

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 161
96TH GENERAL ASSEMBLY
2011

0993L.02T

AN ACT

To repeal sections 273.327, 273.345, 348.400, 348.407, and 348.412, RSMo, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to agriculture, with penalty provisions and an emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 273.327, 273.345, 348.400, 348.407, and 348.412, RSMo, and sections 273.327, 273.345, 273.347, and 1 as truly agreed to and finally passed by or as enacted by senate substitute for senate committee substitute for senate bills nos. 113 & 95, the ninety-sixth general assembly, first regular session, are repealed and seven new sections enacted in lieu thereof, to be known as sections 273.327, 273.345, 273.347, 348.400, 348.407, 348.412, and 1 to read as follows:

273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 director, the license fee shall range from one hundred to **two thousand five**
12 **hundred dollars per year. Each licensee subject to sections 273.325 to**
13 **273.357 shall pay an additional annual fee of twenty-five dollars to be**
14 **used by the department of agriculture for the purpose of administering**
15 **Operation Bark Alert or any successor program.** Pounds or dog pounds
16 shall be exempt from payment of [such fee] **the fees under this**
17 **section.** License fees shall be levied for each license issued or renewed on or
18 after January 1, 1993.

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

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

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

12 (1) Sufficient food and clean water;

13 (2) Necessary veterinary care;

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

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

17 (5) Regular exercise; and

18 (6) Adequate rest between breeding cycles.

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

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

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

28 (2) "Covered dog" means any individual of the species of the domestic dog,

29 Canis lupus familiaris, or resultant hybrids, that is over the age of six months
30 and has intact sexual organs;

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

36 (4) "Person" means any individual, firm, partnership, joint venture,
37 association, limited liability company, corporation, estate, trust, receiver, or
38 syndicate;

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

42 (6) "Regular exercise" means [constant and unfettered access to an
43 outdoor exercise area that is composed of a solid ground-level surface with
44 adequate drainage, provides some protection against sun, wind, rain, and snow,
45 and provides each dog at least twice the square footage of the indoor floor space
46 provided to that dog] **the type and amount of exercise sufficient to comply**
47 **with an exercise plan that has been approved by a licensed**
48 **veterinarian, developed in accordance with regulations regarding**
49 **exercise promulgated by the Missouri department of agriculture, and**
50 **where such plan affords the dog maximum opportunity for outdoor**
51 **exercise as weather permits;**

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

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

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

65 Fahrenheit] **the continuous provision of a sanitary facility, the provision**
66 **of a solid surface on which to lie in a recumbent position, protection**
67 **from the extremes of weather conditions, proper ventilation, and**
68 **appropriate space depending on the species of animal as required by**
69 **regulations of the Missouri department of agriculture and in**
70 **compliance with the provisions of subsection 7 of this section. No dog**
71 **shall remain inside its enclosure while the enclosure is being**
72 **cleaned. Dogs housed within the same enclosure shall be compatible,**
73 **in accordance with regulations promulgated by the Missouri**
74 **department of agriculture;**

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

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

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

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

84 (d) At least twelve square feet of indoor floor space per each dog up to
85 twenty-five inches long, at least twenty square feet of indoor floor space per each
86 dog between twenty-five and thirty-five inches long, and at least thirty square
87 feet of indoor floor space per each dog for dogs thirty-five inches and longer (with
88 the length of the dog measured from the tip of the nose to the base of the tail)]
89 **Appropriate space depending on the species of the animal, as specified**
90 **in regulations by the Missouri department of agriculture, as revised,**
91 **and in compliance with the provisions of subsection 7 of this section.**

92 [6. A person is guilty of the crime of puppy mill cruelty when he or she
93 knowingly violates any provision of this section. The crime of puppy mill cruelty
94 is a class C misdemeanor, unless the defendant has previously pled guilty to or
95 been found guilty of a violation of this section, in which case each such violation
96 is a class A misdemeanor. Each violation of this section shall constitute a
97 separate offense. If any violation of this section meets the definition of animal
98 abuse in section 578.012, the defendant may be charged and penalized under that
99 section instead.

