

FIRST REGULAR SESSION

# SENATE BILL NO. 113

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS PARSON AND ENGLER.

Read 1st time January 13, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0178S.06I

## 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Section A. Section 273.345, RSMo, is repealed and one new section  
2 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  
2 Mill Cruelty Prevention Act."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90           **[6.] 5. (1) A person is guilty of the crime of puppy mill cruelty when he**

91 or she knowingly violates any provision of this section. The crime of puppy mill  
92 cruelty is a class C misdemeanor, unless the defendant has previously pled guilty  
93 to or been found guilty of a violation of this section, in which case [each such  
94 violation is], **the defendant may be charged with** a class A  
95 misdemeanor. Each violation of this section [shall] **may** constitute a separate  
96 offense. If any violation of this section meets the definition of animal abuse in  
97 section 578.012, the defendant may be charged and penalized under that section  
98 instead.

99 **(2) Notwithstanding the provisions of subdivision (1) of this**  
100 **subsection to the contrary, for a person who possesses a valid license**  
101 **to operate under sections 273.325 to 273.357 and who knowingly violates**  
102 **any provision of this section, and if such violation is deemed by the**  
103 **department of agriculture to be of a serious nature, such person shall**  
104 **be given a period of time by the department of not less than thirty days**  
105 **nor more than one hundred eighty days in which to correct the**  
106 **violation before a criminal prosecution may be commenced. Upon the**  
107 **end of the time period, the department of agriculture shall conduct an**  
108 **inspection. If the violation has been corrected as of the date of the**  
109 **inspection, then no violation of this section shall be deemed to have**  
110 **occurred. If the violation has not been corrected as of the date of the**  
111 **inspection, the department may refer the matter to the prosecuting**  
112 **attorney. Regardless of whether the violation was corrected or not**  
113 **corrected by the date of the inspection, the department shall conduct**  
114 **another inspection after a second period of time, as determined by the**  
115 **department, but which shall not be less than thirty days or more than**  
116 **one hundred eighty days after the date of the first inspection. If the**  
117 **violation had been corrected during the first period of time but the**  
118 **person is found to have committed the same violation during the**  
119 **second period of time, the department may refer the matter to the**  
120 **prosecuting attorney. If the violation was not corrected during the**  
121 **first period of time and remains uncorrected after the second period of**  
122 **time, the department may revoke such person's license issued under**  
123 **section 273.327. If the department determines that a violation is not of**  
124 **a serious nature, then no criminal prosecution or inspections under**  
125 **this subsection shall be commenced for such violation.**

126 [7.] **6.** The provisions of this section are in addition to, and not in lieu of,  
127 any other state and federal laws protecting animal welfare. This section shall not

128 be construed to limit any state law or regulation protecting the welfare of  
129 animals, nor shall anything in this section prevent a local governing body from  
130 adopting and enforcing its own animal welfare laws and regulations in addition  
131 to this section. This section shall not be construed to place any numerical limits  
132 on the number of dogs a person may own or control when such dogs are not used  
133 for breeding those animals and selling any offspring for use as a pet. This section  
134 shall not apply to a dog during examination, testing, operation, recuperation, or  
135 other individual treatment for veterinary purposes, during lawful scientific  
136 research, during transportation, during cleaning of a [dogs] **dog's** enclosure,  
137 during supervised outdoor exercise, or during any emergency that places a [dogs]  
138 **dog's** life in imminent danger. [This section shall not apply to any retail pet  
139 store, animal shelter as defined in section 273.325, hobby or show breeders who  
140 have custody of no more than ten female covered dogs for the purpose of breeding  
141 those dogs and selling any offspring for use as a pet, or dog trainer who does not  
142 breed and sell any dogs for use as a pet.] Nothing in this section shall be  
143 construed to limit hunting or the ability to breed, raise, or sell hunting dogs.

144 [8.] 7. If any provision of this section, or the application thereof to any  
145 person or circumstances, is held invalid or unconstitutional, that invalidity or  
146 unconstitutionality shall not affect other provisions or applications of this section  
147 that can be given effect without the invalid or unconstitutional provision or  
148 application, and to this end the provisions of this section are severable.

149 [9.] 8. The provisions herewith shall become operative one year after  
150 passage of this act.

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

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