

FIRST REGULAR SESSION

HOUSE BILL NO. 858

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SELBY, McKENNA, SCHEVE, ABEL, CARNAHAN, FRASER, VAN ZANDT, CAMPBELL, SHELTON, BOUCHER (Co-sponsors), HOLT, BOWMAN, WAGNER, HILGEMANN, HARLAN, FOLEY, WILLIAMS, SURFACE, COLEMAN, WARD, RANSDALL, HENDRICKSON, VILLA, LIESE, PORTWOOD, GRIESHEIMER, REINHART, GRATZ, HOSMER, LEVIN, VOGEL, BURTON, OSTMANN, BRITT, BARRY, ROSS AND HANAWAY.

Read 1st time February 22, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2035L.011

AN ACT

To repeal sections 273.325, 273.327, 273.329, 273.331, 273.333, 273.335, 273.338, 273.340, 273.342, 273.344, 273.346, 273.348, 273.350, 273.352, 273.354 and 273.357, RSMo 2000, relating to animal care facilities, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 273.325, 273.327, 273.329, 273.331, 273.333, 273.335, 273.338, 273.340, 273.342, 273.344, 273.346, 273.348, 273.350, 273.352, 273.354 and 273.357, RSMo 2000, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 273.325, 273.327, 273.329, 273.331, 273.332, 273.333, 273.335, 273.336, 273.337, 273.338, 273.340, 273.342, 273.344, 273.346, 273.348, 273.350, 273.352, 273.354, 273.357 and 273.360, to read as follows:

273.325. 1. Sections 273.325 to [273.357] **273.360** shall be known as the "Animal Care Facilities Act".

2. As used in sections 273.325 to [273.357] **273.360**, the following terms mean:

(1) "Adequate food", the provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 of nutrition in each animal, all of which foodstuff [is] **shall be** served in a safe receptacle, dish[,]
8 or container;

9 (2) "Adequate housing", the continuous provision of a sanitary facility, protection from
10 the extremes of weather conditions, proper ventilation, and appropriate space depending on the
11 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 **clean, fresh, unfrozen,**
14 potable water **supplied in a sanitary manner** in a safe receptacle, dish, or container; **continuous**
15 **potable water shall be supplied if the ambient temperature is more than eighty-five**
16 **degrees;**

17 (4) "Adult animal", any dog or cat that has reached the age of six months or more;

18 (5) "Ambient temperature", the temperature immediately surrounding the animal;

19 (6) "Animal", any dog or cat, which is being used, or is intended [for use] **to be used,**
20 for research, teaching, testing, breeding, or exhibition purposes, or as a pet;

21 (7) "Animal care facilities act compliance official" or "ACFA compliance official",
22 any licensed veterinarian, designated by and under the supervision of the state
23 veterinarian, who administers or assists in the administration of the provisions of sections
24 273.325 to 273.360, or any appointee of the director, and shall include all deputy state
25 veterinarians;

26 (8) "Animal care reserve fund", a separate fund within the state treasury
27 specifically created pursuant to sections 273.325 to 273.360 and into which all moneys
28 generated by sections 273.325 to 273.360 are deposited for the sole purpose of
29 administering sections 273.325 to 273.360;

30 (9) "Animal distributor", any person who owns, conducts or operates an animal
31 distributor premises. Animal distributor shall also include persons who buy and sell
32 animals at wholesale, including auctions and flea markets, whether or not an animal
33 distributor premises is maintained;

34 (10) "Animal distributor premises", any premises where dogs or cats, or both, are
35 bought or sold, auctioned, traded, bartered, given, or offered or maintained for sale, at
36 wholesale for resale to another, including auctions and flea markets;

37 [(5)] (11) "Animal shelter", a facility which is used to house or contain animals, which
38 is owned, operated, or maintained by an incorporated humane society, animal welfare society,
39 society for the prevention of cruelty to animals, or other not-for-profit organization devoted to
40 the welfare, protection, and humane treatment of such animals, or a person whose primary
41 purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them
42 for adoption **but does not include an individual who occasionally renders humane assistance**

43 **or shelter in his or her home to a dog or cat;**

44 [(6) "Animal welfare official", any licensed veterinarian, designated by and under the
45 supervision of the state veterinarian, who administers or assists in the administration of the
46 provisions of sections 273.325 to 273.357, or any appointee of the director, and shall include all
47 deputy state veterinarians;]

48 **(12) "Auction", any person selling any consignment of dogs or cats to a bidder.**
49 **Auction shall include any means, procedure or practice in which ownership of a dog or cat**
50 **is conveyed from one person to another by any type or method of bidding process;**

