

# SENATE BILL No. 295

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-21; IC 35-51-15-1.

**Synopsis:** Commercial dog breeder regulation. Provides that standards of care and certain other requirements applicable to commercial dog breeders and brokers also apply to private animal rescue operations. Requires registration of private animal rescue operations with the board of animal health and payment of an annual registration fee of \$75. Prohibits a unit from enacting or enforcing an ordinance that imposes more stringent requirements on a commercial dog breeder, commercial dog broker, or private animal rescue operation than those established by statute, and creates a cause of action against a unit that violates this prohibition.

**Effective:** July 1, 2014.

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## Waterman

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January 14, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# SENATE BILL No. 295



A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-21-1-1, AS AMENDED BY P.L.1-2010,  
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 1. (a) This article does not apply to:  
4 (1) an animal shelter;  
5 (2) a humane society;  
6 (3) an animal rescue operation **operated by a unit (as defined in**  
7 **IC 36-1-2-23)**;  
8 (4) a hobby breeder;  
9 (5) a person who breeds at least seventy-five percent (75%) of the  
10 person's dogs as sport dogs for hunting purposes; or  
11 (6) a person who breeds at least seventy-five percent (75%) of the  
12 person's dogs as service dogs or as dogs for use by the police or  
13 the armed forces.  
14 (b) As used in this section, "animal rescue operation" means a  
15 person or organization  
16 (†) that accepts within one (1) year:



1           (A) (1) more than twelve (12) dogs; or

2           (B) (2) more than nine (9) dogs and more than three (3) unweaned  
3           litters of puppies;

4           that are available for adoption for human companionship as pets or as  
5           companion animals. ~~in permanent adoptive homes and that are~~  
6           ~~maintained in a private residential dwelling; or~~

7           (2) that uses a system of private residential dwellings as foster  
8           homes for the dogs.

9           The term does not include a person or organization that breeds dogs **or**  
10          **an animal rescue operation operated by a unit.**

11          (c) As used in this section, "hobby breeder" means a person who  
12          maintains fewer than twenty (20) unaltered female dogs that are at least  
13          twelve (12) months of age.

14          SECTION 2. IC 15-21-2-1, AS ADDED BY P.L.111-2009,  
15          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16          JULY 1, 2014]: Sec. 1. A person may not operate:

17               (1) a commercial dog breeder operation; ~~or~~

18               (2) as a commercial dog broker; **or**

19               **(3) an animal rescue operation;**

20          without being registered with the board in accordance with this chapter.

21          SECTION 3. IC 15-21-2-2, AS ADDED BY P.L.111-2009,  
22          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23          JULY 1, 2014]: Sec. 2. A person who:

24               (1) is registered as a commercial dog breeder **or operator of an**  
25               **animal rescue operation;** and

26               (2) operates a commercial dog breeder operation **or operates an**  
27               **animal rescue operation;**

28          shall indicate that the person is registered as a commercial dog breeder  
29          **or operator of an animal rescue operation** in a place clearly visible  
30          to the public.

31          SECTION 4. IC 15-21-2-3, AS ADDED BY P.L.111-2009,  
32          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33          JULY 1, 2014]: Sec. 3. (a) A commercial dog breeder **or operator of**

34          **an animal rescue operation** who knowingly or intentionally fails to  
35          register with the board as a commercial dog breeder **or operator of an**  
36          **animal rescue operation** commits a Class A misdemeanor.

37          (b) A commercial dog broker who knowingly or intentionally fails  
38          to register with the board as a commercial dog broker commits a Class  
39          A misdemeanor.

40          (c) A commercial dog breeder, **operator of an animal rescue**  
41          **operation,** or a commercial dog broker who fails to register with the  
42          board is liable to the state for two (2) times the amount of registration



1 fees that the commercial dog breeder, **operator of an animal rescue**  
 2 **operation**, or commercial dog broker failed to pay. ~~The attorney~~  
 3 ~~general may bring an action to collect unpaid commercial dog breeder~~  
 4 ~~or commercial dog broker registration fees.~~ Funds collected **from a**  
 5 **commercial dog breeder or commercial dog broker** under this  
 6 subsection shall be deposited in the commercial dog breeder and broker  
 7 fund established by IC 15-21-3-3. **Funds collected under this**  
 8 **subsection from an operator of an animal rescue operation shall be**  
 9 **deposited in the animal rescue operation fund established by**  
 10 **IC 15-21-3-5.**

11 SECTION 5. IC 15-21-3-4 IS ADDED TO THE INDIANA CODE  
 12 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 13 1, 2014]: **Sec. 4. (a) An operator of an animal rescue operation shall**  
 14 **register annually with the board.**

15 **(b) The board shall provide a registrant with notice of the**  
 16 **upcoming expiration of the registrant's registration at least thirty**  
 17 **(30) days before the expiration of the one (1) year registration**  
 18 **period.**

