

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 84
Version: Second engrossment

DATE: March 11, 2013

Authors: Lesch and others

Subject: Dog and cat breeders

Analyst: Colbey Sullivan

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

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** **Definitions.** Defines terms used in the bill, including: “animal” which means a dog or a cat; “commercial breeder” which means a person who has ten or more adult animals and whose animals produce more than five litters per year; and “board” which means BAH.
- 2** **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 starting on July 1, 2014. The fee is \$10 per animal; up to \$250 per licensed facility. BAH must do a pre-licensing inspection of the facilities where the animals are housed within 60 days of receiving an application.

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

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

Section

passed through the facility in the previous year.

Refusal. BAH cannot issue a license if the breeder:

- (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) failed to meet the requirements in a local ordinance governing the license holder;
- (4) was convicted of cruelty to animals in any jurisdiction;
- (5) had a similar license by another authority denied, revoked, or suspended; 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 do an unannounced inspection when the breeder is present. An inspector must submit a report to BAH within ten days of the inspection and if the facility inspected is not in compliance, indicate what needs 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.

Subd. 3. Posting of information. BAH shall post a directory of breeders that are licensed and in good standing.

- 3 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.
- 4 Investigations.** BAH must investigate a formal complaint and work with a local animal control authority, a peace officer, or a humane agent. These organizations must report violations to BAH.
- 5 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 and assess monetary penalties of up to \$5,000 for violations.

Section

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. Allows 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 section two or three above, 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 if the license was revoked to reapply. A license is barred permanently 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 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.

6 Penalties. Provides that a violation of section 2 or section 3 is a misdemeanor. 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 increases the penalty 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.

This bill provides that the following actions are a misdemeanor:

- a broker or pet dealer, as defined in section 1, purchases or trades an animal from a commercial breeder who does not have a license;
- falsifying information in a license application, annual report, or record; and
- an unlicensed commercial breeder advertises animals for sale.

Section

- 7** **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.
- 8** **Applicability.** This bill does not apply to animals other than dogs or cats.
- 9** **Registration; initial preclicensing inspections.** Requires breeders to pay a fee of up to \$250 to register each facility they own beginning July 1, 2013, and ending July 30, 2014. BAH can begin initial preclicensing inspections during that same period. BAH must deposit fees in the new account.
- 10** **Board of Animal Health; appropriation.** Appropriates \$80,000 for fiscal year 2014 and \$336,000 for fiscal year 2015 from the general fund to BAH to administer the new licensing program. \$336,000 is added to the agency's base budget going forward.
- 11** **Effective date.** All sections are effective July 1, 2013.