51 [(7)] **(13) "Boarding kennel", a place or establishment, other than a pound or animal**
52 **shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered, or trained,**
53 **in return for a consideration; however, "boarding kennel" shall not include hobby or show**
54 **breeders who board intact females for a period of time for the sole purpose of breeding such**
55 **intact females, and shall not include individuals who temporarily, and not in the normal course**
56 **of business, board or care for animals owned by other individuals;**

57 [(8)] **(14) "Commercial breeder", a person, other than a hobby or show breeder, engaged**
58 **in the business of breeding animals for sale or for exchange in return for a consideration, and**
59 **who harbors more than three intact females for the primary purpose of breeding animals for sale;**

60 [(9)] **(15) "Commercial kennel", a kennel which performs grooming or training services**
61 **for animals, and may or may not render boarding services in return for a consideration;**

62 [(10)] **(16) "Contract kennel", any facility operated by any person or entity [other than**
63 **the state or any political subdivision of the state,] for the purpose of impounding or harboring**
64 **seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract**
65 **with the state or any political subdivision;**

66 [(11)] **(17) "Dealer", any person who is engaged in the business of buying for resale,**
67 **selling or exchanging animals, as a principal or agent, or who holds himself out to be so engaged**
68 **or is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;**

69 [(12)] **(18) "Director", the director of the department of agriculture of the state of**
70 **Missouri;**

71 **(19) "Exhibitor", any person exhibiting any dog or cat to the public for**
72 **compensation or consideration of any kind, whether directly or indirectly;**

73 [(13)] **(20) "Hobby or show breeder", a noncommercial breeder who breeds dogs or cats**
74 **with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling**
75 **the dogs or cats, and having no more than ten intact females. Such breeder shall be classified**
76 **as a hobby or show breeder if such person only sells animals to other breeders or to individuals;**

77 [(14)] **(21) "Humane euthanasia", the act [or practice] of putting an animal to death in**
78 **a humane [or instantaneous] manner under guidelines and procedures established by rules**

79 promulgated by the [director] **licensing authority**;

80 [(15)] **(22) "Intact female"**, with respect to a dog, refers to a female dog between the ages
81 of six months and [ten] **twelve** years of age which **has not been sterilized by a licensed**
82 **veterinarian and** is capable of being bred; and with respect to a cat, refers to a female cat
83 between the ages of six months and [eight] **ten** years which **has not been sterilized by a**
84 **licensed veterinarian and** is capable of being bred. **Proof of sterilization shall be made**
85 **available upon request to the ACFA compliance official or his or her authorized**
86 **representative**;

87 **(23) "Intermediate handler"**, any person engaged in any business in which he or
88 she receives custody of animals through boarding, ownership or brokering in connection
89 with their transportation in commerce;

90 **(24) "Licensing authority"**, the state veterinarian or any designee or appointee of
91 the state veterinarian with authority to license and inspect persons and facilities pursuant
92 to sections 273.325 to 273.360;

93 **(25) "Person"**, any individual, association, partnership, corporation, LLC, firm,
94 joint stock company, cooperative, trust, estate or other entity;

95 [(16)] **(26) "Pet shop"**, any facility where animals are bought, sold, exchanged, or offered
96 for retail sale to the general public;

97 [(17)] **(27) "Pound" or "dog pound"**, a facility operated by the state or any political
98 subdivision of the state for the purpose of impounding or harboring seized, stray, homeless,
99 **relinquished**, abandoned, or unwanted animals;

100 **(28) "Retail"**, any transaction where the animal is sold to the final consumer;

101 [(18)] **(29) "State veterinarian"**, the state veterinarian as provided by chapter 267, RSMo;

102 **(30) "Sterilize"**, the surgical removal of the reproductive organs of a dog or cat to
103 render the animal unable to reproduce, or the use of an approved drug which will render
104 the animal permanently unable to reproduce;

105 **(31) "Wholesale"**, any transaction where the animal is sold for the purpose of
106 resale to another;

107 [(19)] **(32) "USDA"**, the United States Department of Agriculture.

273.327. No person shall operate or permit to be operated on any premises owned,
2 leased, managed or otherwise controlled by such person, an animal distributor premises,
3 an auction, an animal shelter, pound or dog pound, boarding kennel, commercial kennel,
4 contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as
5 a dealer [or], commercial breeder or **intermediate handler**, unless he has obtained a license for
6 such operations from the [director] **licensing authority**. An applicant shall obtain a separate
7 license for each separate physical facility subject to sections 273.325 to [273.357] **273.360** which

