

SS SCS SB 113 & 95 -- DOG BREEDERS

(Repealed in HCS SB 161)

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

(1) Increases the maximum annual license fee 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 and changes the provisions of the act by:

(a) Removing the provision prohibiting a person from owning more than 50 dogs for the purpose of breeding them and selling any offspring as a pet;

(b) Revising the term "adequate rest between breeding cycles" to mean, at a minimum, 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 as appropriate for the species, age, and health of the dog;

(c) Changing 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 the inspection, the veterinarian detects signs of disease or injury, a physical examination of any afflicted dog must be conducted by a licensed veterinarian;

(d) Revising the term "pet" from meaning any domesticated animal to meaning only dogs;

(e) Changing 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;

(f) Revising 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 safe receptacles, dishes, or containers;

(g) Changing 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;

(h) Changing 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;

(i) Removing the provisions regarding the crime of puppy mill cruelty;

(j) Requiring any person subject to the provisions of the act to maintain all veterinary 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;

(k) Removing the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the act; and

(l) Specifying that nothing in the 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;

(3) 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 county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and allows the court to assess a civil penalty of up to \$1,000 for each violation;

(4) 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 this crime, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(5) 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.