of Article 9 fails to take the necessary measures in the event of the animal's death or serious illness after being notified via the electronic platform or by the competent administration.

Article 49

Any Stray Animal Care Center holding the license stipulated in Article 24 above that fails, in violation of the provisions of Article 22 of this law, to update the data related to an abandoned animal shall be punished with a fine of between 5,000 and 15,000 dirhams.

Any owner of an animal who, in violation of the provisions of Article 10 of this law, fails to declare its loss or update its data shall be punished with a fine of 5,000 to 10,000 dirhams.

Article 50

A fine of between 3,000 and 15,000 dirhams shall be imposed on any animal owner who:

1. Fails, in violation of the provisions of Articles 10 of this law, to update the declared data.
2. Fails to register it with a Stray Animal Care Center in the event of its abandonment.
3. Fails, in violation of the provisions of Article 8 of this law, to take the necessary measures to ensure that the animal permanently bears its identification number.

Article 51

In the event of recidivism, the penalties stipulated in this chapter shall be doubled.

Anyone who has previously been convicted for committing one of the acts punishable under this law by a judicial decision that has acquired the force of res judicata and then commits similar acts within five (5) years of the completion of the penalty or its statute of limitations shall be considered a repeat offender.

Chapter Eleven: Transitional and Final Provisions

Article 52

In exceptional cases, local administrative authorities may intervene if a stray animal poses a genuine and demonstrable threat to public order and security. In this case, the aforementioned authorities shall prioritize non-lethal measures, including catch and quarantine, and immediately undertake an

assessment by a veterinarian, and notify the relevant community authorities of any measures taken in this regard.

Article 53

The provisions of Chapter Two of this law do not apply to animals owned by state security services and public forces.

Article 54

If, upon collecting or receiving animals, a stray animal becomes identified as a wild animal within the meaning of the legislation relating to wild animals, the Stray Animal Care Center shall immediately notify the competent authorities to take the necessary measures regarding the said animal.

Article 55

Persons who currently manage establishments or premises for housing, feeding, or caring for stray animals in general have one-year from the date of entry into force of this law to comply with its provisions. During this period, it is expected that their welfare and humane treatment, as outlined in Article 1, will continue to be protected at all times. During this period, the State shall provide training, funding, and technical assistance to centers to reach compliance.

Article 56

This law shall enter into force on the date of its publication in the Official Gazette. However, provisions requiring regulatory texts for their implementation shall enter into force on the date of their publication in the Official Gazette.