

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 113 & 95

96TH GENERAL ASSEMBLY

2011

0178S.11T

AN ACT

To repeal sections 273.327 and 273.345, RSMo, and to enact in lieu thereof four new sections relating to the care of dogs, with penalty provisions.

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

Section A. Sections 273.327 and 273.345, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 273.327, 273.345,
3 273.347, and 1, to read as follows:

273.327. No person shall operate an animal shelter, pound or dog pound,
2 boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition
3 facility, other than a limited show or exhibit, or act as a dealer or commercial
4 breeder, unless such person has obtained a license for such operations from the
5 director. An applicant shall obtain a separate license for each separate physical
6 facility subject to sections 273.325 to 273.357 which is operated by the
7 applicant. Any person exempt from the licensing requirements of sections
8 273.325 to 273.357 may voluntarily apply for a license. Application for such
9 license shall be made in the manner provided by the director. The license shall
10 expire annually unless revoked. As provided by rules to be promulgated by the
11 director, the license fee shall range from one hundred to **two thousand** five
12 hundred dollars per year. **Each licensee subject to sections 273.325 to**
13 **273.357 shall pay an additional annual fee of twenty-five dollars to be**
14 **used by the department of agriculture for the purpose of administering**
15 **Operation Bark Alert or any successor program.** Pounds or dog pounds
16 shall be exempt from payment of [such fee] **the fees under this**
17 **section.** License fees shall be levied for each license issued or renewed on or
18 after January 1, 1993.

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

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

3 2. The purpose of this act is to prohibit the cruel and inhumane treatment
4 of dogs [in puppy mills] **bred in large operations** by requiring large-scale dog
5 breeding operations to provide each dog under their care with basic food and
6 water, adequate shelter from the elements, necessary veterinary care, adequate
7 space to turn around and 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. [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] **given period than what is recommended by a licensed**
27 **veterinarian as appropriate for the species, age, and health of the dog;**

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

31 (3) "Necessary veterinary care" means[, at minimum, examination at least
32 once yearly] **at least two personal visual inspections annually** by a licensed
33 veterinarian, **guidance from a licensed veterinarian on preventative care,**
34 **an exercise plan that has been approved by a licensed veterinarian,**
35 **normal and prudent attention to skin, coat, and nails,** prompt treatment
36 of any illness or injury [by a licensed veterinarian], and where needed, humane
37 euthanasia by a licensed veterinarian using lawful techniques deemed acceptable
38 by the American Veterinary Medical Association. **If, during the course of a**
39 **routine personal visual inspection, the licensed veterinarian detects**
40 **signs of disease or injury, then a physical examination of any such**
41 **afflicted dog shall be conducted by a licensed veterinarian;**

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

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

48 (6) "Regular exercise" means [constant and unfettered access to an
49 outdoor exercise area that is composed of a solid ground-level surface with
50 adequate drainage, provides some protection against sun, wind, rain, and snow,
51 and provides each dog at least twice the square footage of the indoor floor space
52 provided to that dog] **the type and amount of exercise sufficient to comply**
53 **with an exercise plan that has been approved by a licensed**
54 **veterinarian, developed in accordance with regulations regarding**
55 **exercise promulgated by the Missouri department of agriculture, and**
56 **where such plan affords the dog maximum opportunity for outdoor**
57 **exercise as weather permits;**

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

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

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

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

76 (9) "Sufficient housing, including protection from the elements" means
77 [constant and unfettered access to an indoor enclosure that has a solid floor, is
78 not stacked or otherwise placed on top of or below another animal's enclosure, is
79 cleaned of waste at least once a day while the dog is outside the enclosure, and
80 does not fall below forty-five degrees Fahrenheit, or rise above eighty-five degrees

81 Fahrenheit] **the continuous provision of a sanitary facility, the provision**
82 **of a solid surface on which to lie in a recumbent position, protection**
83 **from the extremes of weather conditions, proper ventilation, and**
84 **appropriate space depending on the species of animal as required by**
85 **regulations of the Missouri department of agriculture. No dog shall**
86 **remain inside its enclosure while the enclosure is being cleaned. Dogs**
87 **housed within the same enclosure shall be compatible, in accordance**
88 **with regulations promulgated by the Missouri department of**
89 **agriculture;**

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

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

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

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

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

106 [6. A person is guilty of the crime of puppy mill cruelty when he or she
107 knowingly violates any provision of this section. The crime of puppy mill cruelty
108 is a class C misdemeanor, unless the defendant has previously pled guilty to or
109 been found guilty of a violation of this section, in which case each such violation
110 is a class A misdemeanor. Each violation of this section shall constitute a
111 separate offense. If any violation of this section meets the definition of animal
112 abuse in section 578.012, the defendant may be charged and penalized under that
113 section instead.

114 7.] **5. Any person subject to the provisions of this section shall**
115 **maintain all veterinary records and sales records for the most recent**
116 **previous two years. These records shall be made available to the state**
117 **veterinarian, a state or local animal welfare official, or a law**
118 **enforcement agent upon request.**

119 6. The provisions of this section are in addition to, and not in lieu of, any

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

139 [8.] 7. If any provision of this section, or the application thereof to any
140 person or circumstances, is held invalid or unconstitutional, that invalidity or
141 unconstitutionality shall not affect other provisions or applications of this section
142 that can be given effect without the invalid or unconstitutional provision or
143 application, and to this end the provisions of this section are severable.

144 [9.] 8. The provisions herewith shall become operative one year after
145 passage of this act.

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

13 **2. A person commits the crime of canine cruelty if such person**

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

22 3. The attorney general or the county prosecuting attorney or
23 circuit attorney may bring an action under sections 273.325 to 273.357
24 in circuit court in the county where the crime has occurred for
25 criminal punishment.

26 4. No action under this section shall prevent or preclude action
27 taken under section 578.012 or under subsection 3 of section 273.329.

 Section 1. Any person required to have a license under sections
2 273.325 to 273.357 who houses animals in stacked cages without an
3 impervious barrier between the levels of such cages, except when
4 cleaning such cages, is guilty of a class A misdemeanor.

Bill ✓

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