

SECOND REGULAR SESSION

SENATE BILL NO. 646

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Pre-filed December 20, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4274S.01I

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, 273.345, 273.346, 273.347, 273.348, 273.350, 273.352, 273.354, 273.357, and 273.359, RSMo, and to enact in lieu thereof nineteen new sections relating to the licensure of animal care facilities, with existing 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273.342, 273.344, 273.345, 273.346, 273.347, 273.348, 273.350, 273.352, 273.354, 273.357, and 273.359, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 324.1160, 324.1164, 324.1166, 324.1168, 324.1170, 324.1172, 324.1174, 324.1176, 324.1178, 324.1180, 324.1182, 324.1184, 324.1186, 324.1188, 324.1190, 324.1192, 324.1194, 324.1196, and 324.1198, to read as follows:

[273.325.] **324.1160.** 1. Sections [273.325 to 273.357] **324.1160 to 324.1198** shall be known as the "Animal Care Facilities Act".

2. As used in sections [273.325 to 273.357] **324.1160 to 324.1198**, 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 of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish, or container;

(2) "Adequate housing", the continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation, and

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

12 appropriate space depending on the species of animal, as defined by regulations
13 of the USDA, as revised;

14 (3) "Adequate water", the provision, either continuously or at intervals
15 suitable to the species, which intervals shall not exceed eight hours, of a supply
16 of potable water in a safe receptacle, dish, or container;

17 (4) "Animal", any dog or cat, which is being used, or is intended for use,
18 for research, teaching, testing, breeding, or exhibition purposes, or as a pet;

19 (5) "Animal shelter", a facility which is used to house or contain animals,
20 which is owned, operated, or maintained by an incorporated humane society,
21 animal welfare society, society for the prevention of cruelty to animals, or other
22 not-for-profit organization devoted to the welfare, protection, and humane
23 treatment of such animals, or a person whose primary purpose is to act as an
24 animal rescue, to collect and care for unwanted animals or to offer them for
25 adoption;

26 (6) "Animal welfare official", any licensed veterinarian, designated by and
27 under the supervision of the state [veterinarian] **commission of animal care**
28 **facilities**, who administers or assists in the administration of the provisions of
29 sections [273.325 to 273.357, or any appointee of the director, and shall include
30 all deputy state veterinarians] **324.1160 to 324.1198**;

31 (7) "Boarding kennel", a place or establishment, other than a pound or
32 animal shelter, where animals, not owned by the proprietor, are sheltered, fed,
33 and watered in return for a consideration; however, "boarding kennel" shall not
34 include hobby or show breeders who board intact females for a period of time for
35 the sole purpose of breeding such intact females, and shall not include individuals
36 who temporarily, and not in the normal course of business, board or care for
37 animals owned by other individuals;

38 (8) "Commercial breeder", a person, other than a hobby or show breeder,
39 engaged in the business of breeding animals for sale or for exchange in return for
40 a consideration, and who harbors more than three intact females for the primary
41 purpose of breeding animals for sale;

42 (9) "Commercial kennel", a kennel which performs grooming or training
43 services for animals, and may or may not render boarding services in return for
44 a consideration;

45 (10) "**Commission**", the **State Commission of Animal Care**
46 **Facilities**;

47 (11) "Contract kennel", any facility operated by any person or entity other

48 than the state or any political subdivision of the state, for the purpose of
49 impounding or harboring seized, stray, homeless, abandoned or unwanted
50 animals, on behalf of and pursuant to a contract with the state or any political
51 subdivision;

52 [(11)] **(12)** "Dealer", any person who is engaged in the business of buying
53 for resale, selling or exchanging animals, as a principal or agent, or who holds
54 himself **or herself** out to be so engaged or is otherwise classified as a dealer by
55 the USDA as defined by regulations of the USDA;

56 [(12)] "Director", the director of the department of agriculture of the state
57 of Missouri;]

58 **(13) "Division", the division of professional registration;**

59 **(14)** "Hobby or show breeder", a noncommercial breeder who breeds dogs
60 or cats with the primary purpose of exhibiting or showing dogs or cats, improving
61 the breed or selling the dogs or cats, and having no more than ten intact
62 females. Such breeder shall be classified as a hobby or show breeder if such
63 person only sells animals to other breeders or to individuals;

