

SECOND REGULAR SESSION

# HOUSE BILL NO. 2813

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MANN.

5800H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 273.331, 273.333, 273.335, and 273.345, RSMo, and to enact in lieu thereof five new sections relating to animal welfare, with penalty provisions.

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

Section A. Sections 273.331, 273.333, 273.335, and 273.345, RSMo, are repealed  
2 and five new sections enacted in lieu thereof, to be known as sections 273.331, 273.333,  
3 273.335, 273.345, and 273.355, to read as follows:

273.331. A license shall be issued only upon inspection by the state veterinarian, his  
2 designee, or an animal welfare official. A facility subject to the provisions of sections  
3 273.325 to 273.357, at the time it applies for licensure, shall be granted a provisional license  
4 which shall allow operation of the facility until the facility is inspected [~~or until December 31,~~  
5 ~~1994, whichever earlier occurs~~]. The state veterinarian shall have the duty and authority to  
6 inspect all facilities licensed under sections 273.325 to 273.357, **including any properties,**  
7 **animals, vehicles, equipment, or other premises used or intended for use in an activity**  
8 **subject to regulation under sections 273.325 to 273.357.** Inspections shall be conducted a  
9 minimum of once a year, or upon a complaint to the department regarding a particular facility.  
10 The validity of the complaint will be ascertained by the state veterinarian or his designated  
11 representative, **and if any violations are found, the state veterinarian, or his or her**  
12 **designated representative, shall conduct such follow-up inspections as may be necessary**  
13 **until all such violations are resolved.** The state veterinarian or animal welfare official  
14 **shall provide a copy of all records documenting any violation identified during the**  
15 **investigation to the state, local, and municipal animal control or law enforcement agency**  
16 **with jurisdiction within twenty-four hours of such investigation.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

273.333. The state veterinarian or an animal welfare official, upon his own information or upon the complaint of any person, may institute an investigation including the inspection during normal business hours of any premises or vehicle upon which any animal is or may be found, and may determine if any violation of sections 273.325 to 273.357 or of any rule promulgated pursuant to sections 273.325 to 273.357 is deemed to exist. **The state veterinarian or animal welfare official shall provide a copy of all records documenting any violation identified during the investigation to the state, local, and municipal animal control or law enforcement agency with appropriate jurisdiction within twenty-four hours of such investigation.** The director, or his designee, may issue an order to the person responsible for the violation to appear at an administrative hearing. The director, or his designee, upon a finding that such a violation occurred after a hearing thereon, shall issue remedial orders enforceable in the circuit courts of this state to correct such violations, and in addition may assess an administrative penalty in an amount not to exceed one thousand dollars for each violation. **Each violation and each day during which a violation continues shall constitute a separate offense.** In assessing the amount of penalty under sections 273.327 to 273.342, the director shall take into account the seriousness of the violation and the extent of damage to third parties and the state. All penalties collected shall be deposited to the state general revenue fund. In addition, the director may assess the reasonable costs of remedying a violation in the event that the person responsible is unwilling or unable to correct the violation within a reasonable period of time. Any person aggrieved by the decision of the director may appeal as provided in sections 536.100 to 536.140.

273.335. When, in the judgment of the state veterinarian or an animal welfare official, any person has been in violation of sections 273.325 to 273.357 so as to pose a substantial ongoing risk to the health and welfare of animals in his custody or so as to pose a substantial ongoing risk that consumers will purchase diseased animals from such person, the director may apply to the circuit court of the county in which such person resides, and such court may grant an order enjoining temporarily or permanently that person from engaging in activities described in section 273.327. If the animals being held in any of the facilities licensed under sections 273.325 to 273.357 are found to be suffering unrelieved pain or distress or disease, the animals may be taken into custody for humane euthanasia at the expense of the licensee. ~~[Reasonable effort shall be made to notify]~~ **Verified delivery of a report of violations pursuant to an inspection under section 273.331 or investigation under section 273.333 shall constitute notice to the facility operator of such intent to confiscate such animals by the state veterinarian or animal welfare official and any facility that has been notified of the intent to confiscate such animals shall be prohibited from destroying such animals, in any manner, and until the confiscation has been completed, shall be prohibited from destroying any other animal in their ownership or possession without prior written**

