

HCS SB 161 -- AGRICULTURE

This bill repeals SS SCS SB 113 & 95 regarding dog breeders previously passed in 2011 and changes the laws regarding the Animal Care Facilities Act, animal cruelty prevention, and agribusiness loan guarantees.

ANIMAL CARE FACILITIES ACT AND THE CANINE CRUELTY PREVENTION ACT
(Sections 273.327, 273.345, and 273.347, RSMo, and Section 1)

The bill:

(1) Increases the maximum annual license fee under the Animal Care Facilities Act from \$500 to \$2,500 and requires each licensee to pay an additional \$25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;

(2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act and changes the provisions of the act by:

(a) Removing the provision prohibiting a person from owning more than 50 dogs for the purpose of breeding them and selling any offspring as a pet;

(b) Revising the term "adequate rest between breeding cycles" to mean, at a minimum, ensuring that a female dog is not bred to produce more litters in any given time period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;

(c) Changing the term "necessary veterinary care" to mean prompt treatment of any serious illness or injury by a licensed veterinarian and humane euthanasia by a licensed veterinarian when needed;

(d) Revising the term "pet" from meaning any domesticated animal to meaning only dogs;

(e) Changing the term "regular exercise" to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations, and where the plan gives the dog maximum opportunity for outdoor exercise as weather permits;

(f) Revising the term "sufficient food and clean water" to mean access to nutritious food at least twice a day instead of once a day and water that is not frozen and is generally free of debris, feces, algae, and other contaminants;

(g) Changing the term "sufficient housing, including protection from the elements" to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations and in compliance with the space requirements in the bill. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible in accordance with department regulations;

(h) Revising the term "sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" to mean sufficient indoor space or shelter from the elements for each dog to turn in a complete circle, to be able to lie down and fully extend his limbs and stretch freely without touching the side of an enclosure or another dog, and appropriate space depending on the species of the animal as required by department regulations and in compliance with the space requirements in the bill;

(i) Removing the provisions regarding the crime of puppy mill cruelty;

(j) Requiring any person subject to the provisions of the act to maintain all veterinary and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(k) Removing the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the act;

(l) Specifying that nothing in the act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes; and

(m) Requiring a phase in of additional space requirements from January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011, and specifying that for any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, wire strand flooring will be prohibited and all enclosures must meet the flooring standard established by department rule;

(3) Specifies that when the State Veterinarian or a state animal welfare official finds that past violations of the Animal Care Facilities Act have occurred and have not been corrected or addressed, the department director may request the Attorney

General or the county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and allows the court to assess a civil penalty of up to \$1,000 for each violation;

(4) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal Care Facilities Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of this crime, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(5) Specifies that any breeder licensed under the Animal Care Facilities Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

AGRICULTURAL PRODUCT UTILIZATION AND BUSINESS DEVELOPMENT LOAN PROGRAM (Sections 348.400, 348.407, and 348.412)

The Missouri Agricultural and Small Business Development Authority is allowed to make loan guarantees to certain qualified agribusinesses under the Agricultural Product Utilization and Business Development Loan Program; and a loan is allowed to also be used for the expansion, acquisition, construction, improvement, or rehabilitation of a qualifying agribusiness. A "qualifying agribusiness" is defined as any business whose primary customer base is producers of agricultural goods and products or any business whose function is the support of agricultural production or processing by providing goods and services used for producing or processing agricultural products.

The bill contains an emergency clause for the provisions regarding the Animal Care Facilities Act and the Canine Cruelty Prevention Act.