

SECOND REGULAR SESSION

# HOUSE BILL NO. 2265

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BAKER.

4816H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 273.325 and 273.340, RSMo, and to enact in lieu thereof three new sections relating to pet shop operations, with penalty provisions.

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

Section A. Sections 273.325 and 273.340, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 273.325, 273.340, and 273.358, to read as  
3 follows:

273.325. 1. Sections 273.325 to 273.357 shall be known as the "Animal Care  
2 Facilities Act".

3 2. As used in sections 273.325 to 273.357, the following terms mean:

4 (1) "Adequate food", the provision, at suitable intervals of not more than twelve  
5 hours, unless the dietary requirements of the species require a longer interval, of a quantity of  
6 wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable  
7 level of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish, or  
8 container;

9 (2) "Adequate housing", the continuous provision of a sanitary facility, protection  
10 from the extremes of weather conditions, proper ventilation, and appropriate space depending  
11 on the species of animal, as defined by regulations of the USDA, as revised;

12 (3) "Adequate water", the provision, either continuously or at intervals suitable to the  
13 species, which intervals shall not exceed eight hours, of a supply of potable water in a safe  
14 receptacle, dish, or container;

15 (4) "Animal", any dog or cat, which is being used, or is intended for use, for research,  
16 teaching, testing, breeding, or exhibition purposes, or as a pet;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (5) "Animal shelter", a facility which is used to house or contain animals, which is  
18 owned, operated, or maintained by an incorporated humane society, animal welfare society,  
19 society for the prevention of cruelty to animals, or other not-for-profit organization devoted to  
20 the welfare, protection, and humane treatment of such animals, or a person whose primary  
21 purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer  
22 them for adoption;

23 (6) "Animal welfare official", any licensed veterinarian, designated by and under the  
24 supervision of the state veterinarian, who administers or assists in the administration of the  
25 provisions of sections 273.325 to 273.357, or any appointee of the director, and shall include  
26 all deputy state veterinarians;

27 (7) "Boarding kennel", a place or establishment, other than a pound or animal shelter,  
28 where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a  
29 consideration; however, "boarding kennel" shall not include hobby or show breeders who  
30 board intact females for a period of time for the sole purpose of breeding such intact females,  
31 and shall not include individuals who temporarily, and not in the normal course of business,  
32 board or care for animals owned by other individuals;

33 (8) "Commercial breeder", a person, other than a hobby or show breeder, engaged in  
34 the business of breeding animals for sale or for exchange in return for a consideration, and  
35 who harbors more than three intact females for the primary purpose of breeding animals for  
36 sale;

37 (9) "Commercial kennel", a kennel which performs grooming or training services for  
38 animals, and may or may not render boarding services in return for a consideration;

39 (10) "Contract kennel", any facility operated by any person or entity other than the  
40 state or any political subdivision of the state, for the purpose of impounding or harboring  
41 seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a  
42 contract with the state or any political subdivision;

43 (11) **"Critical violation", a critical noncompliance item issued by the Missouri**  
44 **department of agriculture or the U.S. Department of Agriculture that creates a serious**  
45 **or severe adverse effect on the health and well-being of an animal and can be present at**  
46 **the time of its issuance or upon inspection by the Missouri department of agriculture or**  
47 **the U.S. Department of Agriculture;**

48 (12) "Dealer", any person who is engaged in the business of buying for resale, selling  
49 or exchanging animals, as a principal or agent, or who holds himself out to be so engaged or  
50 is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;

51 ~~(12)~~ (13) **"Director", the director of the department of agriculture of the state**  
52 **of Missouri;**

53           ~~[(13)]~~ (14) "Hobby or show breeder", a noncommercial breeder who breeds dogs or  
54 cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or  
55 selling the dogs or cats, and having no more than ten intact females. Such breeder shall be  
56 classified as a hobby or show breeder if such person only sells animals to other breeders or to  
57 individuals;

58           ~~[(14)]~~ (15) "Humane euthanasia", the act or practice of putting an animal to death in a  
59 humane or instantaneous manner under guidelines and procedures established by rules  
60 promulgated by the director;

61           ~~[(15)]~~ (16) "Intact female", with respect to a dog, refers to a female dog between the  
62 ages of six months and ten years of age which is capable of being bred; and with respect to a  
63 cat, refers to a female cat between the ages of six months and eight years which is capable of  
64 being bred;

65           ~~[(16)]~~ (17) "Pet shop", any facility where animals are bought, sold, exchanged, or  
66 offered for retail sale to the general public;

67           ~~[(17)]~~ (18) "Pound" or "dog pound", a facility operated by the state or any political  
68 subdivision of the state for the purpose of impounding or harboring seized, stray, homeless,  
69 abandoned, or unwanted animals;

70           ~~[(18)]~~ (19) "State veterinarian", the state veterinarian as provided by chapter 267;

71           ~~[(19)]~~ (20) "USDA", the United States Department of Agriculture.

273.340. A dealer shall only purchase animals from persons in this state who are  
2 licensed under sections 273.325 to 273.357, or who are exempt from licensure. **A dealer or  
3 pet shop shall not purchase from any entity who is not licensed in accordance with  
4 sections 273.325 to 273.357 or who has multiple or repeat critical violations of state or  
5 federal law within the last three years. The pet shop shall disclose to the purchaser of a  
6 dog the breeder's and dealer's name and address.** Any dealer or pet shop who knowingly  
7 purchases animals in violation of this section shall be guilty of a class A misdemeanor and  
8 each purchase made shall constitute a separate offense. In addition to such penalties, the  
9 director may revoke such dealer's license.

**273.358. 1. A political subdivision shall not adopt or enforce an ordinance or  
2 other regulation that prohibits or effectively prohibits the operation of a pet shop  
3 licensed under sections 273.325 to 273.357 from operating within its state license.**

**2. Nothing in this section shall be construed to prohibit the enforcement of any  
5 applicable building codes, general zoning requirements, or relevant inspections as  
6 otherwise required by ordinance or law.**

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