

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.

Section

- 1** **Definitions.** Defines the following terms: “animal,” “board,” “commercial breeder,” “broker,” “cat,” “confinement area,” “dog,” “facility,” “hobby breeder,” “local animal control authority,” “person,” “pet dealer,” “possess,” and “veterinarian.”

“Commercial breeder” means 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 who produces five or more total litters of puppies or kittens each year.

- 2** **Licensing and inspections.**

Subd. 1. Licensing. Provides that the board may grant an operating license to a commercial breeder and shall enforce the Act. Requires a commercial breeder to obtain an annual license for each facility it owns or operates beginning in July 2010. Authorizes the board to set a range of license fees based on the number of adult breeding animals in possession. Requires the board to inspect a commercial breeder’s facility before an initial license is issued. Delineates the information to be provided in the license application, including information 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 commercial breeder: (1) has violated laws relating to companion animals; (2) fails to meet the statutorily required standards of care; (3) fails to meet local requirements; (4) has been convicted of cruelty to animals in Minnesota or another state; (5) has had a similar license issued

by another authority denied, revoked, or suspended; or (6) has falsified any material.

Subd. 2. Inspections. Provides that the board may delegate inspection authority to a county or city, and each facility must be inspected 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.

Subd. 3. Fees; rules. Authorizes the board to adopt rules to establish license fees.

Subd. 4. Enforcement grants to local units of government. Provides that the board may fully or partially reimburse local units of government for inspection costs.

3 Standards of care. Directs a commercial breeder to comply with all applicable state and local laws, and additional standards set by the board. Sets forth standards of care for commercial breeders. Prohibits a commercial breeder from hiring staff or independent contractors who have been convicted of cruelty to animals. Provides that, as of the act's effective date, if a commercial breeder meets USDA regulations on confinement area, it does not need to meet the state standard for the existing confinement area.

4 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 2 or 3.

5 Seizure. Authorizes seizure of an animal for a violation under section 2 or 3. Notice and hearing requirements are set forth under section 343.235.

6 Civil enforcement.

Subd. 1. Correction orders. Provides that the board may issue a correction order to a commercial breeder for a violation of state statutes, rules, and regulations governing breeding facilities. 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 commercial breeder complied with the order.

Subd. 2. Administrative penalty order. If a commercial breeder has not complied with a correction order, the board may administratively assess monetary penalties for violations. The maximum penalty is \$5,000 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 reissue a license; suspension; revocation. 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 licensing or standard of care regulation; or (4) falsifying information requested by the board. Sets forth an appeal procedure.

Provides that the board shall revoke a license if a commercial breeder has been convicted of cruelty to animals under Minnesota law or another state's laws. Sets forth an appeal procedure.

Prohibits a commercial 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 commercial breeder's license is revoked for a gross misdemeanor or felony conviction for animal cruelty, or (2) the commercial breeder has had a license suspended or revoked three times.

Subd. 6. Administrative hearing rights. Provides that the board must notify the commercial 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.

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

- A violation of section 2 (licensing and inspection) or section 3 (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 who is not a commercial breeder to knowingly possess an animal under the age of eight weeks;
- To falsify information in a license application, annual report, or record;
- For an unlicensed commercial breeder to advertise animals for sale.

If a violation of section 2 or 3 results in cruelty or torture to an animal, the person is subject to the penalties in section 343.21, subdivisions 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.)

8 Dog and Cat breeder 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, including interest, to the board to administer the Act. Authorizes the board to accept private donations for the development and administration of the licensing program.

- 9** **Registration.** Requires a commercial breeder, from July 1, 2009 to June 30, 2010, to register each facility it owns or operates by paying an undetermined fee to the board.
- 10** **Effective date.** Sections 1 to 7 are effective July 1, 2010, and sections 8 and 9 are effective the day following final enactment. Implementation of section 9 is effective upon receiving \$50,000 in private contributions.