8 is operated by the applicant. Any person exempt from the licensing requirements of sections
9 273.325 to [273.357] **273.360** may voluntarily apply for a license. Application for such license
10 shall be made in the manner provided by the [director] **licensing authority**. **All premises,**
11 **facilities or sites where a person operates, has an interest in or keeps animals shall be**
12 **shown on the application. Applications shall list the names of all owners and the respective**
13 **percentage of ownership therein, and such information shall be updated annually by the**
14 **licensee. Any transfer or change in ownership shall require application for a new license.**
15 The license shall expire annually unless revoked. As provided by rules to be promulgated by the
16 [director] **licensing authority**, the **basic minimum** license fee shall [range from] be one hundred
17 [to five hundred] dollars per year **with an additional minimum charge of one dollar per**
18 **animal sold, traded, bartered, brokered, auctioned, given away, transferred or otherwise**
19 **disposed of other than by euthanasia or death over the course of a year. If the per capita**
20 **fee cannot be determined because the applicant is operating a new facility, the licensing**
21 **authority shall determine the per capita fee for the first year of the license based on the**
22 **operating capacity of the facility six months after the license is issued and shall be payable**
23 **by the applicant at that time. All other per capita fees are to be set by rules promulgated**
24 **by the licensing authority.** Pounds, dog pounds and animal shelters shall be exempt from
25 payment of [such fee] **license and per capita fees.** License fees shall be levied for each license
26 issued or renewed on or after January 1, 1993.

273.329. 1. The [director] **licensing authority** may refuse to issue or renew or may
2 revoke a license on any one or more of the following grounds:
3 (1) Material [and] **or** deliberate misstatement in the application for any original license
4 or for any renewal license under sections 273.325 to [273.357] **273.360**;
5 (2) Disregard or violation of sections 273.325 to [273.357] **273.360** or of any rules
6 promulgated pursuant thereto;
7 (3) Conviction of any violation of any state or federal law relating to the disposition or
8 treatment of animals;
9 (4) **Aiding or abetting of another in violation of any provision of sections 273.325**
10 **to 273.360 or of any rules promulgated thereto;**
11 (5) **Knowingly permitting any license issued hereunder to be used by an unlicensed**
12 **person or transferred to an unlicensed premises other than that specified on the license;**
13 (6) **Misrepresentation or false promise made through advertising, salespersons,**
14 **agents or otherwise in connection with the operation of the business of the licensee;**
15 (7) **A fraudulent bill of sale knowingly issued or accepted involving any activities**
16 **regulated pursuant to sections 273.325 to 273.360 or in violation of regulations of the**
17 **USDA;**

18 **(8) Failure to provide adequate food, water, housing or sanitary facilities for animals**
19 **under the control of an *animal distributor*, animal shelter, boarding kennel, commercial**
20 **breeder, commercial kennel, contract kennel, dealer, *intermediate handler*, pet shop, pound[,]**
21 **or exhibitor as defined by regulations of the USDA;**

22 **(9) Failure to report to the licensing authority the sale or transfer of any business**
23 **or premises licensed pursuant to sections 273.325 to 273.360;**

24 **(10) Refusal to allow the ACFA compliance official free and unrestricted access to**
25 **inspect any records required by sections 273.325 to 273.360 or any animal, premises, area,**
26 **equipment, vehicle or facility required to be licensed or inspected pursuant to sections**
27 **273.325 to 273.360.**

28 **2. The licensing authority shall revoke a license and refuse to issue or renew a**
29 **license when the applicant has been convicted of, or has pled guilty or nolo contendere to,**
30 **any violation of local, state or federal law involving lack of care or mistreatment, cruelty,**
31 **neglect or abuse of animals or fined by the United States Department of Agriculture for a**
32 **violation of the Animal Welfare Act, 7 U.S.C. Section 2131, et seq., involving lack of care**
33 **or mistreatment, cruelty, neglect or abuse of animals. For the purposes of this subsection,**
34 **"animals" shall be defined as set forth in section 578.005, RSMo.**

35 **3. Notwithstanding the provisions of subsection 2 of this section, if failure to comply**
36 **with any of the provisions of sections 273.325 to 273.360 results in substantial risk to the**
37 **health or welfare of the animals under the licensee's care, custody or control, or on the**
38 **premises owned, leased or managed by the licensee, the license shall be immediately**
39 **suspended pending the outcome of any legal, administrative or other proceeding.**

40 **4. In exercising discretion granted pursuant to this section whether to issue, renew**
41 **or revoke a license, the licensing authority shall consider criteria including, but not limited**
42 **to, the frequency or severity of the offense or offenses, and the overall condition, health and**
43 **welfare of the animals involved.**

44 **5. Whenever a license is revoked, denied or not renewed, the licensing authority**
45 **shall issue a written report within thirty days to local law enforcement authorities**
46 **including the reasons for revocation or denial of the license.**

47 **6. Whenever a license is revoked, denied or not renewed, the licensing authority**
48 **shall investigate the facility no sooner than thirty days after, and no later than ninety days**
49 **after, the revocation, denial or nonrenewal to verify that there is no evidence of activity**
50 **that should otherwise be licensed pursuant to sections 273.325 to 273.360. If upon such**
51 **investigation there is evidence of continuing activity which should otherwise be licensed**
52 **pursuant to sections 273.325 to 273.360, the licensing authority shall initiate legal,**
53 **administrative or other proceedings to enforce and collect the appropriate fines and**