64 [(14)] **(15)** "Humane euthanasia", the act or practice of putting an animal
65 to death in a humane or instantaneous manner under guidelines and procedures
66 established by rules promulgated by the [director] **state commission of animal**
67 **care facilities;**

68 [(15)] **(16)** "Intact female", with respect to a dog, refers to a female dog
69 between the ages of six months and ten years of age which is capable of being
70 bred; and with respect to a cat, refers to a female cat between the ages of six
71 months and eight years which is capable of being bred;

72 [(16)] **(17)** "Pet shop", any facility where animals are bought, sold,
73 exchanged, or offered for retail sale to the general public;

74 [(17)] **(18)** "Pound" or "dog pound", a facility operated by the state or any
75 political subdivision of the state for the purpose of impounding or harboring
76 seized, stray, homeless, abandoned, or unwanted animals;

77 [(18)] "State veterinarian", the state veterinarian as provided by chapter
78 267;]

79 (19) "USDA", the United States Department of Agriculture.

[273.327.] **324.1164. 1. The commission by rule shall establish**
2 **requirements for issuance and renewal of a license under sections**
3 **324.1160 to 324.1198.**

4 **2.** No person shall operate an animal shelter, pound or dog pound,

5 boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition
6 facility, other than a limited show or exhibit, or act as a dealer or commercial
7 breeder, unless such person has obtained a license for such operations from the
8 [director] **commission**. An applicant shall obtain a separate license for each
9 separate physical facility subject to sections [273.325 to 273.357] **324.1160 to**
10 **324.1198** which is operated by the applicant. Any person exempt from the
11 licensing requirements of sections [273.325 to 273.357] **324.1160 to 324.1198**
12 may voluntarily apply for a license. Application for such license shall be made
13 in the manner provided by the [director] **commission**. The license shall expire
14 annually unless revoked. [As provided by rules to be promulgated by the
15 director, the license fee shall range from one hundred to two thousand five
16 hundred dollars per year. Each licensee subject to sections 273.325 to 273.357
17 shall pay an additional annual fee of twenty-five dollars to be used by the
18 department of agriculture for the purpose of administering operation bark alert
19 or any successor program. Pounds or dog pounds shall be exempt from payment
20 of the fees under this section. License fees shall be levied for each license issued
21 or renewed on or after January 1, 1993.]

[273.329.] **324.1166.** 1. The [director] **commission** may refuse to issue
2 or renew or may revoke a license on any one or more of the following grounds:

3 (1) Material and deliberate misstatement in the application for any
4 original license or for any renewal license under sections [273.325 to 273.357]
5 **324.1160 to 324.1198**;

6 (2) Disregard or violation of sections [273.325 to 273.357] **324.1160 to**
7 **324.1198** or of any rules promulgated pursuant thereto;

8 (3) Conviction of any violation of any state or federal law relating to the
9 disposition or treatment of animals;

10 (4) Failure to provide adequate food, water, housing or sanitary facilities
11 for animals under the control of an animal shelter, boarding kennel, commercial
12 breeder, commercial kennel, contract kennel, dealer, pet shop, pound, or exhibitor
13 as defined by regulations of the USDA.

14 2. The [department of agriculture] **commission** shall not retain, contract
15 with, or otherwise utilize the services of the personnel of any nonprofit
16 organization for the purpose of inspection or licensing of any animal shelter,
17 pound or dog pound, boarding kennel, commercial kennel, contract kennel,
18 commercial breeder, hobby or show breeder, or pet shop under sections [273.325
19 to 273.357] **324.1160 to 324.1198**.

20 3. Operation of an animal shelter, pound or dog pound, boarding kennel,
21 commercial kennel, contract kennel, pet shop, or exhibition facility, or activity as
22 a commercial breeder or dealer without a valid license shall constitute a class A
23 misdemeanor.

