

SECOND REGULAR SESSION

# HOUSE BILL NO. 2567

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (46).

5942H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 273.325, 273.329, and 273.342, RSMo, and to enact in lieu thereof three new sections relating to commercial dog breeders, 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Section A. Sections 273.325, 273.329, and 273.342, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 273.325, 273.329, and 273.342,  
3 to read as 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) "Dealer", any person who is engaged in the business of buying for resale, selling  
44 or exchanging animals, as a principal or agent, or who holds himself out to be so engaged or  
45 is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;

46 (12) "Director", the director of the department of agriculture of the state of Missouri;

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

52 (14) "Humane euthanasia", the act or practice of putting an animal to death in a  
53 humane or instantaneous manner under guidelines and procedures established by rules  
54 promulgated by the director;

55 (15) "Intact female", with respect to a dog, refers to a female dog between the ages of  
56 six months and ten years of age which is capable of being bred; and with respect to a cat,  
57 refers to a female cat between the ages of six months and eight years which is capable of  
58 being bred;

59 (16) "Pet shop", any facility where animals are bought, sold, exchanged, or offered  
60 for retail sale to the general public;

61 (17) "Pound" or "dog pound", a facility operated by the state or any political  
62 subdivision of the state for the purpose of impounding or harboring seized, stray, homeless,  
63 abandoned, or unwanted animals;

64 (18) "State veterinarian", the state veterinarian as provided by chapter 267;

65 (19) "USDA", the United States Department of Agriculture.

273.329. 1. The director may refuse to issue or renew or may revoke a license on any  
2 one or more of the following grounds:

3 (1) Material and deliberate misstatement in the application for any original license or  
4 for any renewal license under sections 273.325 to 273.357;

5 (2) Disregard or violation of sections 273.325 to 273.357 or of any rules promulgated  
6 pursuant thereto;

7 (3) Conviction of any violation of any state or federal law relating to the disposition  
8 or treatment of animals;

9 (4) Failure to provide adequate food, water, housing or sanitary facilities for animals  
10 under the control of an animal shelter, boarding kennel, commercial breeder, commercial  
11 kennel, contract kennel, dealer, pet shop, pound, or exhibitor as defined by regulations of the  
12 USDA.

13 2. The department of agriculture shall not retain, contract with, or otherwise utilize  
14 the services of the personnel of any nonprofit organization for the purpose of inspection or  
15 licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel,  
16 contract kennel, commercial breeder, ~~[hobby or show breeder,]~~ or pet shop under sections  
17 273.325 to 273.357.

18 3. Operation of an animal shelter, pound or dog pound, boarding kennel, commercial  
19 kennel, contract kennel, pet shop, or exhibition facility, or activity as a commercial breeder or  
20 dealer without a valid license shall constitute a class A misdemeanor.

273.342. ~~[4-]~~ Persons engaged in breeding dogs and cats who harbor three or less  
2 intact females shall be exempt from the provisions of sections 273.325 to 273.357.

3       ~~[2. A hobby or show breeder shall be exempt from the licensure and inspection~~  
4 ~~requirements of sections 273.325 to 273.357. The director shall develop a form for~~  
5 ~~registration of persons who meet the definition of hobby or show breeder, and any such hobby~~  
6 ~~or show breeder shall register annually with the director for the purpose of establishing that~~  
7 ~~such person is a hobby or show breeder, at no cost to said hobby or show breeder.]~~

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