

SENATE BILL NO. 937

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

3538S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 273.325 and 273.340, RSMo, and to enact in lieu thereof three new sections relating to pet shop operations, with penalty provisions.

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

Section A. Sections 273.325 and 273.340, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 273.325, 273.340, and 273.358, to read as
4 follows:

273.325. 1. Sections 273.325 to 273.357 shall be
2 known as the "Animal Care Facilities Act".

3 2. As used in sections 273.325 to 273.357, the
4 following terms mean:

5 (1) "Adequate food", the provision, at suitable
6 intervals of not more than twelve hours, unless the dietary
7 requirements of the species require a longer interval, of a
8 quantity of wholesome foodstuff, suitable for the species
9 and age, sufficient to maintain a reasonable level of
10 nutrition in each animal, all of which foodstuff is served
11 in a safe receptacle, dish, or container;

12 (2) "Adequate housing", the continuous provision of a
13 sanitary facility, protection from the extremes of weather
14 conditions, proper ventilation, and appropriate space
15 depending on the species of animal, as defined by
16 regulations of the USDA, as revised;

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

17 (3) "Adequate water", the provision, either
18 continuously or at intervals suitable to the species, which
19 intervals shall not exceed eight hours, of a supply of
20 potable water in a safe receptacle, dish, or container;

21 (4) "Animal", any dog or cat, which is being used, or
22 is intended for use, for research, teaching, testing,
23 breeding, or exhibition purposes, or as a pet;

24 (5) "Animal shelter", a facility which is used to
25 house or contain animals, which is owned, operated, or
26 maintained by an incorporated humane society, animal welfare
27 society, society for the prevention of cruelty to animals,
28 or other not-for-profit organization devoted to the welfare,
29 protection, and humane treatment of such animals, or a
30 person whose primary purpose is to act as an animal rescue,
31 to collect and care for unwanted animals or to offer them
32 for adoption;

33 (6) "Animal welfare official", any licensed
34 veterinarian, designated by and under the supervision of the
35 state veterinarian, who administers or assists in the
36 administration of the provisions of sections 273.325 to
37 273.357, or any appointee of the director, and shall include
38 all deputy state veterinarians;

39 (7) "Boarding kennel", a place or establishment, other
40 than a pound or animal shelter, where animals, not owned by
41 the proprietor, are sheltered, fed, and watered in return
42 for a consideration; however, "boarding kennel" shall not
43 include hobby or show breeders who board intact females for
44 a period of time for the sole purpose of breeding such
45 intact females, and shall not include individuals who
46 temporarily, and not in the normal course of business, board
47 or care for animals owned by other individuals;

48 (8) "Commercial breeder", a person, other than a hobby
49 or show breeder, engaged in the business of breeding animals
50 for sale or for exchange in return for a consideration, and
51 who harbors more than three intact females for the primary
52 purpose of breeding animals for sale;

53 (9) "Commercial kennel", a kennel which performs
54 grooming or training services for animals, and may or may
55 not render boarding services in return for a consideration;

56 (10) "Contract kennel", any facility operated by any
57 person or entity other than the state or any political
58 subdivision of the state, for the purpose of impounding or
59 harboring seized, stray, homeless, abandoned or unwanted
60 animals, on behalf of and pursuant to a contract with the
61 state or any political subdivision;

62 (11) **"Critical violation", noncompliance items issued**
63 **by the Missouri department of agriculture or the U.S.**
64 **Department of Agriculture that had a serious or severe**
65 **adverse effect on the health and well-being of the animal;**

66 (12) "Dealer", any person who is engaged in the
67 business of buying for resale, selling or exchanging
68 animals, as a principal or agent, or who holds himself out
69 to be so engaged or is otherwise classified as a dealer by
70 the USDA as defined by regulations of the USDA;

71 (13) **"Direct violation", a critical noncompliance item**
72 **that is currently, at the time of inspection by the Missouri**
73 **department of agriculture or the U.S. Department of**
74 **Agriculture, had a serious or severe adverse effect on the**
75 **health and well-being of the animal;**

76 [(12)] (14) "Director", the director of the department
77 of agriculture of the state of Missouri;

78 [(13)] (15) "Hobby or show breeder", a noncommercial
79 breeder who breeds dogs or cats with the primary purpose of

80 exhibiting or showing dogs or cats, improving the breed or
81 selling the dogs or cats, and having no more than ten intact
82 females. Such breeder shall be classified as a hobby or
83 show breeder if such person only sells animals to other
84 breeders or to individuals;

85 [(14)] (16) "Humane euthanasia", the act or practice
86 of putting an animal to death in a humane or instantaneous
87 manner under guidelines and procedures established by rules
88 promulgated by the director;

89 [(15)] (17) "Intact female", with respect to a dog,
90 refers to a female dog between the ages of six months and
91 ten years of age which is capable of being bred; and with
92 respect to a cat, refers to a female cat between the ages of
93 six months and eight years which is capable of being bred;

94 [(16)] (18) "Pet shop", any facility where animals are
95 bought, sold, exchanged, or offered for retail sale to the
96 general public;

97 [(17)] (19) "Pound" or "dog pound", a facility
98 operated by the state or any political subdivision of the
99 state for the purpose of impounding or harboring seized,
100 stray, homeless, abandoned, or unwanted animals;

101 [(18)] (20) "State veterinarian", the state
102 veterinarian as provided by chapter 267;

103 [(19)] (21) "USDA", the United States Department of
104 Agriculture.

273.340. A dealer shall only purchase animals from
2 persons in this state who are licensed under sections
3 273.325 to 273.357, or who are exempt from licensure. **A**
4 **dealer or pet shop shall not purchase from any entity who is**
5 **not licensed in accordance with sections 273.325 to 273.357,**
6 **or has multiple or repeat critical violations or direct**
7 **violations of state or federal law within the last three**

8 **years. A pet shop shall disclose to the purchaser of a dog**
9 **the breeder's and dealer's name and address. Any dealer or**
10 **pet shop** who knowingly purchases animals in violation of
11 this section shall be guilty of a class A misdemeanor and
12 each purchase made shall constitute a separate offense. In
13 addition to such penalties, the director may revoke such
14 dealer's license.

273.358. 1. A political subdivision shall not adopt
2 or enforce an ordinance or other regulation that prohibits
3 or effectively prohibits the operation of a pet shop
4 licensed under sections 273.325 to 273.357 from operating
5 within their state license.

2. Nothing in this section shall be construed to
7 prohibit the enforcement of any applicable building codes,
8 general zoning requirements, or relevant inspections as
9 otherwise required by ordinance or law.

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