100 7.] **5. Any person subject to the provisions of this section shall**

101 **maintain all veterinary records and sales records for the most recent**
102 **previous two years. These records shall be made available to the state**
103 **veterinarian, a state or local animal welfare official, or a law**
104 **enforcement agent upon request.**

105 **6.** The provisions of this section are in addition to, and not in lieu of, any
106 other state and federal laws protecting animal welfare. This section shall not be
107 construed to limit any state law or regulation protecting the welfare of animals,
108 nor shall anything in this section prevent a local governing body from adopting
109 and enforcing its own animal welfare laws and regulations in addition to this
110 section. This section shall not be construed to place any numerical limits on the
111 number of dogs a person may own or control when such dogs are not used for
112 breeding those animals and selling any offspring for use as a pet. This section
113 shall not apply to a dog during examination, testing, operation, recuperation, or
114 other individual treatment for veterinary purposes, during lawful scientific
115 research, during transportation, during cleaning of a [dogs] **dog's** enclosure,
116 during supervised outdoor exercise, or during any emergency that places a [dogs]
117 **dog's** life in imminent danger. [This section shall not apply to any retail pet
118 store, animal shelter as defined in section 273.325, hobby or show breeders who
119 have custody of no more than ten female covered dogs for the purpose of breeding
120 those dogs and selling any offspring for use as a pet, or dog trainer who does not
121 breed and sell any dogs for use as a pet.] Nothing in this section shall be
122 construed to limit hunting or the ability to breed, raise, [or] sell [hunting],
123 **control, train, or possess dogs with the intention to use such dogs for**
124 **hunting or other sporting purposes.**

125 **7.** Notwithstanding any law to the contrary, the following space
126 requirements shall apply under this section:

127 **(1)** From January 1, 2012, through December 31, 2015, for any
128 enclosure existing prior to April 15, 2011, the minimum allowable space
129 shall:

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

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

134 **(c)** Meet all other requirements set forth by rule of the Missouri
135 department of agriculture;

136 **(2)** For any enclosure newly constructed after April 15, 2011, and

137 for all enclosures as of January 1, 2016, the minimum allowable space
138 shall:

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

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

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

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

149 8. If any provision of this section, or the application thereof to any person
150 or circumstances, is held invalid or unconstitutional, that invalidity or
151 unconstitutionality shall not affect other provisions or applications of this section
152 that can be given effect without the invalid or unconstitutional provision or
153 application, and to this end the provisions of this section are severable.

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

273.347. 1. Whenever the state veterinarian or a state animal
2 welfare official finds past violations of sections 273.325 to 273.357 have
3 occurred and have not been corrected or addressed, including
4 operating without a valid license under section 273.327, the director
5 may request the attorney general or the county prosecuting attorney
6 or circuit attorney to bring an action in circuit court in the county
7 where the violations have occurred for a temporary restraining order,
8 preliminary injunction, permanent injunction, or a remedial order
9 enforceable in a circuit court to correct such violations and, in
10 addition, the court may assess a civil penalty in an amount not to
11 exceed 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 person
14 repeatedly violates sections 273.325 to 273.357 so as to pose a
15 substantial risk to the health and welfare of animals in such person's
16 custody, or knowingly violates an agreed-to remedial order involving
17 the safety and welfare of animals under this section. The crime of
18 canine cruelty is a class C misdemeanor, unless the person has

19 **previously pled guilty or nolo contendere to or been found guilty of a**
20 **violation of this subsection, in which case, each such violation is a class**
21 **A misdemeanor.**

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

26 **4. No action under this section shall prevent or preclude action**
27 **taken under section 578.012 or under subsection 3 of section 273.329.**

348.400. As used in sections 348.400 to 348.415, the following terms
2 mean:

3 (1) "Agricultural business development loan", a loan for the acquisition,
4 construction, improvement, or rehabilitation of agricultural property, **or for the**
5 **expansion, acquisition, construction, improvement, or rehabilitation of**
6 **a qualifying agribusiness;**

7 (2) "Agricultural product", an agricultural, horticultural, viticultural, or
8 vegetable product, growing of grapes that will be processed into wine, bees, honey,
9 fish or other aquacultural product, planting seed, livestock, a livestock product,
10 a forestry product, poultry or a poultry product, either in its natural or processed
11 state, that has been produced, processed, or otherwise had value added to it in
12 this state;

13 (3) "Agricultural property", any land and easements and real and personal
14 property, including, but not limited to, buildings, structures, improvements, and
15 equipment which is used in Missouri by Missouri residents or Missouri-based
16 businesses for the purpose of processing, manufacturing, marketing, exporting or
17 adding value to an agricultural product. Agricultural property also includes any
18 land and easements and real and personal property, including, but not limited to,
19 buildings, structures, improvements, equipment and plant stock used for the
20 growing of grapes which will be processed into wine;

