

FIRST REGULAR SESSION

HOUSE BILL NO. 405

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD (Sponsor), KELLEY (126), HOUGHTON,
ENTLICHER, FITZWATER, SCHOELLER AND JONES (117) (Co-sponsors).

1015L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to commercial dog breeders, with existing penalty provisions and an emergency clause.

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

Section A. Section 273.345, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 273.345, to read as follows:

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

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

3. Notwithstanding any other provision of law, any person having custody or ownership of more than ten female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet shall provide each covered dog:

- (1) Sufficient food and clean water;
- (2) Necessary veterinary care;
- (3) Sufficient housing, including protection from the elements;
- (4) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;
- (5) Regular exercise; and
- (6) Adequate rest between breeding cycles.

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.

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

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

21 (1) "Adequate rest between breeding cycles" means, at minimum, ensuring that **female**
22 dogs are not bred to produce more than two litters in any [eighteen-month] **twelve-month** period;

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

25 (3) "Necessary veterinary care" means, at minimum, examination **or a site visit to the**
26 **facility** at least once yearly by a licensed veterinarian, prompt treatment of any illness or injury
27 [by a licensed veterinarian], and where needed, humane euthanasia [by a licensed veterinarian]
28 using lawful techniques deemed acceptable by the American Veterinary Medical Association;

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

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

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

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

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

46 (a) **The provision, at suitable intervals of not more than twelve hours, unless the**
47 **dietary requirements of the species requires a longer interval, of a quantity of wholesome**
48 **foodstuff, suitable for the species and age, enough to maintain a reasonable level of**
49 **nutrition in each animal. All foodstuffs shall be served in a safe receptacle, dish, or**
50 **container; and**

51 (b) **The provision of a supply of potable water in a safe receptacle, dish, or**
52 **container. Water shall be provided continuously or at intervals suitable to the species, with**
53 **no interval to exceed eight hours;**

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

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

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

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

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

69 (d) At least twelve square feet of indoor floor space per each dog up to twenty-five
70 inches long, at least twenty square feet of indoor floor space per each dog between twenty-five
71 and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for
72 dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose
73 to the base of the tail)] **appropriate space depending on the species of the animal, as**
74 **specified in regulations by the Missouri department of agriculture, as revised.**

75 [6.] **5. (1)** A person is guilty of the crime of [puppy mill] **dog** cruelty when he or she
76 knowingly violates any provision of this section. The crime of [puppy mill] **dog** cruelty is a class
77 C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a
78 violation of this section, in which case [each such violation is] **, the defendant may be charged**
79 **with** a class A misdemeanor. Each violation of this section [shall] **may** constitute a separate
80 offense. If any violation of this section meets the definition of animal abuse in section 578.012,
81 the defendant may be charged and penalized under that section instead.

82 **(2) Notwithstanding the provisions of subdivision (1) of this subsection to the**
83 **contrary, for a person who possesses a valid license to operate under sections 273.325 to**
84 **273.357 and who knowingly violates any provision of this section, and if such violation is**
85 **deemed by the department of agriculture to be of a serious nature, such person shall be**
86 **given a period of time by the department of not less than thirty days nor more than one**

87 **hundred eighty days in which to correct the violation before a criminal prosecution may**
88 **be commenced. Upon the end of the time period, the department of agriculture shall**
89 **conduct an inspection. If the violation has been corrected as of the date of the inspection,**
90 **then no violation of this section shall be deemed to have occurred. If the violation has not**
91 **been corrected as of the date of the inspection, the department may refer the matter to the**
92 **prosecuting attorney. Regardless of whether the violation was corrected or not corrected**
93 **by the date of the inspection, the department shall conduct another inspection after a**
94 **second period of time, as determined by the department, but which shall not be less than**
95 **thirty days or more than one hundred eighty days after the date of the first inspection. If**
96 **the violation had been corrected during the first period of time but the person is found to**
97 **have committed the same violation during the second period of time, the department may**
98 **refer the matter to the prosecuting attorney. If the violation was not corrected during the**
99 **first period of time and remains uncorrected after the second period of time, the**
100 **department may revoke such person's license issued under section 273.327. If the**
101 **department determines that a violation is not of a serious nature, then no criminal**
102 **prosecution or inspections under this subsection shall be commenced for such violation.**

103 [7.] 6. The provisions of this section are in addition to, and not in lieu of, any other state
104 and federal laws protecting animal welfare. This section shall not be construed to limit any state
105 law or regulation protecting the welfare of animals, nor shall anything in this section prevent a
106 local governing body from adopting and enforcing its own animal welfare laws and regulations
107 in addition to this section. This section shall not be construed to place any numerical limits on
108 the number of dogs a person may own or control when such dogs are not used for breeding those
109 animals and selling any offspring for use as a pet. This section shall not apply to a dog during
110 examination, testing, operation, recuperation, or other individual treatment for veterinary
111 purposes, during lawful scientific research, during transportation, during cleaning of a [dogs]
112 **dog's** enclosure, during supervised outdoor exercise, or during any emergency that places a
113 [dogs] **dog's** life in imminent danger. [This section shall not apply to any retail pet store, animal
114 shelter as defined in section 273.325, hobby or show breeders who have custody of no more than
115 ten female covered dogs for the purpose of breeding those dogs and selling any offspring for use
116 as a pet, or dog trainer who does not breed and sell any dogs for use as a pet.] Nothing in this
117 section shall be construed to limit hunting or the ability to breed, raise, or sell hunting dogs.

118 [8.] 7. If any provision of this section, or the application thereof to any person or
119 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not
120 affect other provisions or applications of this section that can be given effect without the invalid
121 or unconstitutional provision or application, and to this end the provisions of this section are
122 severable.

123 [9.] 8. The provisions herewith shall become operative one year after passage of this act.

Section B. In order to allow businesses enough time to modify their facilities to comply
2 with changes in the law, section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

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