

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Bill No. 161, Page 1,
 2 In the Title, Line 3, by inserting after the number "268.121,"
 3 the numbers "273.327, 273.345,"; and

4 Further amend said bill, Page 1, In the Title, Lines 11 and
 5 12, by deleting all of said lines and inserting in lieu thereof
 6 the following: "for senate bill no. 718, ninety-fourth general
 7 assembly, second regular session, and sections 273.327, 273.345,
 8 273.347, and 1 as truly agreed to and finally passed by or as
 9 enacted by senate substitute for senate committee substitute for
 10 senate bills nos. 113 & 95, the ninety-sixth general assembly,
 11 first regular session, and to enact in lieu thereof nineteen new
 12 sections relating to agriculture, with penalty provisions and an
 13 emergency clause for certain sections."; and

14 Further amend said bill, Page 1, Section A, Line 2, by
 15 inserting after the number "268.121," the numbers "273.327,
 16 273.345,"; and

17 Further amend said bill, Page 1, Section A, Line 10, by
 18 deleting all of said line and inserting in lieu thereof the
 19 following: "assembly, second regular session, and sections
 20 273.327, 273.345, 273.347, and 1 as truly agreed to and finally
 21 passed by or as enacted by senate substitute for senate committee
 22 substitute for senate bills nos. 113 & 95, the ninety-sixth
 23 general assembly, first regular session, are repealed and
 24 nineteen new sections enacted in lieu thereof,"; and

25 Further amend said bill, Page 2, Section A, Line 12, by
 26 deleting all of said line and inserting in lieu thereof the
 27 following: "268.121, 273.327, 273.345, 273.347, 276.421,
 28 276.436, 276.441, 348.400, 348.407, 348.412, 411.280, and 1, to
 29 read as"; and

Action Taken _____ Date _____

1 Further amend said bill, Page 15, Section 268.121, Line 11,
2 by inserting after all of said line the following:

3 "273.327. No person shall operate an animal shelter, pound
4 or dog pound, boarding kennel, commercial kennel, contract
5 kennel, pet shop, or exhibition facility, other than a limited
6 show or exhibit, or act as a dealer or commercial breeder, unless
7 such person has obtained a license for such operations from the
8 director. An applicant shall obtain a separate license for each
9 separate physical facility subject to sections 273.325 to 273.357
10 which is operated by the applicant. Any person exempt from the
11 licensing requirements of sections 273.325 to 273.357 may
12 voluntarily apply for a license. Application for such license
13 shall be made in the manner provided by the director. The
14 license shall expire annually unless revoked. As provided by
15 rules to be promulgated by the director, the license fee shall
16 range from one hundred to two thousand five hundred dollars per
17 year. Each licensee subject to sections 273.325 to 273.357 shall
18 pay an additional annual fee of twenty-five dollars to be used by
19 the department of agriculture for the purpose of administering
20 Operation Bark Alert or any successor program. Pounds or dog
21 pounds shall be exempt from payment of [such fee] the fees under
22 this section. License fees shall be levied for each license
23 issued or renewed on or after January 1, 1993.

24 273.345. 1. This section shall be known and may be cited
25 as the "[Puppy Mill] Canine Cruelty Prevention Act."

26 2. The purpose of this act is to prohibit the cruel and
27 inhumane treatment of dogs [in puppy mills] bred in large
28 operations by requiring large-scale dog breeding operations to
29 provide each dog under their care with basic food and water,
30 adequate shelter from the elements, necessary veterinary care,
31 adequate space to turn around and stretch his or her limbs, and
32 regular exercise.

33 3. Notwithstanding any other provision of law, any person

1 having custody or ownership of more than ten female covered dogs
2 for the purpose of breeding those animals and selling any
3 offspring for use as a pet shall provide each covered dog:

- 4 (1) Sufficient food and clean water;
- 5 (2) Necessary veterinary care;
- 6 (3) Sufficient housing, including protection from the
7 elements;
- 8 (4) Sufficient space to turn and stretch freely, lie down,
9 and fully extend his or her limbs;
- 10 (5) Regular exercise; and
- 11 (6) Adequate rest between breeding cycles.