21 (4) "Authority", the Missouri agricultural and small business development
22 authority;

23 (5) "Eligible borrower", as defined in section 348.015;

24 (6) "Eligible lender", lender as defined in section 348.015;

25 (7) "Fund", the agricultural product utilization and business development
26 loan guarantee fund or the agricultural product utilization grant fund;

27 (8) "Grant fund" the agricultural product utilization grant fund;

28 (9) "Program fund", the agricultural product utilization and business
29 development loan program fund;

30 (10) **"Qualifying agribusiness", any business whose primary**
31 **customer base is producers of agricultural goods and products or any**
32 **business whose function is the support of agricultural production or**
33 **processing by providing goods and services used for producing or**
34 **processing agricultural products.**

348.407. 1. The authority shall develop and implement agricultural
2 products utilization grants as provided in this section.

3 2. The authority may reject any application for grants pursuant to this
4 section.

5 3. The authority shall make grants, and may make loans or guaranteed
6 loans from the grant fund to persons for the creation, development and operation,
7 for up to three years from the time of application approval, of rural agricultural
8 businesses whose projects add value to agricultural products and aid the economy
9 of a rural community.

10 4. **The authority may make loan guarantees to qualified**
11 **agribusinesses for agricultural business development loans for**
12 **businesses that aid in the economy of a rural community and support**
13 **production agriculture or add value to agricultural products by**
14 **providing necessary products and services for production or**
15 **processing.**

16 5. The authority may, upon the provision of a fee by the requesting person
17 in an amount to be determined by the authority, provide for a feasibility study of
18 the person's rural agricultural business concept.

19 [5.] 6. Upon a determination by the authority that such concept is
20 feasible and upon the provision of a fee by the requesting person, in an amount
21 to be determined by the authority, the authority may then provide for a
22 marketing study. Such marketing study shall be designed to determine whether
23 such concept may be operated profitably.

24 [6.] 7. Upon a determination by the authority that the concept may be
25 operated profitably, the authority may provide for legal assistance to set up the
26 business. Such legal assistance shall include, but not be limited to, providing
27 advice and assistance on the form of business entity, the availability of tax credits
28 and other assistance for which the business may qualify as well as helping the
29 person apply for such assistance.

30 [7.] 8. The authority may provide or facilitate loans or guaranteed loans
31 for the business including, but not limited to, loans from the United States
32 Department of Agriculture Rural Development Program, subject to availability.
33 Such financial assistance may only be provided to feasible projects, and for an
34 amount that is the least amount necessary to cause the project to occur, as
35 determined by the authority. The authority may structure the financial
36 assistance in a way that facilitates the project, but also provides for a
37 compensatory return on investment or loan payment to the authority, based on
38 the risk of the project.

39 [8.] 9. The authority may provide for consulting services in the building
40 of the physical facilities of the business.

41 [9.] 10. The authority may provide for consulting services in the
42 operation of the business.

43 [10.] 11. The authority may provide for such services through employees
44 of the state or by contracting with private entities.

45 [11.] 12. The authority may consider the following in making the
46 decision:

- 47 (1) The applicant's commitment to the project through the applicant's risk;
- 48 (2) Community involvement and support;
- 49 (3) The phase the project is in on an annual basis;
- 50 (4) The leaders and consultants chosen to direct the project;
- 51 (5) The amount needed for the project to achieve the bankable stage; and
- 52 (6) The projects planning for long-term success through feasibility studies,
53 marketing plans and business plans.

54 [12.] 13. The department of agriculture, the department of natural
55 resources, the department of economic development and the University of
56 Missouri may provide such assistance as is necessary for the implementation and
57 operation of this section. The authority may consult with other state and federal
58 agencies as is necessary.

59 [13.] 14. The authority may charge fees for the provision of any service
60 pursuant to this section.

61 [14.] 15. The authority may adopt rules to implement the provisions of
62 this section.