54 **penalties. The ACFA compliance official shall report any continuing activity which should**
55 **otherwise be licensed pursuant to sections 273.325 to 273.360 to the local law enforcement**
56 **authority and local animal control authority. In addition, the ACFA compliance official**
57 **shall report such activity to any humane organization as he or she deems appropriate.**

58 **7. Whenever a license has been revoked, denied or not renewed, prior to issuance**
59 **of a subsequent license, a full and complete reinspection of the premises or of any facility**
60 **operated by the licensee in question shall be required. Any such reinspection shall require**
61 **a one hundred dollar fee. Animal shelters, pounds and dog pounds shall not be subject to**
62 **any reinspection fee. Following revocation, denial or nonrenewal of a license, the change**
63 **of ownership or transfer of property in question into another person's name shall not**
64 **justify any failure to reinspect the premises by the licensing authority. If a subsequent**
65 **license is issued, all parties previously notified in subsection 6 of this section shall be**
66 **notified by the licensing authority of such reinstatement.**

67 **8. Operation of an animal shelter, animal distributor premises auction, pound or dog**
68 **pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, or**
69 **activity as a commercial breeder, intermediate handler or dealer without a valid license shall**
70 **constitute a class A misdemeanor.**

273.331. 1. A license shall be issued only upon inspection by the state veterinarian, his
2 designee, or an [animal welfare official. A facility subject to the provisions of sections 273.325
3 to 273.357, at the time it applies for licensure, shall be granted a provisional license which shall
4 allow operation of the facility until the facility is inspected or until December 31, 1994,
5 whichever earlier occurs.] **ACFA compliance official. Application for a license shall**
6 **constitute the consent of the applicant to the right of entry and inspection of the premises**
7 **sought to be licensed by the licensing authority during normal business hours with the**
8 **licensee or licensee's representative present. A license shall be denied if entry and**
9 **inspection of premises or vehicles used to transport or house animals is refused. Notice**
10 **need not be given to any person prior to inspection.**

11 **2. The [state veterinarian] licensing authority shall have the duty and authority to**
12 **inspect all facilities licensed under sections 273.325 to [273.357] 273.360. Inspections shall be**
13 **conducted a minimum of once a year[, or]. Upon a complaint to the department regarding a**
14 **particular facility, an additional inspection shall be conducted to determine the validity of**
15 **the complaint. However, if the licensing authority determines there have been documented**
16 **multiple unsubstantiated complaints regarding the particular facility the licensing**
17 **authority shall have discretion as to whether the particular facility will be inspected. [The**
18 **validity of the complaint will be ascertained by the state veterinarian or his designated**
19 **representative.] The identity of any complainant shall remain confidential and shall not be**

20 released to any person or agency without the express written consent of the complainant,
21 or unless required to be released to a court of competent jurisdiction. Any person who
22 intentionally makes a false complaint to the licensing authority shall be guilty of a class A
23 misdemeanor.

24 3. Any person acting as a licensing authority who intentionally fails or refuses to
25 make an inspection or conduct an investigation pursuant to sections 273.325 to 273.360
26 shall be subject to suspension or dismissal.

27 4. Any person acting as an ACFA compliance official for purposes of inspecting and
28 conducting investigations who knowingly falsifies the results or findings of any inspection
29 or investigation pursuant to sections 273.325 to 273.360 shall be guilty of a class D felony.

30 5. No person shall serve as a licensing authority or act as the state veterinarian's
31 authorized representative for the purposes of making inspections or conducting
32 investigations if such person is related to or has a beneficial interest in a person or facility
33 required to be licensed pursuant to sections 273.325 to 273.360.

34 6. Any person making inspections pursuant to this section shall be comprehensively
35 trained in the requirements of sections 273.325 to 273.360 and any rules and regulations
36 promulgated thereunder. Such training shall also include, but not be limited to, principles
37 of animal husbandry and care; identification of disease, injury, neglect and abuse in
38 animals; state law regarding neglect, abuse and control of animals; animal behavior and
39 handling; and humane euthanasia.

40 7. The licensing authority shall promulgate rules to implement a uniform and
41 consistent method for inspecting facilities licensed pursuant to sections 273.325 to 273.360.
42 Such rules shall include, but not be limited to, inspection of the following areas:

43 (1) Adequacy of shelter, including conditions of sanitation and ventilation;

44 (2) Adequacy of food and water;

45 (3) Maintenance and verification of records of acquisition and disposition of
46 animals in the custody of the licensee; and

47 (4) Adequacy of health and veterinary care.

