HCS HB 131 -- DOG BREEDERS

SPONSOR: Loehner (Cox)

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 all licensees to pay an additional $25 fee each year to be used by the Department of Agriculture for promoting Operation Bark Alert;

(2) Requires all animals purchased by a dealer from a person who is exempt from licensure to meet the same vaccination and health requirements as those animals sold by a licensed person;

(3) Renames the Puppy Mill Cruelty Prevention Act to the Dog Cruelty Prevention Act and expands the act to include anyone with more than 10 female dogs over the age of six months who operates an animal shelter, pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or acts as a dealer or commercial breeder;

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

(5) Revises the term “adequate rest between breeding cycles” to mean ensuring that female dogs are 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;

(6) Changes the term “necessary veterinary care” to at least two personal visual inspections annually by a licensed veterinarian, prompt treatment of any serious illness or injury by a licensed veterinarian, and humane euthanasia when needed;

(7) Revises the term “pet” from meaning any domesticated animal to only include dogs;

(8) Changes the term “regular exercise” to mean that which is consistent with department regulations;

(9) Revises the term "sufficient food and clean water" to require breeders to provide each animal with a quantity of wholesome food suitable to 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 intervals suitable to the breed. The food and water must be served in a safe receptacle, dish, or container;

(10) Changes the term "sufficient housing, including protection from the elements" to mean the continuous provision of a sanitary facility with protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations;

(11) Revises the term "sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" by removing the requirement for at least one foot of headroom above the head of the tallest dog in the enclosure and the minimum square footage of indoor floor space based on the length of each dog. The animals must be provided appropriate space depending on the species as specified in department regulations;

(12) Removes the crime of puppy mill cruelty;

(13) 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 may assess a civil penalty of up to $1,000 for each violation;

(14) Specifies that a person commits the crime of pet neglect, 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 or nolo contendere to or been found guilty of a violation of the Dog Cruelty Prevention Act, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or local prosecutor must bring action for criminal punishment within 90 days;

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

(16) Changes the effective date of the Dog Cruelty Prevention Act from November 2, 2011, to January 1, 2012; and

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

FISCAL NOTE: Estimated Net Income on General Revenue Fund of $306,982 in FY 2012, $460,475 in FY 2013, and $460,475 in FY 2014. Estimated Net Income on Other State Funds of $70,250 in FY 2012, $140,500 in FY 2013, and $140,500 in FY 2014.

PROPONENTS: 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. Currently, the laws contained in the Animal Care Facilities Act are sufficient to protect these animals. The state just does not have enough resources to adequately enforce them. Proposition B did not provide the state with any additional resources for enforcement.

Testifying for the bill were Representative Cox; Missouri Federation of Animal Owners; Dr. Kenton Beard; Missouri Farm Bureau; Missouri Corn Growers Association; Missouri Agribusiness Association; Missouri Soybean Association; Missouri Cattlemens Association; The Poultry Federation; Missouri Family Network; and many private citizens.

OPPONENTS: 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 clean and safe food and water. Missouri citizens voted for the new requirements for dog breeders; and therefore, the legislature should not change them.

Testifying against the bill were American Society for the Prevention of Cruelty to Animals; Dr. Julie Brinker, Humane Society of Missouri; Humane Society of the United States; Barbara Poe, Wayside Waifs; Missouri Alliance for Animal Legislation; Kimberly Fuhr, Pulaski County Humane Society; and many private citizens.

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

enforced, and how Proposition B will affect small dog breeders.

Testifying on the bill were Department of Agriculture; and Kent and Christina Storla.