19 **(c) The fee to register or renew a registration as an operator of**  
 20 **an animal rescue operation is seventy-five dollars (\$75). The fee**  
 21 **shall be deposited in the animal rescue operation fund established**  
 22 **by section 5 of this chapter.**

23 **(d) A person who registers or renews a registration as an**  
 24 **operator of an animal rescue operation must include the following**  
 25 **in the registration or renewal application:**

- 26 **(1) The name and address of the person who owns the animal**  
 27 **rescue operation.**
- 28 **(2) The name and location of the animal rescue operation.**
- 29 **(3) Any other information related to taxation that is required**  
 30 **by the board.**

31 **(e) A person who knowingly or intentionally makes a material**  
 32 **misstatement in an animal rescue operation registration statement**  
 33 **commits false registration of an animal rescue operation, a Class**  
 34 **A misdemeanor.**

35 SECTION 6. IC 15-21-3-5 IS ADDED TO THE INDIANA CODE  
 36 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 37 1, 2014]: **Sec. 5. (a) The animal rescue operation fund is established**  
 38 **for the purpose of funding:**

- 39 **(1) the inspection of animal rescue operations by the board;**  
 40 **and**
- 41 **(2) the enforcement of laws concerning animal rescue**  
 42 **operations by the board.**



- 1       **The fund shall be administered by the board.**  
 2       (b) **The fund consists of animal rescue operation fees.**  
 3       (c) **The expenses of administering the fund shall be paid from**  
 4       **money in the fund.**  
 5       (d) **The treasurer of state shall invest the money in the fund not**  
 6       **currently needed to meet the obligations of the fund in the same**  
 7       **manner as other public money may be invested. Interest that**  
 8       **accrues from these investments shall be deposited in the fund.**  
 9       (e) **Money in the fund at the end of a state fiscal year does not**  
 10       **revert to the state general fund.**  
 11       (f) **Money in the fund is continually appropriated to carry out**  
 12       **the purposes of the fund.**  
 13       (g) **The board may adopt rules under IC 4-22-2 to implement**  
 14       **this chapter.**  
 15       SECTION 7. IC 15-21-4-1, AS ADDED BY P.L.111-2009,  
 16       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17       JULY 1, 2014]: Sec. 1. (a) A commercial dog breeder **and an animal**  
 18       **rescue operation** shall comply with the standards of care set forth in  
 19       9 CFR 3.1 through 9 CFR 3.12.  
 20       (b) A commercial dog breeder **or animal rescue operation:**  
 21       (1) may not house a dog in a cage containing a wire floor unless  
 22       the cage contains an accommodation that allows the dog to be off  
 23       the wire floor;  
 24       (2) ~~who~~ **that** houses a dog in a wire cage shall house the dog in a  
 25       cage that is large enough to allow for reasonable movement by the  
 26       dog; and  
 27       (3) shall, subject to subsection (c), provide every dog with a  
 28       reasonable opportunity for exercise outside of a cage at least one  
 29       (1) time per day.  
 30       (c) A commercial dog breeder **or animal rescue operation who**  
 31       **that** permits a dog access to a run at least one (1) time per day has  
 32       satisfied the exercise requirement described in subsection (b)(3).  
 33       However, a commercial dog breeder **or animal rescue operation** is not  
 34       required to provide a dog with the opportunity for exercise if exercise  
 35       would endanger the dog's life or health.  
 36       SECTION 8. IC 15-21-5-1, AS ADDED BY P.L.111-2009,  
 37       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38       JULY 1, 2014]: Sec. 1. A commercial dog breeder **and an animal**  
 39       **rescue operation** shall provide a consumer with a copy of a dog's  
 40       vaccination, medication, and treatment records at the time the  
 41       consumer purchases, exchanges, or adopts the dog.  
 42       SECTION 9. IC 15-21-5-2, AS ADDED BY P.L.111-2009,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 2. A commercial dog breeder **and an animal  
3 rescue operation** shall maintain its records for at least five (5) years.

4 SECTION 10. IC 15-21-6-1, AS ADDED BY P.L.111-2009,  
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2014]: Sec. 1. (a) As used in this section, "unit" has the  
7 meaning set forth in IC 36-1-2-23.