17 **consent from the state veterinarian or animal welfare official.** Only upon ~~his~~  
 18 **notification and** refusal or inability **by the facility** to immediately correct the causative  
 19 violation and provide adequate veterinary care shall such **confiscation** action be taken.  
 20 Nothing in sections 273.325 to 273.357 shall be construed to interfere with scientific research  
 21 as enunciated in subsection 2 of section 273.354.

273.345. 1. This section shall be known and may be cited as the "Canine Cruelty  
 2 Prevention Act".

3 2. The purpose of this act is to prohibit the cruel and inhumane treatment of dogs bred  
 4 in large operations by requiring large-scale dog breeding operations to provide each dog  
 5 under their care with basic food and water, adequate shelter from the elements, necessary  
 6 veterinary care, adequate space to turn around and stretch his or her limbs, and regular  
 7 exercise.

8 3. **(1)** Notwithstanding any other provision of law, any person having custody or  
 9 ownership of more than ten female covered dogs for the purpose of breeding those animals  
 10 and selling any offspring for use as a pet shall provide each covered dog:

11 ~~(1)~~ **(a)** Sufficient food and clean water;

12 ~~(2)~~ **(b)** Necessary veterinary care;

13 ~~(3)~~ **(c)** Sufficient housing, including protection from the elements;

14 ~~(4)~~ **(d)** Sufficient space to turn and stretch freely, lie down, and fully extend his or  
 15 her limbs;

16 ~~(5)~~ **(e)** Regular exercise; ~~and~~

17 ~~(6)~~ **(f)** Adequate rest between breeding cycles; **and**

18 **(g) Meaningful socialization with humans and compatible dogs.**

19 **(2) Any person subject to the requirements of subdivision (1) of this subsection**  
 20 **shall make reasonable efforts to find humane placement for retired breeding dogs such**  
 21 **as with an adoptive family, a rescue organization, or another appropriate owner for that**  
 22 **dog. A humane placement shall not include selling at auction or otherwise placing a**  
 23 **retired breeding dog with another breeder for breeding purposes.**

24 4. For purposes of this section and notwithstanding the provisions of section 273.325,  
 25 the following terms have the following meanings:

26 (1) "Adequate rest between breeding cycles" ~~means~~, at minimum, ~~ensuring that~~  
 27 ~~female dogs are not bred to produce more litters in any given period than what is~~  
 28 ~~recommended by a licensed veterinarian as appropriate for the species, age, and health of the~~  
 29 ~~dog] prohibiting the breeding of a female dog:~~

30 **(a) To produce no more than two litters in any eighteen-month period; or**

31 **(b) To produce no more than six litters in that dog's lifetime; and**

32 (c) Prior to reaching the age of eighteen months or after reaching the age of nine  
33 years for female dogs of small breeds, to have a maximum weight range at maturity that  
34 is below forty pounds; or

35 (d) Prior to reaching the age of two years or after reaching the age of seven years  
36 for female dogs of large breeds, to have an expected weight range at maturity that is  
37 forty or more pounds;

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

41 (3) "Meaningful socialization with humans and compatible dogs":

42 (a) At least thirty minutes each day that:

43 a. Includes positive interaction with a human, such as petting, stroking,  
44 grooming, feeding, playing with, exercising, or other touching of the dog that is  
45 beneficial to the well-being of the dog; and

46 b. Does not include time spent in veterinary care; and

47 (b) A requirement that dogs be housed with other dogs, unless health or  
48 behavioral issues make group housing unsafe;

49 (4) "Necessary veterinary care" [~~means~~], at minimum[~~5~~]:

50 (a) A thorough hands-on examination at least once yearly by a licensed veterinarian,  
51 which shall include a dental exam;

52 (b) Prompt treatment of any serious illness or injury by a licensed veterinarian[~~5~~];