48 8. If the licensing authority enters into a memorandum of understanding with the
49 United States Department of Agriculture to ensure thorough and efficient inspections for
50 facilities licensed pursuant to sections 273.325 to 273.360 and the Animal Welfare Act, 7
51 U.S.C. Section 2131, et seq., the licensing authority shall retain primary responsibility for
52 the enforcement of sections 273.325 to 273.360.

53 9. Animal care facilities act compliance officials shall report any and all violations
54 discovered during any inspection of a facility licensed pursuant to sections 273.325 to
55 273.360. A record of the violation shall be created and maintained by the licensing

56 authority and a copy of the violation report shall be provided to the facility. The licensing
57 authority shall promulgate rules to:

- 58 (1) Track reporting of violations;
- 59 (2) Monitor repeat violations; and
- 60 (3) Increase the frequency of inspections for repeated violations.

61 10. Records of all inspections pursuant to this section shall be maintained in the
62 offices of the licensing authority. Records of inspections shall not disclose the identity of
63 complainants without the express written permission of the complainant, and shall be
64 available for public inspection during regular business hours.

273.332. 1. No employee, appointee or designee of the state or any of its agencies
2 shall be allowed to perform any action required or permitted by sections 273.325 to
3 273.360, or the rules promulgated by the licensing authority thereunder, if there exists a
4 conflict of interest or the appearance of a conflict of interest.

5 2. A conflict of interest is created by, but not limited to, the following
6 circumstances:

7 (1) The impartiality of the employee, appointee or designee of the state or any of
8 its agencies is limited by that person's responsibilities to a third person or business interest,
9 or by that person's own interests;

10 (2) The employee, appointee or designee of the state or any of its agencies takes any
11 action, or fails to take any action, which gives the appearance of impropriety, regardless
12 of whether impropriety is actually present;

13 (3) The employee, appointee or designee of the state or any of its agencies or such
14 person's child, parent, sibling or spouse has, within the past five years, entered into a
15 business or financial transaction with any person who is required to be licensed pursuant
16 to sections 273.325 to 273.360 other than the purchase of a pet for personal use;

17 (4) The employee, appointee or designee of the state or any of its agencies or that
18 person's relative by marriage or blood within the fourth degree of affinity or consanguinity
19 to any person who is required to be licensed pursuant to sections 273.325 to 273.360;

20 (5) The employee, appointee or designee of the state or any of its agencies is related
21 by marriage or blood within the second degree of affinity or consanguinity to any person
22 who presently has, or within the past five years has had, any ownership interest in or
23 received income from a person, business or other entity required to be licensed pursuant
24 to sections 273.325 to 273.360.

25 3. No person who has a conflict of interest as provided in the section shall act as the
26 administrator of the licensing authority.

27 4. If the employee, appointee or designee is prohibited from performing any action

28 pursuant to sections 273.325 to 273.360 due to a conflict or the appearance of a conflict as
29 provided in this section, another qualified person shall be immediately designated and
30 directed to perform the action which such person is prohibited from performing. Nothing
31 in this section shall prohibit such person from performing any action, on an emergency
32 basis, that is meant to prevent or stop an ongoing risk to the health and welfare of any
33 animal covered by sections 273.325 to 273.360.

34 5. Each employee, appointee or designee of the state or any of its agencies who is
35 charged with the duty of performing any action pursuant to sections 273.325 to 273.360
36 shall, at the initiation of his or her employment, on a yearly basis thereafter and at any
37 time any such knowledge or information comes to his or her attention, be required to
38 disclose in writing to the licensing authority any information that may constitute a conflict
39 of interest or create the appearance of a conflict of interest.

40 6. The provisions of this section shall not limit or restrict the ability of a person to
41 be licensed pursuant to sections 273.325 to 273.360, but in any case, a written
42 acknowledgment of the actual or perceived conflict shall remain on file and available for
43 public review upon request.

44 7. The provisions of this section shall not apply to members of any advisory
45 committee or body requiring representation from licensees who are performing duties
46 within a committee or other body as required by sections 273.325 to 273.360. Such
47 licensees shall file the required disclosure form indicating any conflict or potential conflict
48 of interest.

273.333. The state veterinarian or an [animal welfare] ACFA compliance official, upon
2 his or her own information or upon the complaint of any person, [may] shall institute an
3 investigation including the inspection during normal business hours, or at any time during
4 which regulated activity is being conducted, of any premises or vehicle upon which any
5 animal is or may be found, and may determine if any violation of sections 273.325 to [273.357]
6 273.360 or of any rule promulgated pursuant to sections 273.325 to [273.357] 273.360 is deemed
7 to exist. However, if the licensing authority determines there have been documented
8 multiple unsubstantiated complaints regarding the particular facility, the licensing
9 authority shall have discretion as to whether the particular facility will be inspected. The
10 [director, or his designee,] licensing authority may issue an order to the person responsible for
11 the violation to appear at an administrative hearing. The [director, or his designee,] licensing
12 authority upon a finding that such a violation occurred after a hearing thereon, shall issue
13 remedial orders enforceable in the circuit courts of this state to correct such violations, and in
14 addition [may] shall assess an administrative penalty in an amount not to exceed [one] two
15 thousand dollars for each violation. In assessing the amount of penalty under sections 273.327

