

HOUSE BILL 2938

By Travis

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 43 and Title 44, relative to commercial
breeders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding
the following as a new part:

44-17-801.

As used in this part:

(1) "Commercial breeder" means a person possessing or maintaining
under the person's immediate control, ten (10) or more dogs or cats for the
purpose of selling the offspring as companion animals, as defined in § 39-14-
212, and does not include a person possessing or maintaining under the person's
immediate control dogs or cats for the purpose of practicing veterinary medicine,
hunting, training or handling, boarding, or grooming;

(2) "Commissioner" means the commissioner of the department of
commerce and insurance; and

(3) "Department " means the department of commerce and insurance.

44-17-802.

The purpose of this part is to create a licensure process for commercial breeders.
The department of commerce and insurance is authorized to promulgate rules to
effectuate this part. The rules must be promulgated in accordance with the Uniform
Administrative Procedures Act, compiled in title 4, chapter 5.

44-17-803.

(a) The department shall create a licensure application form, which must include all necessary information as determined by the commissioner and be maintained on the department's website.

(b) The department may charge a licensure application fee of not more than fifteen dollars (\$15.00) per adult female dog or cat in the possession or immediate control of the applicant for the purpose of selling the offspring.

(c) The application fee must be processed prior to inspection of the property where the female dogs or cats are located.

(d) The application fee is nonrefundable and must not be reimbursed under any circumstances, including failure of the property to pass inspection requirements.

44-17-804.

(a) Prior to the issuance of a license, the department shall investigate the premises to determine if the facility is suitable for inhabitation by the possessed animals and for the purpose of commercial breeding. The premises must provide, at a minimum, adequate shelter, including sufficient coverage or protection from the rain and sun, and operable climate control or heating devices with the ability to accommodate every dog or cat.

(b) The licensure applicant must:

(1) Have a valid tax registration number and be in good standing with the department of revenue;

(2) Be at least eighteen (18) years of age;

(3) Not have been convicted of or plead guilty to a violation of § 39-14-202, or another offense related to an animal, or reside in the same household as a person who has been convicted of or plead guilty to a violation of § 39-14-202, or another offense related to an animal;

(4) Not operate or maintain a controlling interest in a public or private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to dogs, or other similar entity or home base rescue operation that releases companion dogs for adoption, or reside in the same household with a person that operates or maintains a controlling interest in such an entity; and

(5) Possess valid documentation signed by a veterinarian evidencing that the applicant completed a program of veterinary care. This documentation must be dated within two (2) years of the application submission or application for licensure renewal.

(c) A person who has been convicted of or plead guilty to a violation of § 39-14-202, or another criminal offense involving an animal is permanently ineligible to receive a license pursuant to this part.

(d) A person who resides in the same household as a person who has been convicted of or plead guilty to a violation of § 39-14-202, or another criminal offense involving an animal is ineligible to receive a license pursuant to this part.

(e) A license is not transferable and is only applicable to the premises for which the license was issued. If a license holder relocates breeding operations to another location or premises, then the current license is inapplicable and an application for a new license must be submitted.

(f) A license must be posted in a conspicuous location on the commercial breeding premises and a copy of the license number must be featured on all physical and digital advertisements, and on all of the licensee's invoices and paperwork.

44-17-805.

(a) A license issued pursuant to this part must be renewed annually.

(b) The commissioner may charge a renewal fee of no more than one hundred fifty dollars (\$150); provided, that if a licensee applies to renew the licensee's license after the applicable renewal date, then the commissioner may also charge a late fee of two hundred fifty dollars (\$250) for each month that a renewal is overdue.

(c) The department shall conduct an inspection of the premises annually and determine if the licensee is in compliance with the provisions of this part. The department may perform more frequent inspections upon receipt of a complaint or at the discretion of the commissioner. All inspections must be completed during regular business hours and by department employees.

44-17-806.

(a)

(1) If an inspection results in a violation of this part, then the commissioner shall issue a written notice detailing the violations.

(2) The licensee must take corrective action on the violations within thirty (30) days. If the licensee fails to take corrective action within thirty (30) days, then:

(A) A penalty of one thousand five hundred dollars (\$1,500) may be imposed for each violation; and

(B) The commissioner may revoke the commercial breeder's license, and the commercial breeder may be charged with a violation of § 39-14-202, if appropriate.

(3) If all violations contained in the written notice have been corrected and no other violations found, then the department must not take any further action against the commercial breeder with regard to those violations.

(b) A person whose license has been revoked is permanently prohibited from

operating as a commercial breeder in this state.

44-17-807.

(a) The commissioner shall notify the applicable law enforcement agency if an inspection reveals, or there is credible evidence to believe, a violation of § 39-14-202 has occurred. The commissioner shall not confiscate any dog or cat in the possession of the commercial breeder.

(b) Any costs incurred in the transport or relocation of the dogs or cats in the possession of the commercial breeder found to have violated § 39-14-202 must be reimbursed by the breeder to the county or municipality responsible for the relocation.

44-17-808.

(a) It is an offense for a person to knowingly operate as a commercial breeder without a license.

(b) A violation of subsection (a) is a Class A misdemeanor, punishable by a fine only.

44-17-809.

The department shall publish a report to the speaker of the house of representatives, the speaker of the senate, members of the house of representatives, and members of the senate by October 1 of each year containing: a list of all licensees in the state, number of rejected licenses, number of violators, number of suspended licenses, and total of all fees collected by the department pursuant to this part and the use of those collections.

44-17-810.

This part does not preempt or limit the powers of any county, municipality, or other unit of local government from adopting ordinances that are more stringent than the requirements of this part.

SECTION 2. This act takes effect October 1, 2024, the public welfare requiring it.