53 (c) Core vaccinations recommended by the current version of the American  
54 Animal Hospital Association Canine Vaccination guidelines;

55 (d) Medications to prevent intestinal parasites, heartworm disease, fleas, and  
56 ticks that are approved by a licensed veterinarian for canine use;

57 (e) A requirement that any canine cesarean section be performed by a licensed  
58 veterinarian; and

59 (f) Where needed, humane euthanasia by a licensed veterinarian using lawful  
60 techniques deemed acceptable by the American Veterinary Medical Association;

61 [~~4~~] (5) "Person" [~~means~~], any individual, firm, partnership, joint venture,  
62 association, limited liability company, corporation, estate, trust, receiver, or syndicate;

63 [~~5~~] (6) "Pet" [~~means~~], any species of the domestic dog, *Canis lupus familiaris*, or  
64 resultant hybrids, normally maintained in or near the household of the owner thereof;

65 [~~6~~] (7) "Regular exercise" [~~means~~], including, but not limited to, the following:

66 (a) For dogs over the age of twelve weeks, unrestricted access from their primary  
67 enclosures during daylight hours to an outdoor exercise area that is:

68 a. At ground level;

- 69           **b. A solid surface;**  
 70           **c. Enclosed by a fence or other structure;**  
 71           **d. Properly controlled for the safety of the dogs; and**  
 72           **e. Allows the dogs to extend to full stride, play, and engage in other types of**  
 73 **mentally stimulating and social behaviors; or**

74           **(b) If the dealer or commercial breeder obtains a certification from a licensed**  
 75 **veterinarian stating a dog should not have unfettered access to an outdoor exercise area**  
 76 **for a specific medical reason, an alternative plan for the type and amount of exercise**  
 77 **sufficient to comply with an exercise plan that has been approved by a licensed veterinarian,**  
 78 **developed in accordance with regulations regarding exercise promulgated by the Missouri**  
 79 **department of agriculture, and where such plan affords the dog maximum opportunity for**  
 80 **outdoor exercise as weather permits;**

81           ~~[(7)]~~ **(8) "Retail pet store" [means], a person or retail establishment open to the public**  
 82 **where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be**  
 83 **kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any**  
 84 **offspring for use as a pet;**

85           ~~[(8)]~~ **(9) "Sufficient food and clean water" [means], access to appropriate nutritious**  
 86 **food at least twice a day sufficient to maintain good health, and continuous access to potable**  
 87 **water that is not frozen and is generally free of debris, feces, algae, and other contaminants;**

88           ~~[(9)]~~ **(10) "Sufficient housing, including protection from the elements" [means]:**

89           **(a) The continuous provision of a sanitary facility[;];**

90           **(b) The provision of [a] completely solid surface flooring [on which to lie in a**  
 91 **recumbent position,];**

92           **(c) Enclosures that are not stacked or otherwise placed on top of or below**  
 93 **another enclosure;**

94           **(d) Protection from the extremes of weather conditions[;];**

95           **(e) Proper ventilation[~~and~~];**

96           **(f) Temperature control that is appropriate for the age, breed, and condition of**  
 97 **the dogs in the enclosure and is between forty-five and eighty-five degrees Fahrenheit**  
 98 **when dogs are present in the enclosure;**

99           **(g) Appropriate space depending on the species of animal as required by regulations**  
 100 **of the Missouri department of agriculture and in compliance with the provisions of subsection**  
 101 **7 of this section[-];**

102           **(h) No dog shall remain inside its enclosure while the enclosure is being cleaned[-];**

103 **and**

104           **(i) Dogs housed within the same enclosure shall be compatible, in accordance with**  
 105 **regulations promulgated by the Missouri department of agriculture;**

106           ~~[(10)]~~ **(11)** "Sufficient space to turn and stretch freely, lie down, and fully extend his  
107 or her limbs" ~~[means]~~, having:

108           (a) Sufficient indoor space or shelter from the elements for each dog to turn in a  
109 complete circle without any impediment (including a tether);