12 4. [Notwithstanding any other provision of law, no person
13 may have custody of more than fifty covered dogs for the purpose
14 of breeding those animals and selling any offspring for use as a
15 pet.

16 5.] For purposes of this section and notwithstanding the
17 provisions of section 273.325, the following terms have the
18 following meanings:

19 (1) "Adequate rest between breeding cycles" means, at
20 minimum, ensuring that female dogs are not bred to produce more
21 [than two] litters in any [eighteen-month] given period than what
22 is recommended by a licensed veterinarian as appropriate for the
23 species, age, and health of the dog;

24 (2) "Covered dog" means any individual of the species of
25 the domestic dog, *Canis lupus familiaris*, or resultant hybrids,
26 that is over the age of six months and has intact sexual organs;

27 (3) "Necessary veterinary care" means, at minimum,
28 examination at least once yearly by a licensed veterinarian,
29 prompt treatment of any serious illness or injury by a licensed
30 veterinarian, and where needed, humane euthanasia by a licensed
31 veterinarian using lawful techniques deemed acceptable by the
32 American Veterinary Medical Association;

33 (4) "Person" means any individual, firm, partnership, joint

1 venture, association, limited liability company, corporation,
2 estate, trust, receiver, or syndicate;

3 (5) "Pet" means any [domesticated animal] species of the
4 domestic dog, Canis lupus familiaris, or resultant hybrids,
5 normally maintained in or near the household of the owner
6 thereof;

7 (6) "Regular exercise" means [constant and unfettered
8 access to an outdoor exercise area that is composed of a solid
9 ground-level surface with adequate drainage, provides some
10 protection against sun, wind, rain, and snow, and provides each
11 dog at least twice the square footage of the indoor floor space
12 provided to that dog] the type and amount of exercise sufficient
13 to comply with an exercise plan that has been approved by a
14 licensed veterinarian, developed in accordance with regulations
15 regarding exercise promulgated by the Missouri department of
16 agriculture, and where such plan affords the dog maximum
17 opportunity for outdoor exercise as weather permits;

18 (7) "Retail pet store" means a person or retail
19 establishment open to the public where dogs are bought, sold,
20 exchanged, or offered for retail sale directly to the public to
21 be kept as pets, but that does not engage in any breeding of dogs
22 for the purpose of selling any offspring for use as a pet;

23 (8) "Sufficient food and clean water" means access to
24 appropriate nutritious food at least [once] twice a day
25 sufficient to maintain good health, and continuous access to
26 potable water that is not frozen and is generally free of debris,
27 feces, algae, and other contaminants;

28 (9) "Sufficient housing, including protection from the
29 elements" means [constant and unfettered access to an indoor
30 enclosure that has a solid floor, is not stacked or otherwise
31 placed on top of or below another animal's enclosure, is cleaned
32 of waste at least once a day while the dog is outside the
33 enclosure, and does not fall below forty-five degrees Fahrenheit,

1 or rise above eighty-five degrees Fahrenheit] the continuous
2 provision of a sanitary facility, the provision of a solid
3 surface on which to lie in a recumbent position, protection from
4 the extremes of weather conditions, proper ventilation, and
5 appropriate space depending on the species of animal as required
6 by regulations of the Missouri department of agriculture and in
7 compliance with the provisions of subsection 7 of this section.
8 No dog shall remain inside its enclosure while the enclosure is
9 being cleaned. Dogs housed within the same enclosure shall be
10 compatible, in accordance with regulations promulgated by the
11 Missouri department of agriculture;

12 (10) "Sufficient space to turn and stretch freely, lie
13 down, and fully extend his or her limbs" means having:

14 (a) Sufficient indoor space or shelter from the elements
15 for each dog to turn in a complete circle without any impediment
16 (including a tether);

