

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates regulations for dog and cat breeders, including licensing and inspection procedures, standards of care, civil enforcement provisions, and administrative and criminal penalties.

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- 1 Citation.** Provides that sections 2 to 9 may be cited as the “Dog and Cat Breeders Act.”
- 2 Definitions.** Defines the following terms: “animal,” “board,” “breeder,” “broker,” “cat,” “confinement area,” “dog,” “facility,” “hobby breeder,” “local animal control authority,” “person,” “pet dealer,” “possess,” and “veterinarian.”

“Breeder” means a person, other than a hobby breeder, who possesses animals and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration, and who possesses six or more adult intact female animals for the purpose of breeding.

- 3 Licensing and inspections.**

Subd. 1. Licensing. Provides that the board may grant an operating license to a breeder and shall enforce the Act. Authorizes the board to delegate this authority to a county or city pursuant to a written agreement. Requires a breeder to obtain an annual license for each facility it owns or operates beginning in 2010. Authorizes the board to set license fees. Requires the board to inspect a breeder’s facility before an initial license is issued. Delineates the information to be provided in the license application, including information

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on prior license actions and convictions for animal cruelty. Provides that licenses must be renewed annually. Requires the board to refuse to issue a license if the breeder: (1) fails to meet the statutorily required standards of care; (2) has been convicted of cruelty to animals in Minnesota or another state; (3) has had a similar license issued by another authority denied, revoked, or suspended; or (4) has falsified any material.

Subd. 2. Inspections. Provides that the board shall inspect each licensed facility annually. Delineates the information to be provided in the inspection report. Allows the board to request an independent veterinarian, peace officer, local animal control, or humane agent to assist in an inspection or investigation. Authorizes the board, a local control authority, and a humane agent to have access to a facility during normal business hours if a license to operate is suspended, revoked, or denied to verify that the facility is not operating.

4 **Standards of care; rules and regulations.** Provides that, by December 15, 2009, the board shall adopt rules for the standards of care for dogs and cats that apply to breeders that are not licensed by the USDA.

5 **Investigations.** Authorizes the board, a local animal control authority, peace officer, or humane agent to initiate an investigation upon receiving a formal complaint alleging a violation under section 3 or 4.

6 **Seizure, notice, bonding.** Authorizes the board, a local animal control authority, peace officer, or humane agent to seize an animal for a violation under section 3 or 4. Notice and hearing requirements are set forth under section 343.235.

7 **Civil enforcement.**

Subd. 1. Correction orders. Provides that the board may issue a correction order to a breeder for a violation of federal and state statutes, rules, and regulations governing breeding. Sets forth a procedure for reconsideration of the correction order. Provides that the board shall re-inspect the facility within 15 days after the time for correcting the violation has passed to determine if the breeder complied with the order.

Subd. 2. Administrative penalty order. If a breeder has not complied with a correction order, the board may administratively assess monetary penalties for violations. The maximum penalty is \$10,000 for a single correction order.

Subd. 3. Injunctive relief. Permits the board to bring an action for injunctive relief in Ramsey County district court or in the county in which the violation occurred.

Subd. 4. Cease and desist. Authorizes the board to issue a cease and desist order if continuation of a violation would result in an immediate risk to animal welfare or public health. The order is effective for up to 72 hours.

Subd. 5. Refusal to issue a license. Provides that the board may suspend, revoke, or refuse to renew a license for (1) failure to comply with a correction order; (2) failure to pay an administrative penalty; (3) failure to meet a standard of care regulation; (4) violating a provision under section 3 or 4; or (5) falsifying information requested by the board. Sets forth an appeal procedure.

Provides that the board shall revoke a license if a breeder has been convicted of cruelty to

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animals under Minnesota law or another state's laws. Sets forth an appeal procedure.

Prohibits a breeder from reapplying for licensure for two years after the date of a license revocation. Provides that a license is permanently revoked/barred, if either: (1) the breeder's license is revoked for a gross misdemeanor or felony conviction for animal cruelty, or (2) the breeder has had a license suspended or revoked three times.

Subd. 6. Administrative hearing rights. Provides that the board must notify the breeder in writing and provide an opportunity to request a hearing before the board may refuse to renew, suspend, or revoke a license. These provisions do not apply when the board denies a license for failure to meet minimum qualifications for licensure. Sets forth an appeal procedure for contesting the amount of an administrative penalty order.

Subd. 7. Other jurisdictions. Permits the board to accept evidence of enforcement or disciplinary actions from other jurisdictions.

Subd. 8. Appeals. Allows a final order to be appealed to the Minnesota Court of Appeals.

8 Penalties. Provides that the following acts are misdemeanors (maximum penalty of 90 days' imprisonment and/or \$1,000 fine):

- A violation of section 3 (licensing and inspection) or section 4 (standards of care);
- For a broker or pet dealer to knowingly purchase or trade a cat or dog for the purpose of resale or trade to another person from a person who is required to, but does not have, a valid license;
- For a pet dealer to knowingly possess an animal under the age of 8 weeks;
- To falsify information in a license application, annual report, or record;
- For an unlicensed breeder to advertise animals for sale.

If a violation of section 3 or 4 results in cruelty or torture to an animal, the person is subject to the penalties in section 343.21, subds. 9 and 10. (Violations range from a misdemeanor to a four-year felony depending on the level of harm inflicted, the type of animal harmed , and whether the act was done to threaten or terrorize another. Court may also place restrictions on a convicted person's ability to possess a pet or companion animal.)

9 Licensing account; appropriation. Creates the dog and cat breeders licensing account in the special revenue fund. Credits all fees and penalties collected by the board under this Act in the account. Annually appropriates money in the account to the board to administer the Act.

10 Effective date. Day following final enactment.