63 [15.] 16. Any rule or portion of a rule, as that term is defined in section
64 536.010, that is created under the authority delegated in sections 348.005 to
65 348.180 shall become effective only if it complies with and is subject to all of the

66 provisions of chapter 536 and, if applicable, section 536.028. All rulemaking
67 authority delegated prior to August 28, 1999, is of no force and effect and
68 repealed. Nothing in this section shall be interpreted to repeal or affect the
69 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
70 with all applicable provisions of law. This section and chapter 536 are
71 nonseverable and if any of the powers vested with the general assembly pursuant
72 to chapter 536 to review, to delay the effective date or to disapprove and annul
73 a rule are subsequently held unconstitutional, then the grant of rulemaking
74 authority and any rule proposed or adopted after August 28, 1999, shall be
75 invalid and void.

348.412. 1. Eligible borrowers:

2 (1) Shall use the proceeds of the agricultural business development loan
3 to acquire agricultural property **or for the expansion, acquisition,**
4 **construction, improvement, or rehabilitation of a qualifying**
5 **agribusiness;** and

6 (2) May not finance more than ninety percent of the anticipated cost of the
7 project through the agricultural business development loan.

8 2. The project shall have opportunities to succeed in the development,
9 expansion and operation of businesses involved in adding value to, marketing,
10 exporting, processing, or manufacturing agricultural products that will benefit the
11 state economically and socially through direct or indirect job creation or job
12 retention.

13 3. The authority shall promulgate rules establishing eligibility pursuant
14 to the provisions of sections 348.400 to 348.415, taking into consideration:

15 (1) The eligible borrower's ability to repay the agricultural business
16 development loan;

17 (2) The general economic conditions of the area in which the agricultural
18 property will be located;

19 (3) The prospect of success of the particular project for which the loan is
20 sought; and

21 (4) Such other factors as the authority may establish.

22 4. The authority may promulgate rules to provide for:

23 (1) The requirement or nonrequirement of security or endorsement and
24 the nature thereof;

25 (2) The manner and time or repayment of the principal and interest;

26 (3) The maximum rate of interest;

- 27 (4) The right of the eligible borrower to accelerate payments without
28 penalty;
- 29 (5) The amount of the guaranty charge;
- 30 (6) The effective period of the guaranty;
- 31 (7) The percent of the agricultural business development loan, not to
32 exceed fifty percent, covered by the guaranty;
- 33 (8) The assignability of agricultural business development loans by the
34 eligible lender;
- 35 (9) Procedures in the event of default on an agricultural business
36 development loan;
- 37 (10) The due diligence effort on the part of eligible lenders for collection
38 of guaranteed loans;
- 39 (11) Collection assistance to be provided to eligible lenders; and
- 40 (12) The extension of the guaranty in consideration of duty in the armed
41 forces, unemployment, natural disasters, or other hardships.

**Section 1. Any person required to have a license under sections
2 273.325 to 273.357 who houses animals in stacked cages without an
3 impervious barrier between the levels of such cages, except when
4 cleaning such cages, is guilty of a class A misdemeanor.**

[273.327. No person shall operate an animal shelter, pound
2 or dog pound, boarding kennel, commercial kennel, contract kennel,
3 pet shop, or exhibition facility, other than a limited show or
4 exhibit, or act as a dealer or commercial breeder, unless such
5 person has obtained a license for such operations from the
6 director. An applicant shall obtain a separate license for each
7 separate physical facility subject to sections 273.325 to 273.357
8 which is operated by the applicant. Any person exempt from the
9 licensing requirements of sections 273.325 to 273.357 may
10 voluntarily apply for a license. Application for such license shall
11 be made in the manner provided by the director. The license shall
12 expire annually unless revoked. As provided by rules to be
13 promulgated by the director, the license fee shall range from one
14 hundred to **two thousand** five hundred dollars per year. **Each**
15 **licensee subject to sections 273.325 to 273.357 shall pay an**
16 **additional annual fee of twenty-five dollars to be used by**
17 **the department of agriculture for the purpose of**

18 **administering Operation Bark Alert or any successor**
19 **program.** Pounds or dog pounds shall be exempt from payment of
20 [such fee] **the fees under this section.** License fees shall be
21 levied for each license issued or renewed on or after January 1,
22 1993.]

2 [273.345. 1. This section shall be known and may be cited
as the "[Puppy Mill] **Canine** Cruelty Prevention Act."