17 (b) Enough indoor space or shelter from the elements for
18 each dog to lie down and fully extend his or her limbs and
19 stretch freely without touching the side of an enclosure or
20 another dog;

21 (c) [At least one foot of headroom above the head of the
22 tallest dog in the enclosure; and

23 (d) At least twelve square feet of indoor floor space per
24 each dog up to twenty-five inches long, at least twenty square
25 feet of indoor floor space per each dog between twenty-five and
26 thirty-five inches long, and at least thirty square feet of
27 indoor floor space per each dog for dogs thirty-five inches and
28 longer (with the length of the dog measured from the tip of the
29 nose to the base of the tail)] Appropriate space depending on the
30 species of the animal, as specified in regulations by the
31 Missouri department of agriculture, as revised, and in compliance
32 with the provisions of subsection 7 of this section.

33 [6. A person is guilty of the crime of puppy mill cruelty

1 when he or she knowingly violates any provision of this section.
2 The crime of puppy mill cruelty is a class C misdemeanor, unless
3 the defendant has previously pled guilty to or been found guilty
4 of a violation of this section, in which case each such violation
5 is a class A misdemeanor. Each violation of this section shall
6 constitute a separate offense. If any violation of this section
7 meets the definition of animal abuse in section 578.012, the
8 defendant may be charged and penalized under that section
9 instead.

10 7.] 5. Any person subject to the provisions of this section
11 shall maintain all veterinary records and sales records for the
12 most recent previous two years. These records shall be made
13 available to the state veterinarian, a state or local animal
14 welfare official, or a law enforcement agent upon request.

15 6. The provisions of this section are in addition to, and
16 not in lieu of, any other state and federal laws protecting
17 animal welfare. This section shall not be construed to limit any
18 state law or regulation protecting the welfare of animals, nor
19 shall anything in this section prevent a local governing body
20 from adopting and enforcing its own animal welfare laws and
21 regulations in addition to this section. This section shall not
22 be construed to place any numerical limits on the number of dogs
23 a person may own or control when such dogs are not used for
24 breeding those animals and selling any offspring for use as a
25 pet. This section shall not apply to a dog during examination,
26 testing, operation, recuperation, or other individual treatment
27 for veterinary purposes, during lawful scientific research,
28 during transportation, during cleaning of a [dogs] dog's
29 enclosure, during supervised outdoor exercise, or during any
30 emergency that places a [dogs] dog's life in imminent danger.
31 [This section shall not apply to any retail pet store, animal
32 shelter as defined in section 273.325, hobby or show breeders who
33 have custody of no more than ten female covered dogs for the
34 purpose of breeding those dogs and selling any offspring for use
35 as a pet, or dog trainer who does not breed and sell any dogs for
36 use as a pet.] Nothing in this section shall be construed to
37 limit hunting or the ability to breed, raise, [or] sell

1 [hunting], control, train, or possess dogs with the intention to
2 use such dogs for hunting or other sporting purposes.

3 7. Notwithstanding any law to the contrary, the following
4 space requirements shall apply under this section:

5 (1) From January 1, 2012, through December 31, 2015, for
6 any enclosure existing prior to April 15, 2011, the minimum
7 allowable space shall:

8 (a) Be two times the space allowable under the department
9 of agriculture's regulation that was in effect on April 15, 2011;

10 (b) Except as prescribed by rule, provide constant and
11 unfettered access to an attached outdoor run; and

12 (c) Meet all other requirements set forth by rule of the
13 Missouri department of agriculture;

14 (2) For any enclosure newly constructed after April 15,
15 2011, and for all enclosures as of January 1, 2016, the minimum
16 allowable space shall:

17 (a) Be three times the space allowable under the department
18 of agriculture's regulation that was in effect on April 15, 2011;

19 (b) Except as prescribed by rule, provide constant and
20 unfettered access to an attached outdoor run; and

21 (c) Meet all other requirements set forth by rule of the
22 Missouri department of agriculture;

23 (3) For any enclosure newly constructed after April 15,
24 2011, and for all enclosures as of January 1, 2016, wire strand
25 flooring shall be prohibited and all enclosures shall meet the
26 flooring standard set forth by rule of the Missouri department of
27 agriculture.