 [273.331.] **324.1168.** A license shall be issued only upon **application by**
2 **the person or operation and** inspection by the [state veterinarian, his]
3 **commission, a** designee, or an animal welfare official. A facility subject to the
4 provisions of sections [273.325 to 273.357] **324.1160 to 324.1198**, at the time it
5 applies for licensure, shall be granted a provisional license which shall allow
6 operation of the facility until the facility is inspected [or until December 31, 1994,
7 whichever earlier occurs]. The [state veterinarian] **commission** shall have the
8 duty and authority to inspect all facilities licensed under sections [273.325 to
9 273.357] **324.1160 to 324.1198**. Inspections shall be conducted a minimum of
10 once a year, or upon a complaint to the [department] **commission** regarding a
11 particular facility. The validity of the complaint will be ascertained by the [state
12 veterinarian or his designated representative] **commission**.

 [273.333.] **324.1170.** The [state veterinarian] **commission** or an animal
2 welfare official, upon [his] **its** own information or upon the complaint of any
3 person, may institute an investigation including the inspection during normal
4 business hours of any premises or vehicle upon which any animal is or may be
5 found, and may determine if any violation of sections [273.325 to 273.357]
6 **324.1160 to 324.1198** or of any rule promulgated pursuant to sections [273.325
7 to 273.357] **324.1160 to 324.1198** is deemed to exist. The [director, or his
8 designee,] **commission** may issue an order to the person responsible for the
9 violation to appear at an administrative hearing. The [director, or his designee]
10 **commission**, upon a finding that such a violation occurred after a hearing
11 thereon, shall issue remedial orders enforceable in the circuit courts of this state
12 to correct such violations, and in addition may assess an administrative penalty
13 in an amount not to exceed one thousand dollars for each violation. In assessing
14 the amount of penalty under sections [273.327 to 273.342] **324.1164 to 324.1178**,
15 the [director] **commission** shall take into account the seriousness of the
16 violation and the extent of damage to third parties and the state. All penalties
17 collected shall be deposited to the state general revenue fund. In addition, the
18 [director] **commission** may assess the reasonable costs of remedying a violation
19 in the event that the person responsible is unwilling or unable to correct the
20 violation within a reasonable period of time. Any person aggrieved by the

21 decision of the [director] **commission** may appeal as provided in sections
22 536.100 to 536.140.

[273.335.] **324.1172.** When, in the judgment of the [state veterinarian]
2 **commission** or an animal welfare official, any person has been in violation of
3 sections [273.325 to 273.357] **324.1160 to 324.1198** so as to pose a substantial
4 ongoing risk to the health and welfare of animals in his **or her** custody or so as
5 to pose a substantial ongoing risk that consumers will purchase diseased animals
6 from such person, the [director] **commission** may apply to the circuit court of
7 the county in which such person resides, and such court may grant an order
8 enjoining temporarily or permanently that person from engaging in activities
9 described in section [273.327] **324.1164.** If the animals being held in any of the
10 facilities licensed under sections [273.325 to 273.357] **324.1160 to 324.1198** are
11 found to be suffering unrelieved pain or distress or disease, the animals may be
12 taken into custody for humane euthanasia at the expense of the
13 licensee. Reasonable effort shall be made to notify the facility operator of such
14 intent and only upon his refusal or inability to immediately correct the causative
15 violation and provide adequate veterinary care shall such action be
16 taken. Nothing in sections [273.325 to 273.357] **324.1160 to 324.1198** shall be
17 construed to interfere with scientific research as enunciated in subsection 2 of
18 section [273.354] **324.1194.**

[273.338.] **324.1174.** Persons and facilities which subsequently fail two
2 consecutive reinspections for an original violation shall be charged a fee of one
3 hundred dollars, which shall be paid before subsequent inspection and renewal
4 of such person's or facility's license.

[273.340.] **324.1176.** A dealer shall only purchase animals from persons
2 in this state who are licensed under sections [273.325 to 273.357] **324.1160 to**
3 **324.1198**, or who are exempt from licensure. Any dealer who knowingly
4 purchases animals in violation of this section shall be guilty of a class A
5 misdemeanor and each purchase made shall constitute a separate offense. In
6 addition to such penalties, the [director] **commission** may revoke such dealer's
7 license.