3 2. The purpose of this act is to prohibit the cruel and
4 inhumane treatment of dogs [in puppy mills] **bred in large**
5 **operations** by requiring large-scale dog breeding operations to
6 provide each dog under their care with basic food and water,
7 adequate shelter from the elements, necessary veterinary care,
8 adequate space to turn around and stretch his or her limbs, and
9 regular exercise.

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

- 14 (1) Sufficient food and clean water;
- 15 (2) Necessary veterinary care;
- 16 (3) Sufficient housing, including protection from the
17 elements;
- 18 (4) Sufficient space to turn and stretch freely, lie down, and
19 fully extend his or her limbs;
- 20 (5) Regular exercise; and
- 21 (6) Adequate rest between breeding cycles.

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

25 5.] For purposes of this section and notwithstanding the
26 provisions of section 273.325, the following terms have the
27 following meanings:

- 28 (1) "Adequate rest between breeding cycles" means, at
29 minimum, ensuring that **female** dogs are not bred to produce more
30 [than two] litters in any [eighteen-month] **given** period **than**
31 **what is recommended by a licensed veterinarian as**

32 **appropriate for the species, age, and health of the dog;**

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

36 (3) "Necessary veterinary care" means[, at minimum,
37 examination at least once yearly] **at least two personal visual**
38 **inspections annually** by a licensed veterinarian, **guidance from**
39 **a licensed veterinarian on preventative care, an exercise**
40 **plan that has been approved by a licensed veterinarian,**
41 **normal and prudent attention to skin, coat, and nails,**
42 prompt treatment of any illness or injury [by a licensed
43 veterinarian], and where needed, humane euthanasia by a licensed
44 veterinarian using lawful techniques deemed acceptable by the
45 American Veterinary Medical Association. **If, during the course**
46 **of a routine personal visual inspection, the licensed**
47 **veterinarian detects signs of disease or injury, then a**
48 **physical examination of any such afflicted dog shall be**
49 **conducted by a licensed veterinarian;**

50 (4) "Person" means any individual, firm, partnership, joint
51 venture, association, limited liability company, corporation, estate,
52 trust, receiver, or syndicate;

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

56 (6) "Regular exercise" means [constant and unfettered
57 access to an outdoor exercise area that is composed of a solid
58 ground-level surface with adequate drainage, provides some
59 protection against sun, wind, rain, and snow, and provides each
60 dog at least twice the square footage of the indoor floor space
61 provided to that dog] **the type and amount of exercise**
62 **sufficient to comply with an exercise plan that has been**
63 **approved by a licensed veterinarian, developed in**
64 **accordance with regulations regarding exercise**
65 **promulgated by the Missouri department of agriculture,**
66 **and where such plan affords the dog maximum opportunity**
67 **for outdoor exercise as weather permits;**

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

73 (8) "Sufficient food and clean water" means [access to
74 appropriate nutritious food at least once a day sufficient to
75 maintain good health, and continuous access to potable water that
76 is not frozen and is free of debris, feces, algae, and other
77 contaminants]:

78 **(a) The provision, at suitable intervals of not more**
79 **than twelve hours, unless the dietary requirements of the**
80 **species requires a longer interval, of a quantity of**
81 **wholesome foodstuff, suitable for the species and age,**
82 **enough to maintain a reasonable level of nutrition in each**
83 **animal. All foodstuffs shall be served in a safe receptacle,**
84 **dish, or container; and**

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

89 (9) "Sufficient housing, including protection from the
90 elements" means [constant and unfettered access to an indoor
91 enclosure that has a solid floor, is not stacked or otherwise placed
92 on top of or below another animal's enclosure, is cleaned of waste
93 at least once a day while the dog is outside the enclosure, and does
94 not fall below forty-five degrees Fahrenheit, or rise above
95 eighty-five degrees Fahrenheit] **the continuous provision of a**
96 **sanitary facility, the provision of a solid surface on which**
97 **to lie in a recumbent position, protection from the**
98 **extremes of weather conditions, proper ventilation, and**
99 **appropriate space depending on the species of animal as**
100 **required by regulations of the Missouri department of**
101 **agriculture. No dog shall remain inside its enclosure while**
102 **the enclosure is being cleaned. Dogs housed within the**
103 **same enclosure shall be compatible, in accordance with**

104 **regulations promulgated by the Missouri department of**
105 **agriculture;**

