

HOUSE RESEARCH

Bill Summary

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Overview

This bill requires the Board of Animal Health (BAH) to license and inspect dog and cat breeders that have ten or more adult animals and produce more than five litters per year. The bill provides animal care standards that must be met as well as penalties and procedures if licensed breeders do not follow the standards. Licensed breeders also must pay an annual license fee.

Section

- 1** **Animal premises data.** Classifies data collected by BAH under this bill as private or nonpublic, except for information included in the list of licensed breeders in good standing that BAH is required to post on its website under section 3.
- 2** **Definitions.** Defines terms used in the bill, including: “animal,” which means a dog or a cat; “commercial breeder,” which means a person in the breeding business who has ten or more adult animals and whose animals produce more than five litters per year; and “board” which means BAH.
- 3** **Licensing and inspections.** Requires commercial breeders to obtain a license and submit to inspections.

Subd. 1. Licensing. Allows BAH to grant operating licenses to commercial breeders and requires commercial breeders to obtain an annual license for each facility they own or operate starting on July 1, 2015. The fee is \$10 per animal, up to \$250 per licensed facility. BAH must perform a pre-licensing inspection of the facility within 60 days of receiving an application.

Section

Application. Prescribes what must be included in the license application, including any negative license history or criminal activity related to animal cruelty.

Renewal. The license must be renewed annually and the breeder must submit an annual report to BAH on the number of animals in the facility and the number that passed through the facility in the previous year.

Refusal. BAH cannot issue a license if the applicant:

- (1) violated a provision of Minnesota Statutes, chapter 343 “Prevention of Cruelty to Animals” or 346 “Stray Animals; Companion Animals;”
- (2) failed to meet the requirements of this bill;
- (3) violated a local ordinance governing animal breeders;
- (4) was convicted of cruelty to animals in any jurisdiction;
- (5) had a similar license denied, revoked, or suspended by another authority; or
- (6) falsified any information to BAH.

Any person associated with a breeder whose license was revoked or suspended and who was responsible for or participated in the violation may not be licensed while that revocation or suspension is in effect.

Subd. 2. Inspections. BAH must inspect each licensed facility at least annually when the breeder or the breeder’s agent is present. An inspector must submit a report to BAH within ten days of the inspection and if the facility is not in compliance, the report must indicate what must to be done to remedy the violation. If a license is suspended, revoked, or denied BAH must be granted access to the facility to verify the facility is not currently operating. BAH may inspect a facility every other year if inspectors find no violations initially for two consecutive years.

Subd. 3. Record requirements. Requires a licensed commercial breeder to keep certain records.

Subd. 4. Veterinary protocol. Requires a commercial breeder to establish, maintain, and update a written veterinary protocol. Requires a breeder to issue a veterinary health certificate with every animal sold or otherwise distributed.

Subd. 5. Posting of information. BAH shall post an online directory of breeders that are licensed and in good standing.

- 4 Standards of care.** Requires commercial breeders to comply with the laws of Minnesota relating to animal care, local ordinances, and a prescribed list of care standards to protect the animals from cruelty and neglect. Grandfathers-in confinement areas that currently comply with USDA requirements but do not meet the requirements of Minnesota’s Pet and Companion Animal Welfare Act.

Section

5 Investigations. BAH must investigate a formal complaint. A local animal control authority, a peace officer, or a humane agent must report violations to BAH in a timely manner.

6 Civil enforcement.

Subd. 1. Correction order. Allows BAH to issue a correction order that states the violation and when it must be corrected by. Provides the commercial breeder with an option to request reconsideration of a correction order. BAH must reinspect within 15 days of the date given to correct the violation and notify the breeder in writing if they are in compliance.

Subd. 2. Administrative penalty orders. Authorizes BAH to issue a correction order after reinspection and assess monetary penalties of up to \$5,000 for violations.

Subd. 3. Injunctive relief. Authorizes BAH to bring an action for injunctive relief in Ramsey County or wherever the violation occurred to stop the violation.

Subd. 4. Cease and desist. Requires BAH to issue an order to cease a practice for up to 72 hours if there is an immediate risk to animal welfare or public health. BAH must take other actions to restrain a breeder's practice beyond 72 hours.

Subd. 5. Refusal to reissue license; license suspension or revocation. Allows BAH to suspend, revoke, or refuse to renew a license if the breeder fails to comply with the corrective order, fails to pay an administrative penalty, fails to meet the requirements in this bill, or provides false information to BAH. Allows a commercial breeder to appeal through the Office of Administrative Hearings. Requires BAH to revoke a license if a commercial breeder is convicted of violating an animal cruelty law in Minnesota or another jurisdiction or if a similar license is denied, revoked, or suspended in another jurisdiction. A breeder can appeal license revocation to the Office of Administrative Hearings. Requires the breeder to wait two years to apply if BAH revokes the license. A license is barred permanently if a BAH license is suspended or revoked twice or the cause of the revocation was a gross misdemeanor or felony conviction for animal cruelty.

Subd. 6. Administrative hearing rights. Provides the procedure for requesting a hearing or appeal of decisions made by BAH.

Subd. 7. Other jurisdictions. Allows BAH to use enforcement actions in other jurisdictions as evidence for an enforcement or disciplinary action if the violation would be grounds for enforcement action under this section.

Subd. 8. Appeals. Provides that a final BAH order may be appealed to the Minnesota Court of Appeals.

7 Biosecurity; entry into facilities. Prohibits entry to commercial breeder facilities unless the law enforcement officer follows biosecurity procedures, unless the situation constitutes an emergency.

Section

8 Penalties. Violations that constitute cruelty or torture to an animal are subject to the penalties in existing law. For example, two or more convictions in five years may increase the penalty from a misdemeanor to a gross misdemeanor. If intentional cruelty or torture causes substantial bodily harm to the dog or cat, a breeder may be sentenced to imprisonment for up to 1 year, fined up to \$3,000, or both. If intentional cruelty or torture causes death or great bodily harm, a breeder may be sentenced to imprisonment for up to two years, fined up to \$5,000, or both.

The following actions would be a misdemeanor:

- falsifying information in a license application, annual report, or record;
- an unlicensed commercial breeder advertises animals for sale; and
- operating without a license.

9 Dog and cat breeders licensing account; appropriation. Creates a breeder licensing account in the special revenue fund for the fees and penalties collected by BAH. Money and interest is annually appropriated to BAH.

10 Applicability. This bill does not apply to veterinary clinics or hospitals or any animals other than dogs or cats.

11 Recognition; commercial breeder excellence. Requires BAH to develop a program that recognizes commercial breeders who exceed minimum standards and demonstrate excellence.

12 Registration; initial preclicensing inspections. Requires breeders to pay a registration fee of up to \$250 to register each facility they own beginning July 1, 2014, and ending July 30, 2015. BAH can begin initial preclicensing inspections during that same period. BAH must deposit fees in the new account.

13 Board of Animal Health; appropriation. Appropriates \$310,000 for fiscal year 2015 from the general fund to BAH to administer the new licensing program. \$426,000 is added to the agency's base budget going forward.

14 Effective date. All sections are effective July 1, 2014.