

SENATE BILL 282

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 62,
relative to professional registration.

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

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding the following
as a new chapter:

62-12-101. As used in this chapter:

(1) "Adult dog" means any live dog of the species *Canis familiaris* or a *Canis familiaris* hybrid six (6) months of age or older;

(2) "Business hours" means between nine o'clock a.m. (9:00 a.m.) prevailing time and five o'clock p.m. (5:00 p.m.), Monday through Friday, except for legal holidays as defined in § 15-1-101;

(3) "Commercial dog breeder" means any person who, during a twelve-month period, possesses or maintains ten (10) or more intact female adult dogs for the primary purpose of selling their offspring as household pets;

(4) "Commissioner" means the commissioner of commerce and insurance; the commissioner's designee if the designee is an employee of the state; or in the absence of the commissioner's designee, or in the event of a vacancy in the office of the commissioner, a deputy commissioner;

(5) "Department" means the department of commerce and insurance;

(6) "Housing facility" means any land, premises, shed, barn, building, trailer, or other structure or area housing, or intended to house, dogs;

(7) "Intact" means a female dog that has not been altered by surgical, chemical, or physical means and is capable of breeding;

(8) "Person" means an individual, corporation, limited liability company, firm, company, association, or other legal entity; and

(9) "Veterinarian" means a person who is licensed in good standing to practice veterinary medicine under the Tennessee Veterinary Practice Act of 1967, compiled in title 63, chapter 12.

62-12-102.

(a) A person shall not operate, attempt to operate, or offer to operate as a commercial dog breeder before registering with the department in accordance with this chapter.

(b) All registrations issued under this chapter expire two (2) years from the date of the initial registration or renewal date of an existing registration.

(c) An individual must be eighteen (18) years of age or older to register.

62-12-103.

(a) To register as a commercial dog breeder, a person must complete an application on a form furnished by the department that includes:

(1) The applicant's Class A or Class B animal dealer's license number issued by the United States department of agriculture pursuant to the provisions of the Animal Welfare Act, compiled at 7 U.S.C. § 2131 et seq., or a letter of determination issued by the United States department of agriculture stating that the applicant is not required to hold either license;

(2) Documentation signed by a veterinarian evidencing that the applicant provides a program of veterinary care; and

(3) Information required by the commissioner.

(b) The department shall maintain the application form, other necessary forms, and all rules promulgated to effectuate the purposes of this chapter on the department's website.

(c) An applicant for registration as a commercial dog breeder, as well as any person who has a substantial interest, financial or otherwise, in an applicant for registration as a commercial dog breeder, shall not exercise control over or maintain an 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-based rescue operation that releases companion dogs for adoption.

(d) Before registering an applicant as a commercial dog breeder, the department may perform an on-site inspection to confirm that the premises of each location intended by the applicant to be used to conduct the business of commercial dog breeding meet the requirements of this chapter and the rules promulgated under this chapter. Inspections under this subsection (d) must be conducted by the commissioner.

(e)

(1) An application for initial registration, or for renewal of an existing registration, must include a declaration made by the applicant under oath stating whether the applicant has ever been convicted of a violation of this chapter or has ever been convicted of, or pled nolo contendere to, charges for animal cruelty or neglect.

(2) A person who has been convicted of, or pled nolo contendere to, charges for animal cruelty or neglect is prohibited from registering under this chapter or otherwise operating as a commercial dog breeder.

(f) Registrations issued by the department pursuant to this chapter are non-transferable.

62-12-104. The commissioner shall promulgate rules to create a fee schedule under this chapter. The fee schedule may include, but is not limited to, the following:

(1) Initial registration fee;

- (2) Initial inspection fee;
- (3) Inspection fee pursuant to § 62-12-105;
- (4) Registration renewal fee;
- (5) Returned check fee;
- (6) Duplicate registration fee;
- (7) Change of address fee; and
- (8) New location fee.

62-12-105.

(a)

(1) The department shall conduct inspections:

- (A) Biennially;
- (B) Upon the department's receipt of a credible complaint; or
- (C) More frequently at the commissioner's discretion.

(2) The inspections required under subdivision (a)(1) must be:

- (A) Conducted during business hours; and
- (B) Limited in scope to the items listed in an inspection checklist that the department shall publish on its website; provided, however, that violations of other items that are plainly visible may also be documented.