8 (b) ~~After December 31, 2009~~, A unit may not adopt an ordinance  
9 concerning regulation of commercial dog breeders, **commercial dog  
10 brokers, or animal rescue operations** that imposes more stringent or  
11 detailed requirements than the requirements under this article **that are  
12 imposed on an entity that is in good standing with the board.** ~~A unit  
13 may enforce an ordinance concerning regulation of commercial dog  
14 breeders that imposes more stringent or detailed requirements than the  
15 requirements under this article if the ordinance was adopted before  
16 January 1, 2010.~~

17 (c) **Any ordinance or measure adopted by a unit on, before, or  
18 after July 1, 2014, that imposes requirements that are more  
19 stringent or detailed than the requirements under this article that  
20 are imposed on an entity that is in good standing with the board is  
21 void.**

22 SECTION 11. IC 15-21-6-2 IS ADDED TO THE INDIANA CODE  
23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
24 1, 2014]: Sec. 2. **This article may not be construed to prevent the  
25 enactment or enforcement of generally applicable zoning or  
26 business ordinances that apply to a commercial dog breeder, a  
27 commercial dog broker, or an animal rescue operation to the same  
28 degree as other similar businesses. However, a provision of an  
29 ordinance that is designed or enforced to effectively restrict,  
30 prohibit, or financially overburden a lawfully registered  
31 commercial dog breeder, a commercial dog broker, or an animal  
32 rescue operation from continuing operations under the standards  
33 of care required by this article is void unless the unit can show by  
34 clear and convincing evidence that, if not for the action described,  
35 the public would suffer immediate, serious, and irremediable  
36 health or quality of life issues.**

37 SECTION 12. IC 15-21-6-3 IS ADDED TO THE INDIANA CODE  
38 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 2014]: Sec. 3. **A person adversely affected by an ordinance or  
40 measure adopted or enforced by a unit that violates this article  
41 may file an action in a court with jurisdiction against the unit for:**

42 (1) **declarative and injunctive relief; and**



1           **(2) actual and consequential damages attributable to the**  
 2           **violation.**  
 3           SECTION 13. IC 35-51-15-1, AS ADDED BY P.L.70-2011,  
 4           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 15:  
 6           IC 15-11-8-8 (Concerning Indiana department of agriculture).  
 7           IC 15-12-1-38 (Concerning agricultural cooperatives).  
 8           IC 15-15-1-37 (Concerning horticulture products).  
 9           IC 15-15-9-8 (Concerning horticulture products).  
 10          IC 15-16-1-14 (Concerning horticulture control).  
 11          IC 15-16-2-49.5 (Concerning horticulture control).  
 12          IC 15-16-4-77 (Concerning horticulture control).  
 13          IC 15-16-4-78 (Concerning horticulture control).  
 14          IC 15-16-5-70 (Concerning horticulture control).  
 15          IC 15-17-5-24 (Concerning animal health and animal products).  
 16          IC 15-17-5-25 (Concerning animal health and animal products).  
 17          IC 15-17-5-30 (Concerning animal health and animal products).  
 18          IC 15-17-5-31 (Concerning animal health and animal products).  
 19          IC 15-17-5.5-4 (Concerning animal health and animal products).  
 20          IC 15-17-14-11 (Concerning animal health and animal products).  
 21          IC 15-17-16-9 (Concerning animal health and animal products).  
 22          IC 15-17-18-1 (Concerning animal health and animal products).  
 23          IC 15-17-18-2 (Concerning animal health and animal products).  
 24          IC 15-17-18-3 (Concerning animal health and animal products).  
 25          IC 15-17-18-4 (Concerning animal health and animal products).  
 26          IC 15-17-18-5 (Concerning animal health and animal products).  
 27          IC 15-17-18-6 (Concerning animal health and animal products).  
 28          IC 15-17-18-7 (Concerning animal health and animal products).  
 29          IC 15-17-18-8 (Concerning animal health and animal products).  
 30          IC 15-17-18-9 (Concerning animal health and animal products).  
 31          IC 15-17-18-11 (Concerning animal health and animal products).  
 32          IC 15-18-1-33 (Concerning dairy products).  
 33          IC 15-18-2-35 (Concerning dairy products).  
 34          IC 15-18-5-32 (Concerning dairy products).  
 35          IC 15-19-3-4 (Concerning livestock).  
 36          IC 15-19-3-5 (Concerning livestock).  
 37          IC 15-19-5-8 (Concerning livestock).  
 38          IC 15-19-6-19 (Concerning livestock).  
 39          IC 15-19-6-20 (Concerning livestock).  
 40          IC 15-19-6-21 (Concerning livestock).  
 41          IC 15-19-6-22 (Concerning livestock).  
 42          IC 15-19-7-46 (Concerning livestock).



- 1 IC 15-20-1-4 (Concerning animal control).
- 2 IC 15-20-1-5 (Concerning animal control).
- 3 IC 15-21-2-3 (Concerning commercial dog breeder regulation).
- 4 IC 15-21-3-1 (Concerning commercial dog breeder regulation).
- 5 IC 15-21-3-2 (Concerning commercial dog breeder regulation).
- 6 **IC 15-21-3-4 (Concerning commercial dog breeder**
- 7 **regulation).**