16 to 273.342, the [director] **licensing authority** shall take into account the seriousness of the
17 violation, **harm suffered by any animals involved, the number and severity of previous**
18 **violations**, and the extent of damage to third parties and the state. **In addition, the licensing**
19 **authority may suspend the license until such violations stated in the remedial orders are**
20 **corrected. Suspension of the license may remain in effect during the appeal process at the**
21 **discretion of the licensing authority. Any violations of sections 273.325 to 273.360 affecting**
22 **the health or welfare of the animals involved may be considered separate violations per**
23 **each animal affected.** All penalties collected shall be deposited to the [state general revenue]
24 **credit of the animal care reserve** fund. In addition, the [director] **licensing authority** may
25 assess the reasonable costs of remedying a violation in the event that the person responsible is
26 unwilling or unable to correct the violation within a reasonable period of time, **taking into**
27 **account the health and welfare of the animals involved.** Any person aggrieved by the
28 decision of the [director] **licensing authority** may appeal as provided in sections 536.100 to
29 536.140, RSMo.

273.335. 1. When, in the judgment of the state veterinarian or an [animal welfare]
2 **ACFA compliance** official, any person has been in violation of sections 273.325 to [273.357]
3 **273.360** so as to pose a substantial ongoing risk to the health and welfare of animals in his
4 custody or so as to pose a substantial ongoing risk that consumers will purchase diseased animals
5 from such person, the [director may] **licensing authority shall immediately suspend a license**
6 **and direct remedial action for the animals involved. If the licensee is unwilling to**
7 **relinquish the license or to take remedial action for the animals involved, the licensing**
8 **authority shall** apply to the circuit court of the county in which such person resides **or in which**
9 **the animals are located at the time of the violation**, and such court may grant an order
10 enjoining temporarily or permanently that person from engaging in activities described in
11 [section 273.327] **sections 273.325 to 273.360.**

2. If the animals being held in any of the facilities **subject to the provisions of sections**
13 **273.325 to 273.360** and licensed under sections 273.325 to [273.357] **273.360** are found to be
14 suffering unrelieved pain or distress [or], disease **or are malnourished or dehydrated**, the
15 animals may be taken into custody [for humane euthanasia] **pursuant to section 578.018,**
16 **RSMo**, at the expense of the licensee. Reasonable effort shall be made to notify the facility
17 operator of such intent and [only] **such action to ensure care for the animals shall be taken**
18 **immediately if the operator cannot be located** or upon his refusal or inability to immediately
19 correct the causative violation and provide adequate veterinary care [shall such action be taken].
20 **If such action is taken, the licensing authority shall cooperate with local law enforcement**
21 **authorities in seeking prosecution pursuant to sections 578.005 to 578.023, RSMo, and shall**
22 **suspend said facility's license during such investigation and prosecution.**

23 **3.** Nothing in sections 273.325 to [273.357] **273.360** shall be construed to interfere with
24 scientific research as enunciated in subsection 2 of section 273.354.

**273.336. 1. An ACFA compliance official shall report animal abuse or neglect
2 observed in the course of his or her duties to the local law enforcement authority and local
3 animal control authority. Failure to report such abuse or neglect shall be a class A
4 misdemeanor.**

**2. The licensing authority shall provide a standardized, mandatory animal abuse
6 and neglect reporting form which shall be made available and submitted to the local law
7 enforcement authority and the local animal control authority when abuse or neglect are
8 observed in the course of their duties. Copies of all completed animal abuse and neglect
9 reporting forms shall remain permanently on file with the licensing authority.**

**273.337. The licensing authority shall publish a listing of enforcement activity.
2 Such listing is to be updated quarterly and shall include names of facilities and facility
3 operators whose licenses have been revoked, the number of inspections, reinspections,
4 suspensions, fines or other such regulatory activity performed in any given month. Form
5 of publication may include electronic means through the department's web site.**

 273.338. Persons and facilities which subsequently fail two consecutive reinspections
2 for [an original] **a similar** violation shall be charged a fee of one hundred dollars[,] which shall
3 be paid before subsequent inspection and renewal of such person's or facility's license. **Animal
4 shelters, pounds and dog pounds shall not be subject to payment of reinspection fees.**

 273.340. A dealer shall only purchase animals from persons in this state who are licensed
2 under sections 273.325 to [273.357] **273.360**, or who are exempt from licensure. Any dealer
3 who knowingly purchases animals in violation of this section [shall be] **or who knowingly
4 purchases animals from a person or facility whose license has been suspended or revoked
5 or from a registered hobby or show breeder** is guilty of a class A misdemeanor and each
6 purchase made shall constitute a separate offense. In addition to such penalties, the [director
7 may] **licensing authority shall** revoke such dealer's license.

