



MISSOURI PRESENTS NEW DOG BREEDER STANDARDS

****LIMITS BREEDERS TO 50 INTACT DOGS****

The Issue.

The Missouri General Assembly has introduced House Bill 1921, entitled “*The Puppy Mill Cruelty Prevention Act*”. The bill provides standards of care and limits a person from having more than 50 intact dogs for breeding purposes at any time. Violators would face misdemeanor charges.

The Impact.

Standards of care.

The proposed Act states that “no person is allowed to keep a dog for purposes of breeding or raising such dog for sale as a pet, or for purposes of producing offspring from such dog for sale as a pet, unless the dog is provided:

- Adequate housing;
- Sufficient room for each dog to turn and stretch freely, lie down, and fully extend his or her limbs simultaneously with other dogs in the enclosure;
- Adequate food and water;
- Regular exercise;
- Adequate veterinary care;
- Adequate rest between breeding cycles; and
- Adequate shelter from the elements”.

A “person” is defined to include “any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate”.

HB 1921 provides the following definitions (emphasis supplied) for the proposed standards:

- "Adequate food and water" means “the consumption of sufficiently nutritious food at least once a day to maintain good health, and access to potable water that is not frozen and is free of debris, feces, and other contaminants”;
- "Adequate housing" is defined as “any structure used to house a dog with a solid floor, or a slatted floor with **gaps of no more than one-half inch** between slats, that is **not stacked or otherwise placed on top of or below another animal's enclosure**, which is **at least three times the length of the largest dog** in the enclosure, provides each dog at least six inches of headroom, and which is placed **no higher than forty-two inches above the floor**”;
- "Adequate shelter" means “at minimum, sufficient protection from heat, cold, rain, snow, and other elements to ensure proper health and safety of the dog, including an environment that does **not fall below 50-degrees or rise above 85- degrees Fahrenheit**”;



- "Adequate rest between breeding cycles" means "at minimum, ensuring that dogs are **not bred during consecutive heat cycles and are not bred before attaining one year of age**";
- "Adequate veterinary care" means "at minimum, **examination at least once yearly, or prior to each attempt at breeding, whichever occurs more frequently**, by a licensed veterinarian; prompt treatment of any illness or injury by a licensed veterinarian; and where needed, humane euthanasia to be performed only by a licensed veterinarian using techniques identified as acceptable by the American Veterinary Medical Association, and in accordance with applicable federal and state laws";
- "Fully extend his or her limbs" is defined as "fully extending all limbs while lying down **without touching the side of an enclosure or another dog**";
- "Regular exercise" means "at minimum, one **exercise** period during each day for a total of **not less than one hour** for each dog over the age of four months, which shall include removal from the dog's primary enclosure and which shall allow the dog free mobility for the entire exercise period by either leash walking or giving the dog access to a space at least four times the size of the primary enclosure, but shall not include use of a treadmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine to address a specific medical condition"; and
- "Turn and stretch freely" is defined as "the ability, without touching the side of an enclosure, **to stand on hind legs** or on all fours and turn in a complete circle without any impediment, including a tether".

Limits.

HB 1921 also provides that "no person may own, possess, control, or otherwise have charge or custody of **more than 50 intact dogs over the age of four months** at any time used for purposes of breeding or raising such dog for sale as a pet, or for the purposes of producing offspring from such dog for sale as a pet".

Exemptions.

The provisions of this bill do NOT apply in the following:

- During lawful examination, testing, operation, or other individual treatment for veterinary purposes;
- During transportation;
- To retail pet stores (meaning "a person or retail establishment where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as household pets, but that does not engage in the breeding of any dogs"); or
- To humane organizations or shelters (defined as "an incorporated nonprofit society or association which exists for the purpose of harboring seized, stray, homeless, abandoned, or unwanted dogs, and which does not engage in the breeding of any dogs")".

Penalties.

Any person who violates these provisions is guilty of a misdemeanor. If found guilty, or pleas guilty or *nolo contendere*, the person is subject to a fine of up to \$1,000 or imprisonment for up to 180 days, or both.

PIJAC Position.

As crafted, HB 1921 presupposes that anyone breeding dogs for sale as a pet is a "puppy mill," a derogatory term that has no meaning in law and is used to vilify anyone who breeds dogs. The use of this term is inherently prejudicial and misleading.

PIJAC is opposed to breeder limits since there is absolutely no correlation between the size of a kennel and the quality of care received by the dogs residing therein.

