

FIRST REGULAR SESSION

SENATE BILL NO. 4

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0272S.011

AN ACT

To repeal section 273.345, RSMo, relating to dog breeders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 273.345, RSMo, is repealed, to read as follows:

1 [273.345. 1. This section shall be known and may be cited
2 as the "Puppy Mill Cruelty Prevention Act."

3 2. The purpose of this act is to prohibit the cruel and
4 inhumane treatment of dogs in puppy mills by requiring large-scale
5 dog breeding operations to provide each dog under their care with
6 basic food and water, adequate shelter from the elements,
7 necessary veterinary care, adequate space to turn around and
8 stretch his or her limbs, and regular exercise.

9 3. Notwithstanding any other provision of law, any person
10 having custody or ownership of more than ten female covered dogs
11 for the purpose of breeding those animals and selling any offspring
12 for use as a pet shall provide each covered dog:

13 (1) Sufficient food and clean water;

14 (2) Necessary veterinary care;

15 (3) Sufficient housing, including protection from the
16 elements;

17 (4) Sufficient space to turn and stretch freely, lie down, and
18 fully extend his or her limbs;

19 (5) Regular exercise; and

20 (6) Adequate rest between breeding cycles.

21 4. Notwithstanding any other provision of law, no person

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

22 may have custody of more than fifty covered dogs for the purpose
23 of breeding those animals and selling any offspring for use as a pet.

24 5. For purposes of this section and notwithstanding the
25 provisions of section 273.325, the following terms have the
26 following meanings:

27 (1) "Adequate rest between breeding cycles" means, at
28 minimum, ensuring that dogs are not bred to produce more than
29 two litters in any eighteen-month period;

30 (2) "Covered dog" means any individual of the species of the
31 domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is
32 over the age of six months and has intact sexual organs;

33 (3) "Necessary veterinary care" means, at minimum,
34 examination at least once yearly by a licensed veterinarian, prompt
35 treatment of any illness or injury by a licensed veterinarian, and
36 where needed, humane euthanasia by a licensed veterinarian using
37 lawful techniques deemed acceptable by the American Veterinary
38 Medical Association;

39 (4) "Person" means any individual, firm, partnership, joint
40 venture, association, limited liability company, corporation, estate,
41 trust, receiver, or syndicate;

42 (5) "Pet" means any domesticated animal normally
43 maintained in or near the household of the owner thereof;

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

49 (7) "Retail pet store" means a person or retail establishment
50 open to the public where dogs are bought, sold, exchanged, or
51 offered for retail sale directly to the public to be kept as pets, but
52 that does not engage in any breeding of dogs for the purpose of
53 selling any offspring for use as a pet;

54 (8) "Sufficient food and clean water" means access to
55 appropriate nutritious food at least once a day sufficient to
56 maintain good health, and continuous access to potable water that
57 is not frozen and is free of debris, feces, algae, and other

58 contaminants;

59 (9) "Sufficient housing, including protection from the
60 elements" means constant and unfettered access to an indoor
61 enclosure that has a solid floor, is not stacked or otherwise placed
62 on top of or below another animal's enclosure, is cleaned of waste
63 at least once a day while the dog is outside the enclosure, and does
64 not fall below forty-five degrees Fahrenheit, or rise above
65 eighty-five degrees Fahrenheit;

66 (10) "Sufficient space to turn and stretch freely, lie down,
67 and fully extend his or her limbs" means having:

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

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

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

75 (d) At least twelve square feet of indoor floor space per each
76 dog up to twenty-five inches long, at least twenty square feet of
77 indoor floor space per each dog between twenty-five and thirty-five
78 inches long, and at least thirty square feet of indoor floor space per
79 each dog for dogs thirty-five inches and longer (with the length of
80 the dog measured from the tip of the nose to the base of the tail).

81 6. A person is guilty of the crime of puppy mill cruelty
82 when he or she knowingly violates any provision of this
83 section. The crime of puppy mill cruelty is a class C misdemeanor,
84 unless the defendant has previously pled guilty to or been found
85 guilty of a violation of this section, in which case each such
86 violation is a class A misdemeanor. Each violation of this section
87 shall constitute a separate offense. If any violation of this section
88 meets the definition of animal abuse in section 578.012, the
89 defendant may be charged and penalized under that section
90 instead.

91 7. The provisions of this section are in addition to, and not
92 in lieu of, any other state and federal laws protecting animal
93 welfare. This section shall not be construed to limit any state law

94 or regulation protecting the welfare of animals, nor shall anything
95 in this section prevent a local governing body from adopting and
96 enforcing its own animal welfare laws and regulations in addition
97 to this section. This section shall not be construed to place any
98 numerical limits on the number of dogs a person may own or
99 control when such dogs are not used for breeding those animals
100 and selling any offspring for use as a pet. This section shall not
101 apply to a dog during examination, testing, operation, recuperation,
102 or other individual treatment for veterinary purposes, during
103 lawful scientific research, during transportation, during cleaning
104 of a dog's enclosure, during supervised outdoor exercise, or during
105 any emergency that places a dog's life in imminent danger. This
106 section shall not apply to any retail pet store, animal shelter as
107 defined in section 273.325, hobby or show breeders who have
108 custody of no more than ten female covered dogs for the purpose of
109 breeding those dogs and selling any offspring for use as a pet, or
110 dog trainer who does not breed and sell any dogs for use as a
111 pet. Nothing in this section shall be construed to limit hunting or
112 the ability to breed, raise, or sell hunting dogs.

113 8. If any provision of this section, or the application thereof
114 to any person or circumstances, is held invalid or unconstitutional,
115 that invalidity or unconstitutionality shall not affect other
116 provisions or applications of this section that can be given effect
117 without the invalid or unconstitutional provision or application,
118 and to this end the provisions of this section are severable.

119 9. The provisions herewith shall become operative one year
120 after passage of this act.]

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