[273.342.] **324.1178.** 1. Persons engaged in breeding dogs and cats who
2 harbor three or less intact females shall be exempt from the provisions of sections
3 [273.325 to 273.357] **324.1160 to 324.1198.**

4 2. A hobby or show breeder shall be exempt from the licensure and
5 inspection requirements of sections [273.325 to 273.357] **324.1160 to**

6 **324.1198.** The [director] **commission** shall develop a form for registration of
7 persons who meet the definition of hobby or show breeder, and any such hobby
8 or show breeder shall register annually with the [director] **commission** for the
9 purpose of establishing that such person is a hobby or show breeder, at no cost
10 to said hobby or show breeder.

[273.344.] **324.1180.** 1. Persons and facilities subject to USDA licensure
2 shall comply with the standards and regulations as prescribed by the USDA, as
3 revised from time to time.

4 2. Persons and facilities who are subject to sections [273.325 to 273.357]
5 **324.1160 to 324.1198**, but who are not subject to USDA licensure, shall comply
6 with rules promulgated by the [director] **commission** which establish standards
7 relating to the following:

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

10 (2) Adequate food and water; and

11 (3) Maintenance of records of acquisition and disposition of animals in the
12 custody of the licensee.

[273.345.] **324.1182.** 1. This section shall be known and may be cited as
2 the "Canine Cruelty Prevention Act".

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

19 4. For purposes of this section and notwithstanding the provisions of

20 section [273.325] **324.1160**, the following terms have the following meanings:

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

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

28 (3) "Necessary veterinary care" means, at minimum, examination at least
29 once yearly by a licensed veterinarian, prompt treatment of any serious illness
30 or injury by a licensed veterinarian, and where needed, humane euthanasia by
31 a licensed veterinarian using lawful techniques deemed acceptable by the
32 American Veterinary Medical Association;

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

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

39 (6) "Regular exercise" means the type and amount of exercise sufficient
40 to comply with an exercise plan that has been approved by a licensed
41 veterinarian, developed in accordance with regulations regarding exercise
42 promulgated by the [Missouri department of agriculture] **commission**, and
43 where such plan affords the dog maximum opportunity for outdoor exercise as
44 weather permits;

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

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

53 (9) "Sufficient housing, including protection from the elements" means the
54 continuous provision of a sanitary facility, the provision of a solid surface on
55 which to lie in a recumbent position, protection from the extremes of weather

56 conditions, proper ventilation, and appropriate space depending on the species of
57 animal as required by regulations of the [Missouri department of agriculture]
58 **commission** and in compliance with the provisions of subsection 7 of this
59 section. No dog shall remain inside its enclosure while the enclosure is being
60 cleaned. Dogs housed within the same enclosure shall be compatible, in
61 accordance with regulations promulgated by the [Missouri department of
62 agriculture] **commission**;

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

65 (a) Sufficient indoor space or shelter from the elements for each dog to
66 turn in a complete circle without any impediment (including a tether);

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

70 (c) Appropriate space depending on the species of the animal, as specified
71 in regulations by the Missouri department of agriculture, as revised, and in
72 compliance with the provisions of subsection 7 of this section.

73 5. Any person subject to the provisions of this section shall maintain all
74 veterinary records and sales records for the most recent previous two
75 years. These records shall be made available to the [state veterinarian]
76 **commission**, a state or local animal welfare official, or a law enforcement agent
77 upon request.

78 6. The provisions of this section are in addition to, and not in lieu of, any
79 other state and federal laws protecting animal welfare. This section shall not be
80 construed to limit any state law or regulation protecting the welfare of animals,
81 nor shall anything in this section prevent a local governing body from adopting
82 and enforcing its own animal welfare laws and regulations in addition to this
83 section. This section shall not be construed to place any numerical limits on the
84 number of dogs a person may own or control when such dogs are not used for
85 breeding those animals and selling any offspring for use as a pet. This section
86 shall not apply to a dog during examination, testing, operation, recuperation, or
87 other individual treatment for veterinary purposes, during lawful scientific
88 research, during transportation, during cleaning of a dog's enclosure, during
89 supervised outdoor exercise, or during any emergency that places a dog's life in
90 imminent danger. Nothing in this section shall be construed to limit hunting or
91 the ability to breed, raise, sell, control, train, or possess dogs with the intention

92 to use such dogs for hunting or other sporting purposes.

