



WEST VIRGINIA PROPOSES TWO DOG BREEDING LAWS

The Issue.

The West Virginia Legislature has introduced two bills, Senate Bill 147 and House Bill 2699, relating to dog breeding restrictions. HB 2699 places specific restrictions on breeding “aggressive or vicious dogs”. SB 147 amends current West Virginia law by adding commercial dog breeding operation regulations.

The Impact.

House Bill 2699 – Aggressive or Vicious Dog Breeding Restrictions

Under this legislation, a person may not breed an aggressive or vicious dog unless the person has the following:

- an appropriate, escape-proof around the area;
- a reasonable amount of area contained within the fenced area; and
- a sign posted identifying the area as “potentially dangerous due to dog breeding”.

Current West Virginia Law, § 19-20-20, states “no person shall own, keep or harbor any dog known by him to be vicious, dangerous, or in the habit of biting or attacking other persons, whether or not such dog wears a tag or muzzle. Upon satisfactory proof before a circuit court or magistrate that such dog is vicious, dangerous, or in the habit of biting or attacking other persons or other dogs or animals, the judge may authorize the humane officer to cause such dog to be killed.”

There is no definition defining a “vicious or aggressive dog” in West Virginia Law. A House Concurrent Resolution, HCR 78, was introduced in 2009 calling for the Joint Committee on Government & Finance to study the need to update the West Virginia Code to include a definition of vicious dog and the confinement of such dogs. The Resolution states that the Committee is to report on its findings in the 2010 session.

Senate Bill 147 – Commercial Dog Breeding Operations

In this bill, “commercial dog breeder” is defined as “any person who maintains twenty or more unsterilized dogs over the age of one year and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration”.

The bill states that a commercial dog breeder must do all of the following:

- Maintain no more than 40 unsterilized dogs over the age of one year at any time;
- Breed female dogs only (only after annual certification by a licensed veterinarian that the dog is in suitable health for breeding, and only if the dog is between 18- months and eight years old;
- Dispose of dogs only by gift, sale, transfer, barter or euthanasia by a licensed veterinarian;
- Dispose of deceased dogs by cremation or burial in accordance with local, state and federal laws and regulations;



- Dispose of dog waste in accordance with state and federal laws; and
- Maintain, and make available on demand, accurate records for at least five years including:
 - The person from whom the animal was purchased or obtained, including the address and telephone number of the person and the date obtained, or the date the animal was born in the operation, identification of sire and dame, and description of animal;
 - The person to whom the animal was sold, transferred, given or bartered, including the address and telephone number of the person and the date of transfer;
 - A description of the animal, including the species, color, breed, sex and approximate age and weight;
 - Any tattoo, microchip number or other identification number carried by or appearing on the animal;
 - Each date that puppies were born to the animal and the number of puppies;
 - Description and date given of all medical care, medications and vaccinations provided to the animal; and
 - The disposition of each animal and the date.

Upon complaints, breeding facilities may be subject to state inspections. Investigation may include:

- The inspection of books and records of any commercial dog breeder;
- The inspection of any companion animal owned by the commercial dog breeder; and
- The inspection of any place where animals are bred or maintained.

NOTE: Commercial dog breeding locations may be subject to inspection by animal control officers at least twice annually, in addition to inspections arising out of complaints, to ensure compliance with state animal care laws and regulations.

The bill also provides that any violation is a misdemeanor subject to a fine of up to \$2,500 or a jail term of up to one year or both.

NOTE: This new language does **NOT** exempt a facility licensed by the United States Department of Agriculture from compliance.

Recommended Action.

House Bill 2699 (aggressive/vicious dog bill) has been placed in the House Agriculture Committee while Senate Bill 147 (commercial dog breeding bill) sits in the Senate Agriculture Committee. No hearing has been set for either bill.

Those opposed to this measure are urged to contact committee members (see committee list attached below). Also, to easily contact both members of both committees, as well as your own representative, visit PIJAC's [Legislative Action Center](http://www.pijac.org/governmentaffairs) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.

Updates on the status of this bill will be posted to the Breaking News page of PIJAC's website at (<http://www.pijac.org/petinformation/breakingnews.asp>). You are encouraged to visit the site regularly to be informed of actions taken on this legislation.

For additional information on this legislation, or other bills in which you may have an interest, contact PIJAC's Bambi Osborne at bambi@pijac.org or 800-553-PETS (7387).

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The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIIAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIIAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

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

STATE OF WEST VIRGINIA

H. B. 2699

(By Delegates Eldridge, Perry, Stowers, Klempa, Barker, Marshall, Martin, Beach, Argento and Hall)

[Introduced January 13, 2010; referred to the Committee on Agriculture then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-22a, relating to establishing breeding restrictions for aggressive or vicious dogs.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-20-22a, to read as follows:

ARTICLE 20. DOGS AND CATS.

§19-20-22a. Aggressive or vicious dog breeding restrictions.