Also, a number of the provisions in HB 1921 would place breeders licensed by the federal government under the Animal Welfare Act in the position of violating local and Missouri animal cruelty statutes, if they complied with the Federal standards, which have been tested and in placed for many years. There is no justification for the state to impose additional standards on federally licensed breeders, especially when such standards have no scientific basis.

While PIJAC is not opposed to establishing reasonable standards for those who commercially breed and sell pet dogs, PIJAC is opposed to having people subjected to state statutes which contradict federal standards. Compliance with federal standards should not constitute violation of a state animal cruelty statute. Simple due process warrants a more rational and reasonable solution.

Recommended Action.

HB 1921 was introduced on February 2, 2010 and has not yet been assigned to a committee. As soon as a committee assignment is made, PIJAC will post the information on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).

We urge all breeders in Missouri to read the bill carefully and compare its requirements with those found in the federal Animal Welfare Act regulations as to address the differences involving housing, veterinary care, temperature ranges, cage sizes, exercise, etc. The text to this legislation is attached to the online version of this *PetAlert*, found on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).

If you have further questions please feel free to contact PIJAC's Bambi Nicole Osborne by phone at 202-452-1525 or via email at bambi@pijac.org.

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

(5) "Adequate veterinary care", at minimum, examination at least once yearly, or prior to each attempt at breeding, whichever occurs more frequently, by a licensed veterinarian; prompt treatment of any illness or injury by a licensed veterinarian; and where needed, humane euthanasia to be performed only by a licensed veterinarian using techniques identified as acceptable by the American Veterinary Medical Association, and in accordance with applicable federal and state laws;

(6) "Dog", any species of the domestic dog, canis lupus familiaris, or resultant hybrids;

(7) "Fully extend his or her limbs", fully extending all limbs while lying down without touching the side of an enclosure or another dog;

(8) "Humane organization", an incorporated nonprofit society or association which exists for the purpose of harboring seized, stray, homeless, abandoned, or unwanted dogs, and which does not engage in the breeding of any dogs;

(9) "Intact dogs", any dog with intact sexual organs;

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

(11) "Regular exercise", at minimum, one exercise period during each day for a total of not less than one hour for each dog over the age of four months, which shall include removal from the dog's primary enclosure and which shall allow the dog free mobility for the entire exercise period by either leash walking or giving the dog access to a space at least four times the size of the primary enclosure, but shall not include use of a treadmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine to address a specific medical condition;

(12) "Retail pet store", a person or retail establishment where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as household pets, but that does not engage in the breeding of any dogs;

(13) "Turn and stretch freely", the ability, without touching the side of an enclosure, to stand on hind legs or on all fours and turn in a complete circle without any impediment, including a tether.

273.380. 1. Notwithstanding any other applicable provision of law, no person shall keep a dog for purposes of breeding or raising such dog for sale as a pet, or for purposes of producing offspring from such dog for sale as a pet, unless the dog is provided:

(1) Adequate housing;

(2) Sufficient room for each dog to turn and stretch freely, lie down, and fully extend his or her limbs simultaneously with other dogs in the enclosure;

(3) Adequate food and water;

(4) Regular exercise;

(5) Adequate veterinary care;

(6) Adequate rest between breeding cycles; and

(7) Adequate shelter from the elements.

2. Notwithstanding any other applicable provision of law, no person shall own, possess, control, or otherwise have charge or custody of more than fifty intact dogs over the age of four months at any time used for purposes of

breeding or raising such dog for sale as a pet, or for the purposes of producing offspring from such dog for sale as a pet.

3. Sections 273.375 and 273.380 shall not apply:

(1) During lawful examination, testing, operation, or other individual treatment for veterinary purposes;

(2) During transportation;

(3) To retail pet stores; or

(4) To humane organizations or shelters.

4. Any person who violates the provisions of this section is guilty of a misdemeanor, and upon a finding of guilty, or plea of guilty or nolo contendere, shall be punished by a fine not to exceed one thousand dollars or by imprisonment for a period not to exceed one hundred eighty days, or both.

5. The provisions of this section are in addition to, and not in lieu of, any other state and federal laws protecting animal welfare. Sections 273.375 and 273.380 shall not be construed to limit any state law or rules protecting the welfare of animals, nor shall any provision of sections 273.375 and 273.380 prevent a local governing body from adopting and enforcing its own animal welfare laws and rules in addition to sections 273.375 and 273.380.