

HOUSE RESEARCH

Bill Summary

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Overview

This bill provides a licensing mechanism for dog and cat breeders that have more than ten adult animals and that breed more than five litters per year. The bill provides regulations on licensing and standards that must be upheld as well as penalties and procedures if the breeders do not follow the standards proscribed and requires breeders to pay a licensing fee.

Section

1 **Definitions.** Defines terms used in the bill, including: “animal” which means a dog or a cat; “commercial breeder” which means a person who has more than ten adult animals and whose animals produce more than five litters per year; and “board” which means the Minnesota Board of Animal Health.

2 **Subd. 1. Licensing and inspection.** Allows the Minnesota Board of Animal Health (“board”) to grant operating licenses to commercial breeders and requires commercial breeders to obtain an annual license for each facility they own starting on July 1, 2014. The board shall establish a fee for the licensing and shall do a pre-licensing inspection of the facilities where the animals are housed prior to issuing the license and within 60 days of receiving an application.

Application. Proscribes what must be included in the application for the license, including negative licensing and criminal activity related to animals.

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

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Refusal. The board cannot issue a license if:

- (1) the breeder has violated a provision of chapter 343 or 346, which includes animal cruelty laws and possession of regulated animals;
- (2) the breeder has failed to meet the requirements of this chapter;
- (3) has failed to meet the requirements in local ordinance governing a license holder;
- (4) has been convicted of cruelty to animals in any jurisdiction;
- (5) has had a similar license by another authority denied, revoked, or suspended; or
- (6) if the breeder has falsified any information to the board. Any person who worked with a breeder whose license was revoked or suspended and who was responsible or participated in the violation may not be licensed while that revocation or suspension is in effect.

Subd. 2. Inspection. The board is to do an unannounced annual inspection when the breeder is present and submit a report to the board within ten days of each inspection and state if the facility inspected is not in compliance indicate how and what needs to be done to remedy the violation. If a license is suspended, revoked, or denied the board must be granted access to the facility to verify the facility is not currently operating.

Subd. 3. Fees. Establishes the board can create licensing and inspection fees.

Subd. 4. Enforcement. The board can reimburse local government for assistance in seizing animals.

Subd. 5. Posting. The board shall post who is licensed and if a license is suspended or revoked.

3 Standard of care. Provides that commercial breeders licensed by this chapter must comply with the laws of Minnesota relating to animal care, local ordinances, and a proscribed list of care in the statute to protect the animals from cruelty.

4 Investigation. The board, a local animal control authority, a peace officer, or a humane agent may initiate an investigation upon receiving a formal complaint under section 2 or section 3.

5 Civil enforcement.

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

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Subd. 2. Administrative penalty orders. Provides how the board can issue an order for violations to be corrected or assess monetary penalties for violations.

Subd. 3. Injunctive relief. Provides that the board can bring an action for injunctive relief in Ramsey County or wherever the violation occurred to stop the violation.

Subd. 4. Cease and desist. Allows the board to issue an order to cease a practice if there is an immediate risk to animal welfare or public health that can last for 72 hours.

Subd. 5. Refusal to reissue license; license suspension or revocation. Allows the board 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 section two and three above, or provides false information to the board. Allows for an appeal can be taken through the Office of Administrative Hearings. Proscribes that the board must revoke a license if a commercial breeder is convicted of violating a cruelty to animals law in Minnesota or another jurisdiction or if a similar license is denied, revoked, or suspended in another jurisdiction. A license revocation under these provisions can also be appealed to the Office of Administrative Hearings. Proscribes that the breeder has to wait two years if the license was revoked to reapply and the bar for a license is permanent if: a 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 the board.

Subd. 7. Other jurisdictions. Allows the board to use actions in other jurisdictions related to violations that would be grounds for violations under this section as evidence of an enforcement or disciplinary action.

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

6 Penalties. Provides that violations of section 2 or section 3 above is a misdemeanor. Provides that violations that are cruelty or torture to an animal are subject to the same penalties in law, section 343.21, proscribing punishments for abuse, mistreatment, and cruelty to animals:

Minn. Stat. § 343.21, subd. 9. Penalty.

(a) Except as otherwise provided in this subdivision, a person who fails to comply with any provision of this section is guilty of a misdemeanor. A person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.

(b) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal may be sentenced to

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imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A person convicted of violating paragraph (b) within five years of a previous gross misdemeanor or felony conviction for violating this section may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(d) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(e) A person who violates subdivision 8a where the violation renders the service animal unable to perform its duties is guilty of a gross misdemeanor.

(f) A person who violates subdivision 8a where the violation results in substantial bodily harm to a service animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(g) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(h) A person who violates subdivision 8a where the violation results in death or great bodily harm to a service animal may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

(i) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

This bill provides that the following actions are misdemeanor:

- A broker or pet dealer, defined in section 1, purchases or trades an animals with a breeder who does not have a license
- A pet dealer, who is not the commercial breeder of an animal, has an animal under eight weeks old, however this excludes humane societies, nonprofits, and local animal control
- Falsifying information in license application, annual report, or record to the board
- An unlicensed breeder advertises animals for sale

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- 7** **Licensing Account.** A breeder licensing account is created in the special revenue fund and is created for the collection of fees and penalties collected by the board, the money and interest is annually appropriated to the board.
- 8** **Applicability.** Provisions of this bill do not apply to animals other than dogs or cats.
- 9** **Registration; initial precicensing inspection.** Provides that breeders must pay a fee to register each facility they own beginning July 1, 2013, and ending July 30, 2014, and the board can begin initial precicensing inspections under this section during that period. The fees collected are to be deposited in the special revenue fund.
- 10** **Board of Animal Health; appropriation.** Appropriates \$80,000 for fiscal year 2014 and \$325,000 for fiscal year 2015 from the general fun to the Board of Animal Health to administer the licensing program, and \$325,000 is added to the agency's base budget.
- 11** **Effective date.** Sections 3 and 4 are effective July 1, 2014, and sections 1, 7, 8, 9, and 10 are effective the day following enactment.