Notwithstanding any provision of this code to the contrary, a person may not breed an aggressive or vicious dog unless the person has an appropriate, escape-proof fence around the area, a reasonable amount of area contained within the fenced area, and a sign posted identifying the area as "potentially dangerous due to dog breeding".

2010 WV S 147 **AUTHOR:** Boley
 VERSION: Introduced
 VERSION DATE: 01/13/2010

STATE OF WEST VIRGINIA

Senate Bill No. 147

(By Senator Boley)

[Introduced January 13, 2010; referred to the Committee on Agriculture; and then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to commercial dog-breeding operations; definitions; commercial dog breeder required to have a valid business license; requirements for maintaining a commercial dog-breeding operation; cooperation with inspections by animal control officers to ensure compliance with state and federal animal care laws; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-20-26, to read as follows:

ARTICLE 20. DOGS AND CATS.

§19-20-26. Commercial dog breeding operations.

(a) As used in this section:

(1) "Commercial dog breeder" means any person who maintains twenty or more unsterilized dogs over the age of one year and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration.

(2) "Companion animal" means any domestic or feral dog under the care, custody or ownership of a person.

(b) No commercial dog breeder may breed dogs in the state without a valid business license issued by any locality, where required.

(c) A commercial dog breeder shall:

(1) Maintain no more than forty unsterilized dogs over the age of one year at any time;

(2) Breed female dogs only:

(A) After annual certification by a licensed veterinarian that the dog is in suitable health for breeding;

(B) After the dog has reached the age of eighteen months; and

(C) If the dog has not yet reached the age of eight years;

- (3) Dispose of dogs only by gift, sale, transfer, barter or euthanasia by a licensed veterinarian;
- (4) Dispose of deceased dogs by cremation or burial in accordance with local, state and federal laws and regulations;
- (5) Dispose of dog waste in accordance with state and federal laws; and
- (6) Maintain, and make available on demand, accurate records for at least five years including:
 - (A) The person from whom the animal was purchased or obtained, including the address and telephone number of the person and the date obtained, or the date the animal was born in the operation, identification of sire and dame, and description of animal;
 - (B) The person to whom the animal was sold, transferred, given or bartered, including the address and telephone number of the person and the date of transfer;
 - (C) A description of the animal, including the species, color, breed, sex and approximate age and weight;
 - (D) Any tattoo, microchip number or other identification number carried by or appearing on the animal;
 - (E) Each date that puppies were born to the animal and the number of puppies;
 - (F) Description and date given of all medical care, medications and vaccinations provided to the animal;
 - (G) The disposition of each animal and the date.
- (d) (1) The commissioner, his or her designated employees, any consulting veterinarians as appointed by the commissioner under section three, article nine, chapter nineteen of this code or his or her assistant, any animal control officer, any humane officer, any county dog warden or any public health or safety official employed by the locality where a commercial dog breeder resides or maintains breeding operations shall, upon receiving a complaint or upon his or her own motion, investigate any violation of the provisions of this section. The person conducting the inspection is authorized to enter any premises where animals may be bred or maintained during daytime hours. The investigation may include:
 - (A) The inspection of books and records of any commercial dog breeder;
 - (B) The inspection of any companion animal owned by the commercial dog breeder; and
 - (C) The inspection of any place where animals are bred or maintained.
- (2) Any commercial dog breeder who is the subject of an investigation shall cooperate with authorities.
- (3) Commercial dog breeding locations may be subject to inspection by animal control officers at least twice annually, in addition to inspections arising under subdivision one of this subsection, to ensure compliance with state animal care laws and regulations.
 - (e) It is unlawful for a commercial dog breeder to operate or maintain a controlling interest in any pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals or other similar entity or home-based rescue, that releases companion animals for adoption.
 - (f) It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.

(g) Any commercial dog breeder who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,500 or confined in jail not more than one year, or both fined and confined.

(h) All dogs in a commercial breeding operation must be registered and a tax paid in accordance with the provisions of section two, article twenty, chapter nineteen of this code through section nine, article twenty, chapter nineteen of this code.

(i) Nothing in this section exempts a facility licensed by the United States Department of Agriculture from compliance.

(j) Nothing in this section prevents any local, state or federal law-enforcement agency from investigating animal cruelty in commercial dog breeding operations.

NOTE: The purpose of this bill is to define a commercial dog breeder as any person who maintains twenty or more adult dogs for the purpose of the sale of their offspring as companion animals. The bill requires a commercial dog breeder to obtain a valid business license. The bill provides limitations for how many dogs a commercial dog breeder can maintain; when a commercial dog breeder may breed female dogs; how a commercial dog breeder may dispose of dogs; requires them to maintain records of animal sales, purchases, breeding history and veterinary care. The bill further provides that the Commissioner of Agriculture, any consulting veterinarians or any animal control officer may inspect the facilities of a commercial dog breeder. The bill also provides that any violation of this section is a misdemeanor subject to a fine of not more than \$2,500 or a jail term of not more than one year or both.

This section is new; therefore, strike-throughs and underscoring have been omitted.