

FIRST REGULAR SESSION

HOUSE BILL NO. 332

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRANZ (Sponsor), LANT,
FITZWATER AND SCHAD (Co-sponsors).

0156L.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Section A. Section 273.345, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 273.345, to read as follows: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] **shall mean:**

21 (1) "Adequate rest between breeding cycles" [means], at minimum, ensuring that dogs
22 are 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*
24 *lupus familiaris*, or resultant hybrids, that is over the age of six months and has intact sexual
25 organs;

26 (3) "**Humane society**", **an organization promoting kindness to animals or the**
27 **compassionate treatment of animals;**

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

32 [(4)] (5) "Person" [means] , any individual, firm, partnership, joint venture, association,
33 limited liability company, corporation, estate, trust, receiver, or syndicate. **For purposes of this**
34 **section, person includes animal humane societies;**

35 [(5)] (6) "Pet" [means] , any domesticated animal normally maintained in or near the
36 household of the owner thereof;

37 [(6)] (7) "Regular exercise" [means] , constant and unfettered access to an outdoor
38 exercise area that is composed of a solid ground- level surface with adequate drainage, provides
39 some protection against sun, wind, rain, and snow, and provides each dog at least twice the
40 square footage of the indoor floor space provided to that dog;

41 [(7)] (8) "Retail pet store" [means] , a person, **humane society**, or retail establishment
42 open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to
43 the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of
44 selling any offspring for use as a pet;

45 [(8)] (9) "Sufficient food and clean water" [means] , access to appropriate nutritious food
46 at least once a day sufficient to maintain good health, and continuous access to potable water that
47 is not frozen and is free of debris, feces, algae, and other contaminants;

48 [(9)] (10) "Sufficient housing, including protection from the elements" [means] , constant
49 and unfettered access to an indoor enclosure that has a solid floor, is not stacked or otherwise
50 placed on top of or below another animal's enclosure, is cleaned of waste at least once a day

51 while the dog is outside the enclosure, and does not fall below forty-five degrees Fahrenheit, or
52 rise above eighty-five degrees Fahrenheit;

53 [(10)] (11) "Sufficient space to turn and stretch freely, lie down, and fully extend his or
54 her limbs" [means], having:

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

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

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

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

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

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

87 **8. The provisions of this section shall not apply to shelters, pounds, kennels, pet**
88 **shops, facilities, dealers, and breeders licensed under the provisions of sections 273.325 to**
89 **273.357 prior to November 2, 2011. All entities licensed under sections 273.325 to 273.357**
90 **after November 2, 2011, shall be subject to the provisions of this section.**

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

96 **[9.] 10.** The provisions herewith shall become operative [one year after passage of this
97 act] **November 2, 2011.**

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