93 7. Notwithstanding any law to the contrary, the following space
94 requirements shall apply under this section:

95 (1) From January 1, 2012, through December 31, 2015, for any enclosure
96 existing prior to April 15, 2011, the minimum allowable space shall:

97 (a) Be two times the space allowable under the department of
98 agriculture's regulation that was in effect on April 15, 2011;

99 (b) Except as prescribed by rule, provide constant and unfettered access
100 to an attached outdoor run; and

101 (c) Meet all other requirements set forth by rule of the Missouri
102 department of agriculture;

103 (2) For any enclosure newly constructed after April 15, 2011, and for all
104 enclosures as of January 1, 2016, the minimum allowable space shall:

105 (a) Be three times the space allowable under the department of
106 agriculture's regulation that was in effect on April 15, 2011;

107 (b) Except as prescribed by rule, provide constant and unfettered access
108 to an attached outdoor run; and

109 (c) Meet all other requirements set forth by rule of the Missouri
110 department of agriculture;

111 (3) For any enclosure newly constructed after April 15, 2011, and for all
112 enclosures as of January 1, 2016, wire strand flooring shall be prohibited and all
113 enclosures shall meet the flooring standard set forth by rule of the [Missouri
114 department of agriculture] **state commission of animal care facilities**.

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

[273.346.] **324.1184.** 1. The [director] **commission** shall promulgate
2 rules for an adequate program of health and veterinary care which shall be
3 maintained for all animals in the custody of persons and facilities subject to
4 licensure pursuant to sections [273.325 to 273.357] **324.1160 to 324.1198**, except
5 pounds or dog pounds. Records of veterinary services provided to such animals
6 shall be maintained and made available to the [state veterinarian] **commission**
7 or an animal welfare official upon request.

8 2. Any such rules promulgated to cover pounds or dog pounds shall not

9 require or be applied so as to require the construction of any new buildings or
10 major reconstruction of any physical plant beyond the scope of normal upkeep and
11 repair.

[273.347.] **324.1186.** 1. Whenever the [state veterinarian] **commission**
2 or a state animal welfare official finds past violations of sections [273.325 to
3 273.357] **324.1160 to 324.1198** have occurred and have not been corrected or
4 addressed, including operating without a valid license under section [273.327]
5 **324.1164**, the [director] **commission** may request the attorney general or the
6 county prosecuting attorney or circuit attorney to bring an action in circuit court
7 in the county where the violations have occurred for a temporary restraining
8 order, preliminary injunction, permanent injunction, or a remedial order
9 enforceable in a circuit court to correct such violations and, in addition, the court
10 may assess a civil penalty in an amount not to exceed one thousand dollars for
11 each violation. Each violation shall constitute a separate offense.

12 2. A person commits the crime of canine cruelty if such person repeatedly
13 violates sections [273.325 to 273.357] **324.1160 to 324.1198** so as to pose a
14 substantial risk to the health and welfare of animals in such person's custody, or
15 knowingly violates an agreed-to remedial order involving the safety and welfare
16 of animals under this section. The crime of canine cruelty is a class C
17 misdemeanor, unless the person has previously pled guilty or nolo contendere to
18 or been found guilty of a violation of this subsection, in which case, each such
19 violation is a class A misdemeanor.

20 3. The attorney general or the county prosecuting attorney or circuit
21 attorney may bring an action under sections [273.325 to 273.357] **324.1160 to**
22 **324.1198** in circuit court in the county where the crime has occurred for criminal
23 punishment.

24 4. No action under this section shall prevent or preclude action taken
25 under section 578.012 or under subsection 3 of section [273.329] **324.1166**.

[273.348.] **324.1188.** 1. The premises of each licensee shall be open for
2 inspection.