(b) A registrant's failure to cooperate with an authorized department representative acting in accordance with this section is a violation of this chapter.

(c) If an inspection reveals that a violation of this chapter or a violation of the rules promulgated under this chapter has occurred, then at the conclusion of the inspection the department shall provide the registrant a detailed list of the violations found during the inspection and a date certain by which the registrant must bring each

violation into compliance. The department shall conduct follow up inspections as necessary to ensure compliance.

(d) The department shall submit an inspection report identifying each violation found pursuant to subsection (c), along with a copy of each citation issued, to the United States department of agriculture, animal and plant health inspection service, animal care eastern regional office within thirty (30) calendar days of the inspection or a date certain provided to the registrant under subsection (c) for bringing violations into compliance, whichever is later.

(e) The registrant shall pay an inspection fee, as set by the commissioner, for each on-site inspection conducted pursuant to this chapter.

(f) The department is authorized to enforce violations of this chapter in the same manner as the department enforces other regulatory programs within its jurisdiction.

62-12-106. The commissioner may revoke or refuse to issue or renew the registration of any person for one (1) or more of the following reasons:

- (1) A conviction of, or plea of nolo contendere to, a violation of this chapter;
- (2) A violation of the rules promulgated under this chapter; or
- (3) A conviction of, or plea of guilty or nolo contendere to, charges for animal cruelty or neglect.

62-12-107.

(a) A registration issued under this chapter is renewable biennially upon application and payment of a renewal fee by a registrant if the registrant is in compliance with this chapter and with any renewal requirements established by the commissioner.

(b) The commissioner may charge, in addition to the renewal fee, a late fee for each month, or part of a month, that a renewal is overdue.

(c) A registrant's failure to file for renewal within sixty (60) days of the registration's expiration voids the registration and requires the person to obtain a new registration under this chapter.

62-12-108. Any person whose registration has been revoked under this chapter is prohibited from operating as a commercial dog breeder. For purposes of this section, any family member residing with a person whose registration has been revoked under this chapter is also prohibited from operating as a commercial dog breeder.

62-12-109.

(a) The commissioner is authorized to promulgate rules to effectuate the purposes of this chapter in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Rules may include, but are not limited to, the following:

(1) A fee schedule as described in § 62-12-104;

(2) Operating standards and facility requirements for commercial dog breeders;

(3) On-site inspections; and

(4) Requirements for:

(A) Facilities and housing;

(B) Mobile or traveling housing facilities;

(C) Primary enclosures;

(D) Compatible grouping of dogs;

(E) Adequate veterinary care;

(F) Exercising, feeding, and watering for dogs;

(G) Cleaning, sanitization, housekeeping, and pest control; and

(H) Commercial dog breeder employees.

(c)

(1) Rules containing the standards and requirements promulgated by the commissioner under this chapter are intended to assist in the development and promotion of best practices for commercial dog breeders.

(2) No rule shall prevent a registrant from maintaining dogs in a residence if the registrant is otherwise in compliance with this chapter and the rules promulgated to implement this chapter.

(3) In establishing rules, the commissioner may consider, without limitation:

(A) Standards established by the American Veterinary Medical Association (AVMA) in its Model Bill and Regulations to Assure Appropriate Care for Dogs Intended to Use as Pets as published April 9, 2010, and any subsequent updates;

(B) Standards established by the American Kennel Club (AKC) in its Care and Conditions of Dogs Policy as updated June 1, 2012, and any subsequent updates; and

(C) Rules, regulations, policies, forms, and materials developed in other states.

62-12-110. Nothing in this chapter preempts or limits the powers of any county, municipality, or other unit of local government from adopting ordinances that are more stringent than the requirements of this chapter.

62-12-111. A registrant shall not use any location for the purpose of commercial dog breeding without first notifying the commissioner that the location will be used for that purpose.

62-12-112.

(a) It is a Class A misdemeanor, punishable by fine only, for a person to knowingly engage in the business of commercial dog breeding without being registered as a commercial dog breeder pursuant to this chapter.

(b) Nothing in this chapter precludes prosecution under any other applicable statute in lieu of prosecution under this chapter.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2018, the public welfare requiring it.