28 8. If any provision of this section, or the application
29 thereof to any person or circumstances, is held invalid or
30 unconstitutional, that invalidity or unconstitutionality shall
31 not affect other provisions or applications of this section that
32 can be given effect without the invalid or unconstitutional
33 provision or application, and to this end the provisions of this
34 section are severable.

35 [9. The provisions herewith shall become operative one year
36 after passage of this act.]

37 273.347. 1. Whenever the state veterinarian or a state

1 animal welfare official finds past violations of sections 273.325
2 to 273.357 have occurred and have not been corrected or
3 addressed, including operating without a valid license under
4 section 273.327, the director may request the attorney general or
5 the county prosecuting attorney or circuit attorney to bring an
6 action in circuit court in the county where the violations have
7 occurred for a temporary restraining order, preliminary
8 injunction, permanent injunction, or a remedial order enforceable
9 in a circuit court to correct such violations and, in addition,
10 the court may assess a civil penalty in an amount not to exceed
11 one thousand dollars for each violation. Each violation shall
12 constitute a separate offense.

13 2. A person commits the crime of canine cruelty if such
14 person repeatedly violates sections 273.325 to 273.357 so as to
15 pose a substantial risk to the health and welfare of animals in
16 such person's custody, or knowingly violates an agreed-to
17 remedial order involving the safety and welfare of animals under
18 this section. The crime of canine cruelty is a class C
19 misdemeanor, unless the person has previously pled guilty or nolo
20 contendere to or been found guilty of a violation of this
21 subsection, in which case, each such violation is a class A
22 misdemeanor.

23 3. The attorney general or the county prosecuting attorney
24 or circuit attorney may bring an action under sections 273.325 to
25 273.357 in circuit court in the county where the crime has
26 occurred for criminal punishment.

27 4. No action under this section shall prevent or preclude
28 action taken under section 578.012 or under subsection 3 of
29 section 273.329."; and

30 Further amend said bill, Page 22, Section 411.280, Line 7,
31 by inserting after all of said line the following:

32 "Section 1. Any person required to have a license under
33 sections 273.325 to 273.357 who houses animals in stacked cages

1 without an impervious barrier between the levels of such cages,
2 except when cleaning such cages, is guilty of a class A
3 misdemeanor."; and

4 Further amend said bill, Page 24, Section 263.450, Line 8,
5 by inserting after all of said line the following:

6 "[273.327. No person shall operate an animal
7 shelter, pound or dog pound, boarding kennel,
8 commercial kennel, contract kennel, pet shop, or
9 exhibition facility, other than a limited show or
10 exhibit, or act as a dealer or commercial breeder,
11 unless such person has obtained a license for such
12 operations from the director. An applicant shall
13 obtain a separate license for each separate physical
14 facility subject to sections 273.325 to 273.357 which
15 is operated by the applicant. Any person exempt from
16 the licensing requirements of sections 273.325 to
17 273.357 may voluntarily apply for a license.
18 Application for such license shall be made in the
19 manner provided by the director. The license shall
20 expire annually unless revoked. As provided by rules
21 to be promulgated by the director, the license fee
22 shall range from one hundred to two thousand five
23 hundred dollars per year. Each licensee subject to
24 sections 273.325 to 273.357 shall pay an additional
25 annual fee of twenty-five dollars to be used by the
26 department of agriculture for the purpose of
27 administering Operation Bark Alert or any successor
28 program. Pounds or dog pounds shall be exempt from
29 payment of [such fee] the fees under this section.
30 License fees shall be levied for each license issued or
31 renewed on or after January 1, 1993.]

32
33 [273.345. 1. This section shall be known and may
34 be cited as the "[Puppy Mill] Canine Cruelty Prevention
35 Act."