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

- 9 (1) Recovered and no longer capable of transmitting the diseases;
10 (2) Isolated;
11 (3) Humanely euthanized and disposed of as provided for in the rules of
12 the [director] **commission**;
13 (4) Tested, vaccinated or otherwise treated; or
14 (5) Otherwise released by the [state veterinarian] **commission**. Animals
15 under quarantine and treatment or testing may not be removed from the premises
16 until the licensee is notified that such animals are recovered and incapable of
17 spreading the disease and otherwise released by the [state veterinarian]
18 **commission** or an animal welfare official. The method of eliminating the
19 disease problem shall be at the discretion and in accordance with such procedures
20 as may be outlined by the [state veterinarian] **commission**.
21 3. Violation of the provisions of sections [273.344 to 273.348] **324.1180**
22 **to 324.1188** shall be a class A misdemeanor.

[273.350.] **324.1190.** The [director] **commission** shall promulgate rules
2 pursuant to the provisions of chapter 536 required to implement the provisions
3 of sections [273.325 to 273.357] **324.1160 to 324.1198**. Such rules shall include
4 establishing health and safety standards for motor vehicles regularly used in the
5 commercial transportation of live animals. The [director] **commission** shall also
6 by rule define the term "exotic animals", which shall generally refer to canines
7 and felines not ordinarily kept for domestic purposes, and shall promulgate rules
8 establishing standards for food, water, housing and health care for exotic animals
9 and standards for determining whether a particular operation is a farming
10 practice or is a breeder of pets; provided that the authority of the department of
11 conservation to regulate wildlife within the state of Missouri as provided by
12 section 252.030 shall not be deprived or diminished. Any animal welfare official
13 shall have the authority of an animal control officer as defined by chapter 578. It
14 shall be unlawful for any person licensed or registered pursuant to sections
15 [273.325 to 273.357] **324.1160 to 324.1198** to knowingly ship a diseased animal,
16 and any such person who violates this provision shall be subject to a fine of not
17 more than one hundred dollars for each diseased animal shipped. Sections
18 [273.325 to 273.357] **324.1160 to 324.1198** and the rules promulgated
19 thereunder shall apply to all businesses, individuals and agents which transport
20 animals in or through this state, except that such businesses, individuals and
21 agents licensed by the USDA shall be subject to USDA standards relating to
22 transportation of animals.

[273.352.] **324.1192.** 1. [There is hereby established an advisory
2 committee to assist the director in establishing rules under sections 273.350 and
3 273.352 and to provide ongoing review of the administration of sections 273.325
4 to 273.357. The members of the advisory committee shall receive no
5 compensation or reimbursement for their expenses incurred in the performance
6 of their duties.
7 The advisory committee shall consist of thirteen persons appointed by the director
8 as follows:

- 9 (1) One person who operates or supervises an animal shelter;
- 10 (2) One person who operates or is employed by a pound or dog pound;
- 11 (3) One person who operates a commercial kennel or a boarding kennel;
- 12 (4) One person who operates a pet shop and who sells both dogs and cats;
- 13 (5) One dealer;
- 14 (6) One person who operates or is employed by an animal humane society
15 or other humane organization;
- 16 (7) One veterinarian licensed pursuant to chapter 340;
- 17 (8) One person who is a commercial animal breeder, who breeds both dogs
18 and cats;
- 19 (9) One person representing the Missouri Animal Control Association;
- 20 (10) One person representing professional cat breeders;
- 21 (11) The state veterinarian of the department of agriculture;
- 22 (12) The state public health veterinarian of the department of health and
23 senior services;
- 24 (13) One hobby or show breeder.

25 2. No rule or portion of a rule promulgated under the authority of this
26 chapter shall become effective unless it has been promulgated pursuant to the
27 provisions of section 536.024.] **There is hereby created and established a**
28 **"State Commission of Commercial Breeders" for the purpose of licensing**
29 **animal shelters, pounds, boarding kennels, commercial kennels, pet**
30 **shops, exhibition facilities, dealers, and commercial breeders, and to**
31 **fulfill all other duties and responsibilities delegated by sections**
32 **324.1160 to 324.1198. All duties and responsibilities of the department**
33 **of agriculture regarding sections 324.1160 to 324.1198 shall be assumed**
34 **by the commission upon the appointment of all the members to the**
35 **commission by the governor, and until such time the department of**
36 **agriculture shall continue to have the responsibilities for administering**

37 sections 324.1160 to 324.1198.