110           (b) Enough indoor space or shelter from the elements for each dog to lie down and  
111 fully extend his or her limbs and stretch freely without touching the side of an enclosure or  
112 another dog;

113           (c) Appropriate space depending on the species of the animal, as specified in  
114 regulations by the Missouri department of agriculture, as revised, and in compliance with the  
115 provisions of subsection 7 of this section; **and**

116           **(d) Indoor space sufficient to allow the tallest dog in an enclosure to stand on his**  
117 **or her hind legs without touching the roof of the enclosure.**

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

122           6. The provisions of this section are in addition to, and not in lieu of, any other state  
123 and federal laws protecting animal welfare. This section shall not be construed to limit any  
124 state law or regulation protecting the welfare of animals, nor shall anything in this section  
125 prevent a local governing body from adopting and enforcing its own animal welfare laws and  
126 regulations in addition to this section. This section shall not be construed to place any  
127 numerical limits on the number of dogs a person may own or control when such dogs are not  
128 used for breeding those animals and selling any offspring for use as a pet. This section shall  
129 not apply to a dog during examination, testing, operation, recuperation, or other individual  
130 treatment for veterinary purposes, during lawful scientific research, during transportation,  
131 during cleaning of a dog's enclosure, during supervised outdoor exercise, or during any  
132 emergency that places a dog's life in imminent danger. Nothing in this section shall be  
133 construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs  
134 with the intention to use such dogs for hunting or other sporting purposes.

135           7. Notwithstanding any law to the contrary, the following space requirements shall  
136 apply under this section:

137           (1) From January 1, 2012, through December 31, 2015, for any enclosure existing  
138 prior to April 15, 2011, the minimum allowable space shall:

139           (a) Be two times the space allowable under the department of agriculture's regulation  
140 that was in effect on April 15, 2011;

141           (b) Except as prescribed by rule, provide constant and unfettered access to an  
142 attached outdoor run; and

143 (c) Meet all other requirements set forth by rule of the Missouri department of  
144 agriculture;

145 (2) For any enclosure newly constructed after April 15, 2011, and for all enclosures as  
146 of January 1, 2016, the minimum allowable space shall:

147 (a) Be three times the space allowable under the department of agriculture's  
148 regulation that was in effect on April 15, 2011;

149 (b) Except as prescribed by rule, provide constant and unfettered access to an  
150 attached outdoor run; and

151 (c) Meet all other requirements set forth by rule of the Missouri department of  
152 agriculture;

153 (3) For any enclosure newly constructed after April 15, 2011, and for all enclosures as  
154 of January 1, 2016, wire strand flooring shall be prohibited and all enclosures shall meet the  
155 flooring standard set forth by rule of the Missouri department of agriculture.

156 8. If any provision of this section, or the application thereof to any person or  
157 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall  
158 not affect other provisions or applications of this section that can be given effect without the  
159 invalid or unconstitutional provision or application, and to this end the provisions of this  
160 section are severable.

**273.355. 1. This section shall be known and may be cited as the "Healthy Pets  
2 Act".**

**3 2. Commercial breeders shall maintain healthy breeding practices by completing  
4 the following on all animals used for breeding, which shall be considered records of  
5 parentage for any animals resulting from a breeding pair:**

**6 (1) Genetic testing to screen for genetic disorders common to the specific breed  
7 of animal being tested;**

**8 (2) Any vaccinations as recommended by the department of agriculture;**

**9 (3) X-ray screening of any dog, as defined in section 273.040, to determine  
10 presence or risk of hip dysplasia;**

**11 (4) An annual examination by a licensed veterinarian for the male of a breeding  
12 pair with an accompanying photograph of the animal taken within two weeks before or  
13 after each annual examination;**

**14 (5) An examination by a licensed veterinarian of an intact female prior to each  
15 breeding cycle with an accompanying photograph of the animal taken within two weeks  
16 before or after each examination and records of the number of breeding cycles  
17 completed by each intact female;**

