



NUMEROUS BILLS INTRODUCED IN MINNESOTA AFFECTING COMMERCIAL DOG & CAT BREEDERS

The Issue:

Five pieces of legislation have been introduced in Minnesota aiming to regulate commercial dog/cat breeding activities within the state. All five bills are similar except for the definition of a “commercial breeder”. [Senate Bill 462](#) and [House Bill 702](#), which are companion bills, declare anyone who owns **10 or more** intact adult animals as a commercial breeder. [House Bill 417](#), [House Bill 388](#) and [Senate Bill 384](#) define a commercial breeder as anyone who possesses **20 or more** adult intact animals. The bills set forth licensing and inspection requirements, standards of care and would allow for “humane agents” to conduct inspections of breeding facilities.

The Impact:

As stated above, five bills proposing commercial breeder regulations are currently up for consideration in Minnesota. Senate Bill 462 & House Bill 702 define a “commercial breeder” as “a person, other than a hobby breeder, who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses 10 or more adult intact animals and whose animals produce more than five total litters of puppies or kittens per year.”

Senate Bill 384, House Bill 417 and House Bill 388 define “commercial breeder” to mean “a person, other than a hobby breeder, who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses 20 or more adult intact animals and whose animals produce five or more total litters of puppies or kittens per year.”

Licensing and Inspections.

Under each of these bills, a commercial breeder is required to obtain an annual license for each facility he/she owns or operates from the Minnesota Board of Animal Health (herein “Board”). The Board will establish the initial license fee and annual license fees. Before an initial license is issued, the Board will inspect a breeder’s facility. After a license is issued, the Board will subsequently inspect a licensee’s facilities at least once annually. The inspections may be unannounced, but must be during normal business hours and the commercial breeder, or an agent of the commercial breeder, must be present. Also, commercial breeders will be required to publicly display their license at each facility owned.

Inspections may be conducted by the Board, a local animal control authority, a peace officer, or a humane agent appointed under state law. (**NOTE:** Minnesota Statutes Section 343.01 states that “agents may be appointed for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals.” This means SPCA and Humane Society agents could be authorized to assist in investigations of commercial breeding facilities.)

Senate Bill 462 and House Bill 702 require the Board to display the following information on its website:

- a directory of licensed commercial breeders; and
- a directory of commercial breeders whose licenses have been suspended or revoked.

(NOTE: As of the publication date of this *PetAlert*, this provision is not in SB 384, HB 417 or HB 388.)

Standards of Care.

All of the bills provide a long list of standards of care for breeders to adhere to including exercise standards, adequate veterinary care and identification requirements. (NOTE: These standards can be found in the text of the bills linked in this *PetAlert*.)

Registration.

Each of the bills states that the proposed legislation, if passed, will become effective on July 1, 2012. Until then, from July 1, 2011 to June 30, 2012, all commercial breeders must register with the state. The Board has been designated with discretion for setting registration fees.

Penalties.

The bills provide civil and criminal penalties for breeders found in violation of the proposed provisions. As for civil penalties, the Board may issue a correction order requiring a commercial breeder to correct a violation of state statutes, rules, and regulations governing breeding facilities. The correction order must state the following:

- the deficiencies that constitute the violation;
- the specific statute, rule, or regulation violated; and
- the date by when the violation must be corrected.

The Board will reinspect the facility within 15 days after the time for correcting the violation has passed to determine whether the violation has been corrected. The Board may also issue monetary penalties with the order of correction. A single correction order may impose maximum administrative penalty of \$5,000. Other forms of penalty include injunctive relief, a cease and desist order on breeding operations and suspension, revocation or refusal to renew a license.

Under these bills, a commercial breeder is guilty of a **misdemeanor** if the breeder commits any of the following violations:

- Any violation of licensing and inspection provisions;
- A violation of licensing and inspection provisions that results in cruelty or torture to an animal;
- Knowingly purchasing or trading a dog or cat for the purpose of resale or trade from a person who is required to be licensed, but who does not have a valid license;
- Falsifying information in a license application, annual report, or records; and
- Advertising animals for sale without having a commercial breeder license from the Board.

(NOTE: The bills also make it a misdemeanor for a pet dealer, who is not the commercial breeder, of any animal to knowingly possess an animal under the age of eight weeks. The bills define a “pet dealer” as “a person, including a commercial breeder, who is required to collect sales tax for the sale of animals to the public”.)

PIJAC Position:

This *PetAlert* is for informational purposes. PIJAC supports adherence to humane standards of care by commercial breeders, but is weary of granting investigation power to private citizens. PIJAC is aware that allowing humane agents to assist in investigations is already a part of Minnesota law; however, for the protection of breeders, we must acknowledge the potential for harassment and abuse of police powers for agents opposed to breeding practices in general.

Recommended Action:

All commercial breeders in Minnesota should make themselves familiar with each of these bills. Through this introduction of multiple pieces of legislation, it is apparent that the Legislature is greatly focused on commercial breeding activities. Breeders should read the bills carefully and contact the respective committees with questions and concerns.

HB 388 and HB 702 have been assigned to the [House Committee on Agriculture & Rural Development Policy](#), while HB 417 is in the [House Committee on Health & Human Services Reform](#). SB 384 and SB 462 are in the [Senate Agriculture & Rural Economies Committee](#).

None of the bills has yet to be set for a hearing, but we recommend interested parties check the [Breaking News page](#) of the PIJAC website often for updates on this legislation.

If you have any questions please contact PIJAC's Bambi Osborne at 202-452-1525, extension 105 or by email: bambi@pijac.org.

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On behalf of pets, responsible pet owners, and the pet industry, we thank you!