38 2. The governor shall appoint members of the commission by and
39 with the advice and consent of the senate. All members of the
40 commission shall be chosen by the governor from lists submitted by the
41 director of the division of professional registration. The commission
42 shall consist of ten members each of whom are United States citizens
43 and who have been residents of this state for at least one year
44 immediately preceding their appointment. Of these ten members one
45 shall be a person who operates or supervises an animal shelter; one
46 shall be a person who operates or is employed by a pound or dog
47 pound; one shall be a person who operates a commercial kennel or a
48 boarding kennel; one shall be a person who operates a pet shop and
49 who sells both dogs and cats; one shall be a person who is a dealer; one
50 shall be a person who operates or is employed by an animal humane
51 society or other animal humanitarian organization; one shall be a
52 veterinarian who is licensed pursuant to chapter 340; one shall be a
53 person who is a commercial animal breeder; one shall be a person
54 representing the Missouri Animal Control Association; and one person
55 who is a state public health veterinarian of the department of health
56 and senior services. All members, except the public members, shall
57 have been actively engaged in the lawful practice of their professions
58 for a period of at least five years immediately preceding their
59 appointment.

60 3. Licenses issued by the director of the department of
61 agriculture for the operation of an animal shelter, pound, boarding
62 kennel, commercial kennel, contract kennel, pet shop, or exhibition
63 facility, or as a dealer or commercial breeder, shall remain valid until
64 the expiration of the license. Upon expiration of such license, the
65 licensee shall apply for license renewal with the state commission of
66 commercial breeders and pay the required fees.

 [273.354.] 324.1194. 1. Sections [273.325 to 273.357] 324.1160 to
2 324.1198 shall not apply to a place or establishment which operates under the
3 immediate supervision and control of a duly licensed veterinarian as a facility
4 where animals are hospitalized or boarded.

5 2. Nothing in sections [273.325 to 273.357] 324.1160 to 324.1198 shall
6 be construed as requiring licensing of research facilities or authorizing
7 promulgation of rules affecting the design, outlines, guidelines, or performance

8 of actual research or experimentation by a research facility as determined by that
9 research facility's institution animal care and use committee.

[273.357.] **324.1196. The commission shall set the amount of the
2 fees which sections 324.1160 to 324.1198 authorize and require by rule
3 and regulations promulgated pursuant to section 536.021. The fees
4 shall be at a level to produce revenue which shall not substantially
5 exceed the cost and expense of administering sections 324.1160 to
6 324.1198. All fees collected by the [director] commission from licenses issued
7 under sections [273.325 to 273.357] 324.1160 to 324.1198 shall be used to
8 administer the provisions of sections [273.325 to 273.357] 324.1160 to 324.1198,
9 and shall be deposited in the state treasury to the credit of the "Animal Care
10 Reserve Fund", which is hereby created. The state treasurer shall be
11 custodian of the fund and may approve disbursements from the fund in
12 accordance with the provisions of sections 324.1160 to
13 324.1174. Notwithstanding the provisions of section 33.080, money in
14 this fund shall not be transferred and placed to the credit of general
15 revenue until the amount in the fund at the end of the biennium
16 exceeds three times the amount of the appropriation from the fund for
17 the preceding fiscal year. All moneys deposited in the animal care reserve
18 fund shall be subject to appropriation for the use and benefit of the [department of
19 agriculture] division of professional registration to administer the provisions of
20 sections [273.325 to 273.357] 324.1160 to 324.1198. [Notwithstanding the provisions
21 of section 33.080 to the contrary, moneys in the animal care reserve fund shall not be
22 transferred to the general revenue fund at the end of the biennium.] All salaries
23 and expenses for the operation of the commission shall be appropriated
24 from the fund, provided that the commission shall create no expense
25 exceeding the sum received from time to time as fees.**

[273.359.] **324.1198. Any person required to have a license under
2 sections [273.325 to 273.357] 324.1160 to 324.1198 who houses animals in
3 stacked cages without an impervious barrier between the levels of such cages,
4 except when cleaning such cages, is guilty of a class A misdemeanor.**