36 2. The purpose of this act is to prohibit the
37 cruel and inhumane treatment of dogs [in puppy mills]
38 bred in large operations by requiring large-scale dog
39 breeding operations to provide each dog under their
40 care with basic food and water, adequate shelter from
41 the elements, necessary veterinary care, adequate space

1 to turn around and stretch his or her limbs, and
2 regular exercise.

3 3. Notwithstanding any other provision of law,
4 any person having custody or ownership of more than ten
5 female covered dogs for the purpose of breeding those
6 animals and selling any offspring for use as a pet
7 shall provide each covered dog:

8 (1) Sufficient food and clean water;

9 (2) Necessary veterinary care;

10 (3) Sufficient housing, including protection from
11 the elements;

12 (4) Sufficient space to turn and stretch freely,
13 lie down, and fully extend his or her limbs;

14 (5) Regular exercise; and

15 (6) Adequate rest between breeding cycles.

16 4. [Notwithstanding any other provision of law,
17 no person may have custody of more than fifty covered
18 dogs for the purpose of breeding those animals and
19 selling any offspring for use as a pet.

20 5.] For purposes of this section and
21 notwithstanding the provisions of section 273.325, the
22 following terms have the following meanings:

23 (1) "Adequate rest between breeding cycles"
24 means, at minimum, ensuring that female dogs are not
25 bred to produce more [than two] litters in any
26 [eighteen-month] given period than what is recommended
27 by a licensed veterinarian as appropriate for the
28 species, age, and health of the dog;

29 (2) "Covered dog" means any individual of the
30 species of the domestic dog, *Canis lupus familiaris*, or
31 resultant hybrids, that is over the age of six months
32 and has intact sexual organs;

33 (3) "Necessary veterinary care" means[, at
34 minimum, examination at least once yearly] at least two
35 personal visual inspections annually by a licensed
36 veterinarian, guidance from a licensed veterinarian on
37 preventative care, an exercise plan that has been
38 approved by a licensed veterinarian, normal and prudent
39 attention to skin, coat, and nails, prompt treatment of
40 any illness or injury [by a licensed veterinarian], and
41 where needed, humane euthanasia by a licensed
42 veterinarian using lawful techniques deemed acceptable
43 by the American Veterinary Medical Association. If,

1 during the course of a routine personal visual
2 inspection, the licensed veterinarian detects signs of
3 disease or injury, then a physical examination of any
4 such afflicted dog shall be conducted by a licensed
5 veterinarian;

6 (4) "Person" means any individual, firm,
7 partnership, joint venture, association, limited
8 liability company, corporation, estate, trust,
9 receiver, or syndicate;

10 (5) "Pet" means any [domesticated animal] species
11 of the domestic dog, Canis lupus familiaris, or
12 resultant hybrids, normally maintained in or near the
13 household of the owner thereof;

14 (6) "Regular exercise" means [constant and
15 unfettered access to an outdoor exercise area that is
16 composed of a solid ground-level surface with adequate
17 drainage, provides some protection against sun, wind,
18 rain, and snow, and provides each dog at least twice
19 the square footage of the indoor floor space provided
20 to that dog] the type and amount of exercise sufficient
21 to comply with an exercise plan that has been approved
22 by a licensed veterinarian, developed in accordance
23 with regulations regarding exercise promulgated by the
24 Missouri department of agriculture, and where such plan
25 affords the dog maximum opportunity for outdoor
26 exercise as weather permits;

27 (7) "Retail pet store" means a person or retail
28 establishment open to the public where dogs are bought,
29 sold, exchanged, or offered for retail sale directly to
30 the public to be kept as pets, but that does not engage
31 in any breeding of dogs for the purpose of selling any
32 offspring for use as a pet;

33 (8) "Sufficient food and clean water" means
34 [access to appropriate nutritious food at least once a
35 day sufficient to maintain good health, and continuous
36 access to potable water that is not frozen and is free
37 of debris, feces, algae, and other contaminants];