18           **(6) Taking photographs, at least quarterly, of the enclosures where each**  
19 **individual animal is housed and exercised and recording amounts of time spent in each**  
20 **location; and**

21           **(7) Taking photographs, at least quarterly, of the complex in which all animals**  
22 **being used for breeding are housed.**

23           **3. (1) Commercial breeders shall complete the following prior to selling an**  
24 **animal to any individual, dealer, or pet shop:**

25           **(a) Genetic testing to screen for genetic disorders common to the specific breed**  
26 **of animal being tested;**

27           **(b) Any vaccinations as recommended by the department of agriculture for an**  
28 **animal being sold or transferred;**

29           **(c) X-ray screening of any dog, as defined in section 273.040, to determine**  
30 **presence or risk of hip dysplasia; and**

31           **(d) In the case of any dog, as defined in section 273.040, a review of any records**  
32 **of socialization with other dogs and people.**

33           **(2) The results of such genetic testing, records of vaccination, records of any**  
34 **medical care and surgeries performed including, but not limited to, x-rays, tail docking,**  
35 **ear cropping, or prophylactic use of antibiotics, and records of parentage shall be**  
36 **transferred with the animal to the receiving party.**

37           **4. (1) Dealers and pet shops shall not purchase, exchange, or otherwise obtain**  
38 **animals from any commercial breeder that has been:**

39           **(a) Found to be in violation of any state or federal laws or regulations**  
40 **promulgated by the department of agriculture or the United States Department of**  
41 **Agriculture relating to the care or keeping of animals within the last three years; or**

42           **(b) Found guilty of animal abuse or neglect under section 578.009 or 578.012.**

43           **(2) The attorney general shall have concurrent jurisdiction to enforce the**  
44 **provisions of this subsection. Any dealer or pet shop who knowingly purchases an**  
45 **animal in violation of this subsection shall be guilty of a class A misdemeanor and each**  
46 **purchase of an animal shall constitute a separate offense. Second and subsequent**  
47 **violations may be enhanced to a class E felony at the discretion of the attorney general**  
48 **or prosecuting attorney.**

49           **5. Any dealer or pet shop found guilty of a third or subsequent offense under**  
50 **subsection 4 of this section shall have its license immediately revoked under section**  
51 **273.329 and shall be prohibited from engaging in the sale of animals.**

52           **6. Dealers and pet shops shall not buy, transfer, or exchange animals from, to, or**  
53 **with a third party or final consumer without providing:**

54           **(1) The results of genetic testing received from the commercial breeder;**



55           **(2) Records of all vaccinations received from the commercial breeder and any**  
56 **additional vaccinations recommended by the department of agriculture between the**  
57 **receipt of animals by dealers or pet shops from dealers or commercial breeders and**  
58 **their transfer to the final consumer, which shall be completed by the dealer or pet shop**  
59 **on the vaccination schedule recommended by the department of agriculture;**

60           **(3) Records of any medical care and surgeries performed including, but not**  
61 **limited to, X-rays, tail docking, ear cropping, or prophylactic use of antibiotics; and**

62           **(4) Records of parentage.**

63           **7. Pet shops shall display prominently on the enclosure of each animal offered**  
64 **for sale the:**

65           **(1) Total purchase price of the animal, including but not limited to any taxes,**  
66 **fees, and licensing costs; and**

67           **(2) Name, city, state, and license number of the commercial breeder from which**  
68 **the animal was purchased or otherwise obtained.**

69           **8. Each animal purchased from a dealer or pet shop shall be warrantied to be**  
70 **free from genetic or major medical conditions not caused by physical injury while in the**  
71 **care and control of the consumer for one year from the date of purchase. If any genetic**  
72 **or major medical condition manifests prior to the expiration of the warranty period, the**  
73 **dealer or pet shop shall be liable for:**

74           **(1) Reasonable medical costs to treat such genetic or major medical condition;**

75           **(2) Euthanasia, if a licensed veterinarian determines it is necessary for the**  
76 **humane treatment of the animal; or**

77           **(3) Return and refund to the consumer at the consumer's discretion.**

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