

FIRST REGULAR SESSION

HOUSE BILL NO. 99

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOEHNER (Sponsor), REIBOLDT, SCHIEFFER, ROWLAND,
HINSON, FISHER, PHILLIPS, NANCE, FITZWATER, DUGGER AND SCHAD (Co-sponsors).

0103L.011

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 puppy mill 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Section A. Section 273.345, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 273.345, to read as follows: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 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 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) Regular exercise; and
- (6) Adequate rest between breeding cycles.

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

19 5. For purposes of this section and notwithstanding the provisions of section 273.325,
20 the following terms have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83 8. **The provisions of this section shall not apply to shelters, pounds, kennels, pet**
84 **shops, facilities, dealers, and breeders licensed under the provisions of sections 273.325 to**
85 **273.357 prior to November 2, 2011. All entities licensed under sections 273.325 to 273.357**
86 **after November 2, 2011, shall be subject to the provisions of this section.**

87 **9.** If any provision of this section, or the application thereof to any person or
88 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not
89 affect other provisions or applications of this section that can be given effect without the invalid
90 or unconstitutional provision or application, and to this end the provisions of this section are
91 severable.

92 [9.] **10.** The provisions herewith shall become operative [one year after passage of this
93 act] **November 2, 2011.**

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