 273.342. 1. Persons engaged in breeding dogs and cats who harbor three or less intact
2 females shall be exempt from the provisions of sections 273.325 to [273.357] **273.360**.

 2. A hobby or show breeder shall be exempt from the licensure and inspection
4 requirements of sections 273.325 to [273.357] **273.360**. The [director] **licensing authority** shall
5 develop a form for registration of persons who meet the definition of hobby or show breeder, and
6 any such hobby or show breeder shall register annually with the [director] **licensing authority**
7 for the purpose of establishing that such person is a hobby or show breeder, at no cost to said
8 hobby or show breeder. **Any person who intentionally provides false information on the
9 registration form is guilty of a class A misdemeanor.**

273.344. 1. Persons and facilities subject to USDA licensure shall comply with the standards and regulations as prescribed by the USDA, as revised from time to time.

2. Persons and facilities who are subject to sections 273.325 to [273.357] **273.360**, but who are not subject to USDA licensure, shall comply with **the provisions of sections 273.325 to 273.360 and all** rules promulgated by the [director] **licensing authority** which establish standards relating to, **but not limited to**, the following:

(1) Adequate shelter, including proper conditions of sanitation and ventilation;

(2) Adequate food and water; [and]

(3) Maintenance of records of acquisition and disposition of animals in the custody of the licensee; **and**

(4) Health and veterinary care.

273.346. 1. The [director] **licensing authority** shall promulgate rules for an adequate program of health and veterinary care which shall be maintained for all animals in the custody of persons and facilities subject to licensure pursuant to sections 273.325 to [273.357, except pounds or dog pounds] **273.360**. Records of veterinary services provided to such animals shall be maintained and made available to the state veterinarian or an [animal welfare] **ACFA compliance** official upon request.

2. Any such rules promulgated to cover pounds or dog pounds shall not require or be applied so as to require the construction of any new buildings or major reconstruction of any physical plant beyond the scope of normal upkeep and repair.

273.348. 1. The premises of each licensee shall be open for inspection.

2. If, upon investigation, the state veterinarian or an [animal welfare] **ACFA compliance** official finds that an animal or group of animals is suffering from any highly contagious, communicable or infectious disease or exposure thereto, [against which he may think best to quarantine,] he **or she** shall immediately quarantine the animal or group of animals to the premises and separate from other susceptible animals not so diseased or infected until such diseased animals are:

(1) Recovered and no longer capable of transmitting the diseases;

(2) Isolated;

(3) Humanely euthanized and disposed of as provided for in the rules [of the director] **promulgated by the licensing authority;**

(4) Tested, vaccinated or otherwise treated; or

(5) Otherwise released by the state veterinarian. Animals under quarantine and treatment or testing may not be removed from the premises until the licensee is notified that such animals are recovered and incapable of spreading the disease and otherwise released by the state veterinarian or an [animal welfare] **ACFA compliance** official. The method of eliminating the

17 disease problem shall be at the discretion and in accordance with such procedures as may be
18 outlined by the state veterinarian. **Facilities with animals found to be suffering from an**
19 **infectious disease which is dangerous or communicable to humans, as determined by the**
20 **licensing authority by rule, shall be immediately reported to the state department of health.**

21 3. Violation of the provisions of sections 273.344 to 273.348 shall be a class A
22 misdemeanor.

273.350. The [director] **licensing authority** shall promulgate rules pursuant to the
2 provisions of chapter 536, RSMo, required to implement the provisions of sections 273.325 to
3 [273.357] **273.360**. Such rules shall include establishing health and safety standards for motor
4 vehicles regularly used in the commercial transportation of live animals. The [director] **licensing**
5 **authority** shall also by rule define the term "exotic animals", which shall generally refer to
6 canines and felines not ordinarily kept for domestic purposes, and shall promulgate rules
7 establishing standards for food, water, housing and health care for exotic animals and standards
8 for determining whether a particular operation is a farming practice or is a breeder of pets;
9 provided that the authority of the department of conservation to regulate wildlife within the state
10 of Missouri as provided by section 252.030, RSMo, shall not be deprived or diminished. [Any
11 animal welfare] **Violation of rules pertaining to exotic animals may be subject to neglect or**
12 **abuse charges pursuant to chapters 578.005 to 578.023, RSMo. An ACFA compliance**
13 **official shall have the authority of an animal control officer as defined by chapter 578, RSMo.**
14 It shall be unlawful for any person licensed or registered pursuant to sections 273.325 to
15 [273.357] **273.360** to knowingly ship a diseased animal, and any such person who violates this
16 provision shall be subject to a fine of not more than one hundred dollars for each diseased animal
17 shipped. Sections 273.325 to [273.357] **273.360** and the rules promulgated thereunder shall
18 apply to all businesses, individuals and agents which transport animals in or through this state,
19 except that such businesses, individuals and agents licensed by the USDA shall be subject to
20 USDA standards relating to transportation of animals.