38 (a) The provision, at suitable intervals of not
39 more than twelve hours, unless the dietary requirements
40 of the species requires a longer interval, of a
41 quantity of wholesome foodstuff, suitable for the
42 species and age, enough to maintain a reasonable level
43 of nutrition in each animal. All foodstuffs shall be

1 served in a safe receptacle, dish, or container; and

2 (b) The provision of a supply of potable water in
3 a safe receptacle, dish, or container. Water shall be
4 provided continuously or at intervals suitable to the
5 species, with no interval to exceed eight hours;

6 (9) "Sufficient housing, including protection
7 from the elements" means [constant and unfettered
8 access to an indoor enclosure that has a solid floor,
9 is not stacked or otherwise placed on top of or below
10 another animal's enclosure, is cleaned of waste at
11 least once a day while the dog is outside the
12 enclosure, and does not fall below forty-five degrees
13 Fahrenheit, or rise above eighty-five degrees
14 Fahrenheit] the continuous provision of a sanitary
15 facility, the provision of a solid surface on which to
16 lie in a recumbent position, protection from the
17 extremes of weather conditions, proper ventilation, and
18 appropriate space depending on the species of animal as
19 required by regulations of the Missouri department of
20 agriculture. No dog shall remain inside its enclosure
21 while the enclosure is being cleaned. Dogs housed
22 within the same enclosure shall be compatible, in
23 accordance with regulations promulgated by the Missouri
24 department of agriculture;

25 (10) "Sufficient space to turn and stretch
26 freely, lie down, and fully extend his or her limbs"
27 means [having:

28 (a) Sufficient indoor space for each dog to turn
29 in a complete circle without any impediment (including
30 a tether);

31 (b) Enough indoor space for each dog to lie down
32 and fully extend his or her limbs and stretch freely
33 without touching the side of an enclosure or another
34 dog;

35 (c) At least one foot of headroom above the head
36 of the tallest dog in the enclosure; and

37 (d) At least twelve square feet of indoor floor
38 space per each dog up to twenty-five inches long, at
39 least twenty square feet of indoor floor space per each
40 dog between twenty-five and thirty-five inches long,
41 and at least thirty square feet of indoor floor space
42 per each dog for dogs thirty-five inches and longer
43 (with the length of the dog measured from the tip of

1 the nose to the base of the tail)] appropriate space
2 depending on the species of the animal, as specified in
3 regulations by the Missouri department of agriculture,
4 as revised.

5 [6. A person is guilty of the crime of puppy mill
6 cruelty when he or she knowingly violates any provision
7 of this section. The crime of puppy mill cruelty is a
8 class C misdemeanor, unless the defendant has
9 previously pled guilty to or been found guilty of a
10 violation of this section, in which case each such
11 violation is a class A misdemeanor. Each violation of
12 this section shall constitute a separate offense. If
13 any violation of this section meets the definition of
14 animal abuse in section 578.012, the defendant may be
15 charged and penalized under that section instead.

16 7.] 5. Any person subject to the provisions of
17 this section shall maintain all veterinary records and
18 sales records for the most recent previous two years.
19 These records shall be made available to the state
20 veterinarian, a state or local animal welfare official,
21 or a law enforcement agent upon request.

22 6. The provisions of this section are in addition
23 to, and not in lieu of, any other state and federal
24 laws protecting animal welfare. This section shall not
25 be construed to limit any state law or regulation
26 protecting the welfare of animals, nor shall anything
27 in this section prevent a local governing body from
28 adopting and enforcing its own animal welfare laws and
29 regulations in addition to this section. This section
30 shall not be construed to place any numerical limits on
31 the number of dogs a person may own or control when
32 such dogs are not used for breeding those animals and
33 selling any offspring for use as a pet. This section
34 shall not apply to a dog during examination, testing,
35 operation, recuperation, or other individual treatment
36 for veterinary purposes, during lawful scientific
37 research, during transportation, during cleaning of a
38 [dogs] dog's enclosure, during supervised outdoor
39 exercise, or during any emergency that places a [dogs]
40 dog's life in imminent danger. [This section shall not
41 apply to any retail pet store, animal shelter as
42 defined in section 273.325, hobby or show breeders who
43 have custody of no more than ten female covered dogs

