

FIRST REGULAR SESSION

HOUSE BILL NO. 131

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COX (Sponsor), GATSCHENBERGER, BROWN (116),
CAUTHORN, WELLS, FRANZ, FISHER, HOUGHTON, SCHAD, JONES (117), FAITH,
SCHIEFFER AND SHUMAKE (Co-sponsors).

0137L.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to the dog breeders cruelty prevention act, with an existing penalty provision.

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

Section A. Section 273.345, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 273.345, to read as follows:

273.345. 1. This section shall be known and may be cited as the "[Puppy Mill] **Dog Breeders** Cruelty Prevention Act."

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

3. Notwithstanding any other provision of law, any person having custody or ownership of more than [ten] **one hundred** female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet shall provide each covered dog:

(1) Sufficient food and clean water;

(2) [Necessary veterinary care;

(3) Sufficient housing, including protection from the elements;

(4)] Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;

[(5)] (3) Regular exercise[; and

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.

16 (6) Adequate rest between breeding cycles.

17 4. Notwithstanding any other provision of law, no person may have custody of more than
18 fifty covered dogs for the purpose of breeding those animals and selling any offspring for use as
19 a pet].

20 [5.] 4. For purposes of this section and notwithstanding the provisions of section
21 273.325, the following terms have the following meanings:

22 (1) ["Adequate rest between breeding cycles" means, at minimum, ensuring that dogs
23 are not bred to produce more than two litters in any eighteen-month period;

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

26 [(3) "Necessary veterinary care" means, at minimum, examination at least once yearly
27 by a licensed veterinarian, prompt treatment of any illness or injury by a licensed veterinarian,
28 and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed
29 acceptable by the American Veterinary Medical Association;

30 (4) (2) "Person" means any individual, firm, partnership, joint venture, association,
31 limited liability company, corporation, estate, trust, receiver, or syndicate;

32 [(5)] (3) "Pet" means any domesticated animal normally maintained in or near the
33 household of the owner thereof;

34 [(6) "Regular exercise" means constant and unfettered access to an outdoor exercise area
35 that is composed of a solid ground- level surface with adequate drainage, provides some
36 protection against sun, wind, rain, and snow, and provides each dog at least twice the square
37 footage of the indoor floor space provided to that dog;

38 [(7)] (4) "Retail pet store" means a person or retail establishment open to the public where
39 dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as
40 pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring
41 for use as a pet;

42 [(8)] (5) "Sufficient food and clean water" means access to appropriate nutritious food
43 at least once a day sufficient to maintain good health, and continuous access to potable water that
44 is not frozen [and is free of debris, feces, algae, and other contaminants;

45 (9) "Sufficient housing, including protection from the elements" means constant and
46 unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise placed
47 on top of or below another animal's enclosure, is cleaned of waste at least once a day while the
48 dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or rise above
49 eighty-five degrees Fahrenheit;

50 (10) "Sufficient space to turn and stretch freely, lie down, and fully extend his or her
51 limbs" means having:

52 (a) Sufficient indoor space for each dog to turn in a complete circle without any
53 impediment (including a tether);

54 (b) Enough indoor space for each dog to lie down and fully extend his or her limbs and
55 stretch freely without touching the side of an enclosure or another dog;

56 (c) At least one foot of headroom above the head of the tallest dog in the enclosure; and

57 (d) At least twelve square feet of indoor floor space per each dog up to twenty-five
58 inches long, at least twenty square feet of indoor floor space per each dog between twenty-five
59 and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for
60 dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose
61 to the base of the tail)].

62 [6.] 5. A person is guilty of the crime of [puppy mill] **dog breeders** cruelty when he or
63 she knowingly violates any provision of this section. The crime of puppy mill cruelty is a class
64 C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a
65 violation of this section, in which case each such violation is a class A misdemeanor. Each
66 violation of this section shall constitute a separate offense. If any violation of this section meets
67 the definition of animal abuse in section 578.012, the defendant may be charged and penalized
68 under that section instead.

69 [7.] 6. The provisions of this section are in addition to, and not in lieu of, any other state
70 and federal laws protecting animal welfare. This section shall not be construed to limit any state
71 law or regulation protecting the welfare of animals, nor shall anything in this section prevent a
72 local governing body from adopting and enforcing its own animal welfare laws and regulations
73 in addition to this section. This section shall not be construed to place any numerical limits on
74 the number of dogs a person may own or control when such dogs are not used for breeding those
75 animals and selling any offspring for use as a pet. This section shall not apply to a dog during
76 examination, testing, operation, recuperation, or other individual treatment for veterinary
77 purposes, during lawful scientific research, during transportation, during cleaning of a dog's
78 enclosure, during supervised outdoor exercise, or during any emergency that places a dog's life
79 in imminent danger. This section shall not apply to any retail pet store, animal shelter as defined
80 in section 273.325, hobby or show breeders who have custody of no more than ten female
81 covered dogs for the purpose of breeding those dogs and selling any offspring for use as a pet,
82 or dog trainer who does not breed and sell any dogs for use as a pet. Nothing in this section shall
83 be construed to limit hunting or the ability to breed, raise, or sell hunting dogs.

84 [8.] 7. If any provision of this section, or the application thereof to any person or
85 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not
86 affect other provisions or applications of this section that can be given effect without the invalid

87 or unconstitutional provision or application, and to this end the provisions of this section are
88 severable.

89 [9.] **8.** The provisions herewith shall become operative [one year after passage of this act]
90 **November 2, 2011.**