273.352. 1. There is hereby established an advisory committee to assist the [director]
2 **licensing authority** in establishing rules under sections [273.350 and 273.352] **273.325 to**
3 **273.360** and to provide ongoing review of the administration **and enforcement** of sections
4 273.325 to [273.357] **273.360**. The members of the advisory committee shall receive no
5 compensation or reimbursement for their expenses incurred in the performance of their duties.
6 **The members of the advisory committee shall serve for three-year terms with maximum**
7 **consecutive terms not to exceed six years. A vacancy on the board shall be filled for the**
8 **unexpired term by appointment by the governor with the advice and consent of the senate.**
9 **The committee shall meet at least quarterly and at such other times as a majority of the**
10 **advisory committee members may determine.**

11 **2.** The advisory committee shall consist of [thirteen] **seventeen** persons **each nominated**
12 **to the committee by their respective organizations, associations or colleagues which they**
13 **represent, and** appointed by the [director] **governor with the advice and consent of the senate**
14 as follows:

- 15 (1) One person who operates or supervises an animal shelter;
- 16 (2) One person who operates or is employed by a pound or dog pound;
- 17 (3) One person who operates a commercial kennel or a boarding kennel;
- 18 (4) One person who operates a pet shop [and who sells both dogs and cats];
- 19 (5) One dealer;
- 20 (6) One person who operates or is employed by an animal humane society [or other
21 humane organization];
- 22 (7) One veterinarian **currently** licensed pursuant to chapter 340, RSMo;
- 23 (8) **One veterinarian who operates or is employed by an animal humane society;**
- 24 (9) One person who is a commercial animal breeder[, who breeds both dogs and cats];
- 25 [(9)] (10) One person representing the Missouri Animal Control Association;
- 26 [(10)] (11) One person representing professional cat breeders;
- 27 [(11)] (12) The state veterinarian of the department of agriculture;
- 28 [(12)] (13) The state public health veterinarian of the department of health;
- 29 [(13)] (14) One hobby or show breeder;
- 30 **(15) One person representing a nonprofit animal rescue organization;**
- 31 **(16) One person representing a nonprofit humane legislative advocacy group;**
- 32 **(17) One person representing a public interest consumer protection group.**

33 [2.] **3.** No rule or portion of a rule promulgated under the authority of this chapter shall
34 become effective unless it has been promulgated pursuant to the provisions of [section 536.024]
35 **chapter 536, RSMo.**

273.354. 1. Sections 273.325 to [273.357] **273.360** shall not apply to a place or
2 establishment which operates under the immediate supervision and control of a duly licensed
3 veterinarian as a facility where animals are hospitalized or boarded.

4 2. Nothing in sections 273.325 to [273.357] **273.360** shall be construed as requiring
5 licensing of research facilities or authorizing promulgation of rules affecting the design, outlines,
6 guidelines, or performance of actual research or experimentation by a research facility as
7 determined by that research facility's institution animal care and use committee.

273.357. All fees collected by the [director] **licensing authority** from licenses issued
2 under sections 273.325 to [273.357] **273.360 and all administrative fees, penalties and other**
3 **moneys collected by the licensing authority pursuant to sections 273.325 to 273.360** shall
4 be used to administer the provisions of sections 273.325 to [273.357] **273.360**, and shall be

5 deposited in the state treasury to the credit of the "Animal Care Reserve Fund", which is hereby
6 created. **Such fund may also receive gifts, grants, contributions, appropriations and funds**
7 **or benefits from any other source or sources. A complete listing of all donors and amounts**
8 **given to the fund will be available for review upon request.** All moneys deposited in the
9 animal care reserve fund shall be subject to appropriation for the use and benefit of the
10 department of agriculture to administer the provisions of sections 273.325 to [273.357] **273.360.**
11 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the animal
12 care reserve fund shall not be transferred to the general revenue fund at the end of the biennium.
13 **Any portion of the fund not immediately needed for the purposes authorized shall be**
14 **invested by the state treasurer as provided by the constitution and laws of this state. All**
15 **income from such investments shall be retained in the animal care reserve fund.**

273.360. If any provisions of sections 273.325 to 273.360, or the application to any
2 **person or circumstance, shall be held invalid, the remainder of sections 273.325 to 273.360,**
3 **and the application of any such provision to any person or circumstance other than those**
4 **to which it is held invalid, shall not be affected thereby.**