1 for the purpose of breeding those dogs and selling any
2 offspring for use as a pet, or dog trainer who does not
3 breed and sell any dogs for use as a pet.] Nothing in
4 this section shall be construed to limit hunting or the
5 ability to breed, raise, [or] sell [hunting], control,
6 train, or possess dogs with the intention to use such
7 dogs for hunting or other sporting purposes.

8 [8.] 7. If any provision of this section, or the
9 application thereof to any person or circumstances, is
10 held invalid or unconstitutional, that invalidity or
11 unconstitutionality shall not affect other provisions
12 or applications of this section that can be given
13 effect without the invalid or unconstitutional
14 provision or application, and to this end the
15 provisions of this section are severable.

16 [9.] 8. The provisions herewith shall become
17 operative one year after passage of this act.]
18

19 [273.347. 1. Whenever the state veterinarian or
20 a state animal welfare official finds past violations
21 of sections 273.325 to 273.357 have occurred and have
22 not been corrected or addressed, including operating
23 without a valid license under section 273.327, the
24 director may request the attorney general or the county
25 prosecuting attorney or circuit attorney to bring an
26 action in circuit court in the county where the
27 violations have occurred for a temporary restraining
28 order, preliminary injunction, permanent injunction, or
29 a remedial order enforceable in a circuit court to
30 correct such violations and, in addition, the court may
31 assess a civil penalty in an amount not to exceed one
32 thousand dollars for each violation. Each violation
33 shall constitute a separate offense.

34 2. A person commits the crime of canine cruelty
35 if such person repeatedly violates sections 273.325 to
36 273.357 so as to pose a substantial risk to the health
37 and welfare of animals in such person's custody, or
38 knowingly violates an agreed-to remedial order
39 involving the safety and welfare of animals under this
40 section. The crime of canine cruelty is a class C
41 misdemeanor, unless the person has previously pled
42 guilty or nolo contendere to or been found guilty of a
43 violation of this subsection, in which case, each such

1 violation is a class A misdemeanor.

2 3. The attorney general or the county prosecuting
3 attorney or circuit attorney may bring an action under
4 sections 273.325 to 273.357 in circuit court in the
5 county where the crime has occurred for criminal
6 punishment.

7 4. No action under this section shall prevent or
8 preclude action taken under section 578.012 or under
9 subsection 3 of section 273.329.]; and

10
11 Further amend said bill, Page 24, Section 276.446, Line 8,
12 by inserting after all of said line the following:

13
14 "[Section 1. Any person required to have a
15 license under sections 273.325 to 273.357 who houses
16 animals in stacked cages without an impervious barrier
17 between the levels of such cages, except when cleaning
18 such cages, is guilty of a class A misdemeanor.];

19
20 Section B. In order to improve the immediate health and
21 welfare of dogs in this state and to provide sufficient time for
22 businesses to comply with changes in the law, the repeal and
23 reenactment of sections 273.327 and 273.345, the enactment of
24 sections 273.347 and 1, and the repeal of sections 273.327,
25 273.345, 273.347, and 1 of section A of this act is deemed
26 necessary for the immediate preservation of the public health,
27 welfare, peace and safety, and is hereby declared to be an
28 emergency act within the meaning of the constitution, and the
29 repeal and reenactment of sections 273.327 and 273.345, the
30 enactment of sections 273.347 and 1, and the repeal of sections
31 273.327, 273.345, 273.347, and 1 of section A of this act shall
32 be in full force and effect upon its passage and approval."; and

33 Further amend said title, enacting clause and intersectional
34 references accordingly.