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

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

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

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

115 (d) At least twelve square feet of indoor floor space per each
116 dog up to twenty-five inches long, at least twenty square feet of
117 indoor floor space per each dog between twenty-five and thirty-five
118 inches long, and at least thirty square feet of indoor floor space per
119 each dog for dogs thirty-five inches and longer (with the length of
120 the dog measured from the tip of the nose to the base of the tail)]
121 **appropriate space depending on the species of the animal,**
122 **as specified in regulations by the Missouri department of**
123 **agriculture, as revised.**

124 [6. A person is guilty of the crime of puppy mill cruelty
125 when he or she knowingly violates any provision of this
126 section. The crime of puppy mill cruelty is a class C misdemeanor,
127 unless the defendant has previously pled guilty to or been found
128 guilty of a violation of this section, in which case each such
129 violation is a class A misdemeanor. Each violation of this section
130 shall constitute a separate offense. If any violation of this section
131 meets the definition of animal abuse in section 578.012, the
132 defendant may be charged and penalized under that section
133 instead.

134 **7.] 5. Any person subject to the provisions of this**
135 **section shall maintain all veterinary records and sales**
136 **records for the most recent previous two years. These**
137 **records shall be made available to the state veterinarian,**
138 **a state or local animal welfare official, or a law**
139 **enforcement agent upon request.**

140 **6.** The provisions of this section are in addition to, and not
141 in lieu of, any other state and federal laws protecting animal
142 welfare. This section shall not be construed to limit any state law
143 or regulation protecting the welfare of animals, nor shall anything
144 in this section prevent a local governing body from adopting and
145 enforcing its own animal welfare laws and regulations in addition
146 to this section. This section shall not be construed to place any
147 numerical limits on the number of dogs a person may own or
148 control when such dogs are not used for breeding those animals
149 and selling any offspring for use as a pet. This section shall not
150 apply to a dog during examination, testing, operation, recuperation,
151 or other individual treatment for veterinary purposes, during
152 lawful scientific research, during transportation, during cleaning
153 of a [dogs] **dog's** enclosure, during supervised outdoor exercise, or
154 during any emergency that places a [dogs] **dog's** life in imminent
155 danger. [This section shall not apply to any retail pet store,
156 animal shelter as defined in section 273.325, hobby or show
157 breeders who have custody of no more than ten female covered dogs
158 for the purpose of breeding those dogs and selling any offspring for
159 use as a pet, or dog trainer who does not breed and sell any dogs
160 for use as a pet.] Nothing in this section shall be construed to limit
161 hunting or the ability to breed, raise, [or] sell [hunting], **control,**
162 **train, or possess dogs with the intention to use such dogs**
163 **for hunting or other sporting purposes.**

164 [8.] **7.** If any provision of this section, or the application
165 thereof to any person or circumstances, is held invalid or
166 unconstitutional, that invalidity or unconstitutionality shall not
167 affect other provisions or applications of this section that can be
168 given effect without the invalid or unconstitutional provision or
169 application, and to this end the provisions of this section are
170 severable.

171 [9.] **8.** The provisions herewith shall become operative one
172 year after passage of this act.]

 [273.347. **1. Whenever the state veterinarian or a**
2 **state animal welfare official finds past violations of**
3 **sections 273.325 to 273.357 have occurred and have not**

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

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

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

29 **4. No action under this section shall prevent or**
30 **preclude action taken under section 578.012 or under**
31 **subsection 3 of section 273.329.]**

[Section 1. Any person required to have a license
2 **under sections 273.325 to 273.357 who houses animals in**
3 **stacked cages without an impervious barrier between the**
4 **levels of such cages, except when cleaning such cages, is**
5 **guilty of a class A misdemeanor.]**

 Section B. In order to improve the immediate health and welfare of dogs
2 in this state and to provide sufficient time for businesses to comply with changes
3 in the law, the repeal and reenactment of sections 273.327 and 273.345, the
4 enactment of sections 273.347 and 1, and the repeal of sections 273.327, 273.345,

5 273.347, and 1 of section A of this act is deemed necessary for the immediate
6 preservation of the public health, welfare, peace and safety, and is hereby
7 declared to be an emergency act within the meaning of the constitution, and the
8 repeal and reenactment of sections 273.327 and 273.345, the enactment of
9 sections 273.347 and 1, and the repeal of sections 273.327, 273.345, 273.347, and
10 1 of section A of this act shall be in full force and effect upon its passage and
11 approval.

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