

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 131
96TH GENERAL ASSEMBLY

0137L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 273.327, 273.340, and 273.345, RSMo, and to enact in lieu thereof four new sections relating to dog breeders, with penalty provisions.

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

Section A. Sections 273.327, 273.340, and 273.345, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 273.327, 273.340, 273.345, and 1, to read as follows: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 director, the license fee shall range from one hundred to **two thousand five hundred dollars per year. Each licensee subject to sections 273.325 to 273.357 shall pay an additional fee of twenty-five dollars to be used by the department of agriculture for the purpose of promoting Operation Bark Alert.** Pounds or dog pounds shall be exempt from payment of such fee. License fees shall be levied for each license issued or renewed on or after January 1, 1993.

273.340. A dealer shall only purchase animals from persons in this state who are licensed under sections 273.325 to 273.357, or who are exempt from licensure. **If a dealer purchases animals from a person who is exempt from licensure, the animal shall meet the same**

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.

4 **vaccination and health requirements of those animals sold by a licensed person.** Any dealer
5 who knowingly purchases animals in violation of this section shall be guilty of a class A
6 misdemeanor and each purchase made shall constitute a separate offense. In addition to such
7 penalties, the director may revoke such dealer's license.

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

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

7 3. Notwithstanding any other provision of law, any person **licensed or required to**
8 **obtain a license under sections 273.325 to 273.357** having custody or ownership of more than
9 ten female covered dogs [for the purpose of breeding those animals and selling any offspring for
10 use as a pet] shall provide [each covered dog]:

11 (1) Sufficient food and clean water;

12 (2) Necessary veterinary care;

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

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

15 (5) Regular exercise; and

16 (6) Adequate rest between breeding cycles.

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

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

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

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

29 (3) "Necessary veterinary care" [means, at minimum, examination at least once yearly]
30 **, at least two personal visual inspections annually** by a licensed veterinarian, prompt treatment
31 of any **serious** illness or injury by a licensed veterinarian, and where needed, humane euthanasia

32 [by a licensed veterinarian] using lawful techniques deemed acceptable by the American
33 Veterinary Medical Association;

34 (4) "Person" [means] , any individual, firm, partnership, joint venture, association,
35 limited liability company, corporation, estate, trust, receiver, or syndicate;

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

39 (6) "Regular exercise" [means constant and unfettered access to an outdoor exercise area
40 that is composed of a solid ground-level surface with adequate drainage, provides some
41 protection against sun, wind, rain, and snow, and provides each dog at least twice the square
42 footage of the indoor floor space provided to that dog] , **that which is consistent with**
43 **regulations promulgated by the Missouri department of agriculture;**

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

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

51 (a) **The provision, at suitable intervals of not more than twelve hours unless the**
52 **dietary requirements of the species require a longer interval, of a quantity of wholesome**
53 **foodstuff suitable for the species and age and sufficient to maintain a reasonable level of**
54 **nutrition in each animal. All foodstuffs shall be served in a safe receptacle, dish, or**
55 **container; and**

56 (b) **The provision of a supply of potable water in a safe receptacle, dish, or**
57 **container. Water shall be provided continuously or at intervals suitable to the species;**

58 (9) "Sufficient housing, including protection from the elements" [means constant and
59 unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise placed
60 on top of or below another animal's enclosure, is cleaned of waste at least once a day while the
61 dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above
62 eighty-five degrees Fahrenheit] , **the continuous provision of a sanitary facility, protection**
63 **from the extremes of weather conditions, proper ventilation, and appropriate space**
64 **depending on the species of animal, as required by the regulations of the Missouri**
65 **department of agriculture;**

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

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

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

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

73 (d) At least twelve square feet of indoor floor space per each dog up to twenty-five
74 inches long, at least twenty square feet of indoor floor space per each dog between twenty-five
75 and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for
76 dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose
77 to the base of the tail).

78 6. A person is guilty of the crime of puppy mill cruelty when he or she knowingly
79 violates any provision of this section. The crime of puppy mill cruelty is a class C misdemeanor,
80 unless the defendant has previously pled guilty to or been found guilty of a violation of this
81 section, in which case each such violation is a class A misdemeanor. Each violation of this
82 section shall constitute a separate offense. If any violation of this section meets the definition
83 of animal abuse in section 578.012, the defendant may be charged and penalized under that
84 section instead.] **Appropriate space depending on the species of animal, as specified in**
85 **regulations by the Missouri department of agriculture, as amended.**

86 5. (1) **Whenever the state veterinarian or a state animal welfare official finds past**
87 **violations of the state animal care facilities act, sections 273.325 to 273.357, have occurred**
88 **and have not been corrected or addressed, the director may request the attorney general**
89 **or the local prosecutor to bring an action in circuit court in the county where the violations**
90 **have occurred for a temporary restraining order, preliminary injunction, permanent**
91 **injunction, or a remedial order enforceable in a state circuit court to correct such**
92 **violations and in addition may assess a civil penalty in an amount not to exceed one**
93 **thousand dollars for each violation under section 273.333. Each violation of this section**
94 **shall constitute a separate offense.**

95 (2) **A person commits the crime of pet neglect if such person repeatedly violates**
96 **sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of**
97 **animals in such person's custody, or knowingly violates an agreed to remedial order**
98 **involving the safety and welfare of animals under this section. The crime of pet neglect**
99 **shall be a class C misdemeanor, unless the person has previously pled guilty or nolo**
100 **contendere to or been found guilty of a violation of this section, in which case, each such**
101 **violation shall be a class A misdemeanor.**

102 **(3) The attorney general or the local prosecutor shall, within ninety days, bring an**
103 **action for criminal punishment under sections 273.325 to 273.357 in circuit court in the**
104 **county where the crime occurred.**

105 **(4) No action under this section shall prevent or preclude action taken under**
106 **section 578.012.**

107 [7.] **6.** The provisions of this section are in addition to, and not in lieu of, any other state
108 and federal laws protecting animal welfare. This section shall not be construed to limit any state
109 law or regulation protecting the welfare of animals, nor shall anything in this section prevent a
110 local governing body from adopting and enforcing its own animal welfare laws and regulations
111 in addition to this section. This section shall not be construed to place any numerical limits on
112 the number of dogs a person may own or control [when such dogs are not used for breeding those
113 animals and selling any offspring for use as a pet]. This section shall not apply to a dog during
114 examination, testing, operation, recuperation, or other individual treatment for veterinary
115 purposes, during lawful scientific research, during transportation, during cleaning of a dog's
116 enclosure, during supervised outdoor exercise, or during any emergency that places a dog's life
117 in imminent danger. [This section shall not apply to any retail pet store, animal shelter as
118 defined in section 273.325, hobby or show breeders who have custody of no more than ten
119 female covered dogs for the purpose of breeding those dogs and selling any offspring for use as
120 a pet, or dog trainer who does not breed and sell any dogs for use as a pet.] Nothing in this
121 section shall be construed to limit hunting or the ability to breed, raise, or sell hunting dogs.

122 [8.] **7.** If any provision of this section, or the application thereof to any person or
123 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not
124 affect other provisions or applications of this section that can be given effect without the invalid
125 or unconstitutional provision or application, and to this end the provisions of this section are
126 severable.

127 [9.] **8.** The provisions herewith shall become operative [one year after passage of this act]
128 **January 1, 2012.**

Section 1. Any breeder who houses animals in stacked cages without an impervious
2 **barrier between the levels of such cages is guilty of a class A misdemeanor; except when**
3 **cleaning such cages.**