

SS SCS SB 113 & 95 -- DOG BREEDERS

SPONSOR: Parson (Loehner)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture Policy by a vote of 14 to 0.

This substitute changes the laws regarding the Animal Care Facilities Act and the Puppy Mill Cruelty Prevention Act. In its main provisions, the substitute:

(1) Increases the maximum annual license fee for those licensed under the Animal Care Facilities Act from \$500 to \$2,500 and requires each licensee to pay an additional \$25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;

(2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act;

(3) Removes the provision limiting dog ownership to 50 female dogs for the purpose of breeding and selling any offspring as pets;

(4) Revises the term "adequate rest between breeding cycles" to mean ensuring that a female dog is not bred to produce more litters in any given time period than what is recommended by a licensed veterinarian for the species, age, and health of the dog;

(5) Changes the term "necessary veterinary care" to mean at least two personal visual inspections annually by a licensed veterinarian; guidance from a licensed veterinarian on preventative care; an exercise plan approved by a licensed veterinarian; normal and prudent attention to skin, coat, and nails; prompt treatment of any illness or injury; and humane euthanasia by a licensed veterinarian when needed. If, during the course of a routine personal visual inspection, the veterinarian detects signs of disease or injury, a physical examination of any afflicted dog must be conducted by the veterinarian;

(6) Revises the term "pet" from meaning any domesticated animal to only include dogs;

(7) Changes the term "regular exercise" to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations and where the plan gives the dog maximum opportunity for outdoor exercise as weather

permits;

(8) Revises the term "sufficient food and clean water" to require a breeder to provide each animal with a quantity of wholesome food suitable for the species and age to maintain a reasonable level of nutrition at suitable intervals of no more than 12 hours, unless the dietary requirements of the breed require a longer interval. The breeder must also supply water continuously or at an interval suitable to the breed with no interval to exceed eight hours. The food and water must be served in a safe receptacle, dish, or container;

(9) Changes the term "sufficient housing, including protection from the elements" to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible, in accordance with department regulations;

(10) Changes the term "sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" to mean appropriate space depending on the species as specified in department regulations;

(11) Removes the crime of puppy mill cruelty;

(12) Requires any person subject to the Canine Cruelty Prevention Act to maintain all veterinary records and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(13) Removes the provision which exempts retail pet stores, animal shelters, certain hobby or show breeders, and dog trainers from the provisions of the Canine Cruelty Prevention Act;

(14) Specifies that nothing in the Canine Cruelty Prevention Act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes;

(15) Specifies that when the State Veterinarian or a state animal welfare official finds that past violations of the Animal Care Facilities Act have occurred and have not been corrected or addressed, the department director may request the Attorney General or the local prosecutor to bring action for a temporary restraining order, preliminary or permanent injunction, or a

remedial order to correct the violation and the court may assess a civil penalty of up to \$1,000 for each violation;

(16) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal Care Facilities Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of the Animal Care Facilities Act, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney may bring an action for criminal punishment; and

(17) Specifies that any breeder licensed under the Animal Care Facilities Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

FISCAL NOTE: Estimated Net Income on General Revenue Fund of \$259,948 in FY 2012, \$443,922 in FY 2013, and \$443,922 in FY 2014. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill changes the provisions passed in Proposition B, known as the Puppy Mill Cruelty Prevention Act, to recognize that many breeders raise their animals in a humane manner. Proposition B, as passed by the voters in November 2010, will put many, if not all, professional dog breeders out of business because they cannot meet the requirements of the act. Proposition B did not provide the state with any additional resources for enforcement of the new requirements, but the bill provides additional funding for the enforcement of its provisions.

Testifying for the bill were Senator Parson; Missouri Federation of Animal Owners; Missouri Farm Bureau; Missouri Pork Association; Missouri Family Network; Phil Gandner, Impressive Beagle Kennels; Missouri Federation of Animal Owners; Missouri Corn Growers Association; Dave Drennan, Missouri Dairy Association; Missouri Agribusiness Association; Missouri Soybean Association; Missouri Cattlemen's Association; The Poultry Federation; and many private citizens.

OPPOSERS: Those who oppose the bill say that it removes the protections afforded to dogs in Proposition B which was passed by voters in November 2010. The bill repeals many of the humane standards necessary to protect the health and welfare of dogs,

including the requirement for veterinary care and sufficient housing. Missouri citizens voted for the new requirements; and therefore, the legislature should not change them.

Testifying against the bill were American Society for the Prevention of Cruelty to Animals; Dr. Steven Schwartz, Humane Society of Missouri; Humane Society of the United States; Missouri Alliance for Animal Legislation; and many private citizens.

OTHERS: Others testifying on the bill answered questions regarding the current Animal Care Facilities Act and how it is enforced.

Testifying on the bill was Department of Agriculture.