

FIRST REGULAR SESSION

SENATE BILL NO. 95

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 12, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0672S.03I

AN ACT

To repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to the puppy mill cruelty prevention act, with an existing penalty provision.

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Section A. Section 273.345, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 273.345, to read as follows: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

4. Notwithstanding any other provision of law, no person may have

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

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,
25 ensuring that dogs are not bred to produce more than two litters in any
26 eighteen-month period;

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

30 (3) "Necessary veterinary care" [means], at minimum, examination at
31 least once yearly by a licensed veterinarian, prompt treatment of any illness or
32 injury by a licensed veterinarian, and where needed, humane euthanasia by a
33 licensed veterinarian using lawful techniques deemed acceptable by the American
34 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 normally maintained in or near
39 the household of the owner thereof;

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

45 [(7)] (6) "Retail pet store" [means], a person or retail establishment open
46 to the public where dogs are bought, sold, exchanged, or offered for retail sale
47 directly to the public to be kept as pets, but that does not engage in any breeding
48 of dogs for the purpose of selling any offspring for use as a pet;

49 [(8)] (7) "Sufficient food and clean water" [means], access to appropriate
50 nutritious food at least once a day sufficient to maintain good health, and
51 continuous access to potable water that is not frozen and is free of debris, feces,
52 algae, and other contaminants;

53 [(9)] (8) "Sufficient housing, including protection from the elements"
54 [means], constant and unfettered access to an indoor enclosure that has a solid
55 floor, is not stacked or otherwise placed on top of or below another animal's

56 enclosure, is cleaned of waste at least once a day while the dog is outside the
57 enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above
58 eighty-five degrees Fahrenheit;

59 [(10)] (9) "Sufficient space to turn and stretch freely, lie down, and fully
60 extend his or her limbs" [means], having:

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

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

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

68 (d) At least twelve square feet of indoor floor space per each dog up to
69 twenty-five inches long, at least twenty square feet of indoor floor space per each
70 dog between twenty-five and thirty-five inches long, and at least thirty square
71 feet of indoor floor space per each dog for dogs thirty-five inches and longer (with
72 the length of the dog measured from the tip of the nose to the base of the tail).

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

81 7. The provisions of this section are in addition to, and not in lieu of, any
82 other state and federal laws protecting animal welfare. This section shall not be
83 construed to limit any state law or regulation protecting the welfare of animals,
84 nor shall anything in this section prevent a local governing body from adopting
85 and enforcing its own animal welfare laws and regulations in addition to this
86 section. [This section shall not be construed to place any numerical limits on the
87 number of dogs a person may own or control when such dogs are not used for
88 breeding those animals and selling any offspring for use as a pet.] This section
89 shall not apply to a dog during examination, testing, operation, recuperation, or
90 other individual treatment for veterinary purposes, during lawful scientific
91 research, during transportation, during cleaning of a dog's enclosure, during

92 supervised outdoor exercise, or during any emergency that places a dog's life in
93 imminent danger. This section shall not apply to any retail pet store, [animal
94 shelter as defined in section 273.325,] hobby or show breeders who have custody
95 of no more than ten female covered dogs for the purpose of breeding those dogs
96 and selling any offspring for use as a pet, or dog trainer who does not breed and
97 sell any dogs for use as a pet. Nothing in this section shall be construed to limit
98 hunting or the ability to breed, raise, or sell hunting dogs.

99 8. If any provision of this section, or the application thereof to any person
100 or circumstances, is held invalid or unconstitutional, that invalidity or
101 unconstitutionality shall not affect other provisions or applications of this section
102 that can be given effect without the invalid or unconstitutional provision or
103 application, and to this end the provisions of this section are severable.

104 9. The provisions herewith shall become operative [one year after passage
105 of this act] **November 2, 2011.**

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Bill

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