

SS SCS SB 113 COMPARED TO PROPOSITION B

<u>REQUIREMENT</u>	<u>SB 113</u>	<u>PROPOSITION B</u>	<u>COMMENTS</u>
VETERINARY CARE	<p>“at least two personal visual inspections annually by a licensed veterinarian...”</p> <p>Actual veterinary exam only required if “routine visual inspection” shows “signs of disease or injury.”</p>	<p>“Examination at least once yearly by a licensed veterinarian; prompt treatment of any illness or injury by a licensed veterinarian...”</p>	<p>Under SB 113 and current law a veterinarian can make a visual inspection of the dogs and approve the “facility” and yet not actually exam a single dog. SB 113 does not require veterinary care for sick and injured animals by a veterinarian. Under Prop B, veterinarians can be held accountable for the health of the dogs since they are required to perform an actual exam of the animal.</p>
CAGE SPACE	<p>“appropriate space as specified in regulation by the Missouri department of agriculture.” The MDA currently requires minimum required square feet of floor space calculated as (length of the dog in inches plus 6) times (length of the dog in inches plus 6) divided by 144. Length of dog is measured from tip of nose to base of tail. For a small size dog this can be a 1 ½ x 1 ½ foot cage. For a medium size dog this can be a 2 ½ x 2 ½ foot cage. For a large dog this can be a 3 ½ foot x 3 ½ foot cage.</p>	<p>For a dog up to 25 inches long the cage must be at least 12 square feet (3x4). For a dog between 25 and 35 inches long the cage must be at least 20 square feet (4 ½ x 4 ½). For a dog 35 inches and longer, the cage must be 30 square feet (5 ½ x 5 ½). This only applies to adult dogs – puppies are exempt from minimum footage of floor space.</p>	<p>Repeals Prop B and replaces with current law/regulation.</p> <p>Under existing regulations the formula is devised to provide each dog with a cage only six inches longer than the dog itself. Under SB 113 an adult breeding dog can legally be confined to such a tiny cage for its entire existence.</p>
FLOORING/STACKING	<p>“the provision of a solid surface on which to lie in a recumbent position,”</p>	<p>Requires solid flooring throughout the primary enclosure. It prohibits stacking of cages.</p>	<p>Repeals Prop B and replaces with current law/regulation.</p> <p>While SB 113 requires a resting surface the size of the dog, (this is also in current regulations) it permits the rest of the primary enclosure to be wire flooring.</p>

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EXERCISE	“the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri department of agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits;”	Mandates unfettered access to an outdoor exercise run that provides each dog at least twice the square footage of the indoor space provided to that dog.	<p>Repeals Prop B and replaces with current law/regulation.</p> <p>SB 113 simply restates current requirements which are totally unenforceable. Breeders will continue to tell inspectors that they removed dogs from their cages for exercise with no mechanism to verify if such exercise was ever provided.</p>
TEMPERATURE	“As required by regulation of the Missouri department of agriculture.” The MDA currently requires that the temperature of indoor facilities and sheltered facilities do not exceed a range of 45 degrees to 85 degrees for more than four (4) consecutive hours.	Requires that temperature not fall below 45 degrees or rise above 85 degrees. This does not apply to puppies who are allowed extra heat provisions such as whelping box, heated blankets, and heat lamps.	<p>Repeals Prop B and replaces with current law/regulation.</p> <p>Prop B makes temperature requirement enforceable by removing the condition that an inspector document that the temperature exceeded the limits for four consecutive hours.</p>
WATER	“The provision of a supply of potable water in a safe receptacle, dish, or container. Water shall be provided continuously or at intervals suitable to the species, with no interval to exceed eight hours.	“Continuous access to potable water that is not frozen and is free of debris, feces, algae and other contaminants.”	<p>Repeals Prop B and replaces with current law/regulation.</p> <p>Current law and SB 113 are unenforceable as there is no way an inspector can determine if water has been given within 8 hours. Currently an inspector can do nothing when encountering dogs panting from the hot summer heat with no water available.</p>
BREEDING FREQUENCY	“Female dogs are not bred to produce more litters in any given period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog.”	“Ensuring that dogs are not bred to produce more than two litters in any 18 month period.”	<p>Repeals Prop B and replaces with current law/regulation.</p>

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NUMBER OF DOGS THAT CAN BE BRED AT ANY ONE TIME	No limit on number of dogs that a breeder may breed at any one time.	"No person may have custody of more than fifty covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet."	Repeals Prop B and replaces with current law/regulation.
ENFORCEMENT	<p>Whenever the state's veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for each violation. Each violation shall constitute a separate offense.</p> <p>2. A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is</p>	<p>"A person is guilty of the crime of puppy mill cruelty when he or she knowingly violates any provision of this section. The crime of puppy mill cruelty is a class C misdemeanor, unless the defendant has previously pled guilty to or been found guilty of a violation of this section, in which case each such violation is a class A misdemeanor. Each violation of this section shall constitute a separate offense. If any violation of this section meets the definition of animal abuse in section 578.012, the defendant may be charged and penalized under that section instead. Under current law violations of regulations are punishable by administrative penalties, including fines, suspensions, and revocation of license. The Missouri Department of Agriculture may request that violators be charged with criminal penalties up to a Class A Misdemeanor. Criminal penalties are generally reserved for chronic and serious offenders.</p> <p>Under Prop B violations would continue to be punishable by administrative penalties, including fines, suspensions, and revocation of license. The Missouri Department of Agriculture may request that</p>	<p>Under current law, it is a Class A Misdemeanor for a commercial dog breeder to operate a kennel without a license (ACFA Section 273.329.2). SB 113 does not create any new law in this regard as proponents claim.</p> <p>Under current law the director "may issue remedial orders enforceable in the circuit courts of this state to correct violations, and in addition may assess an administrative penalty in an amount not to exceed one thousand dollars for each violation" (ACFA Section 273.333). SB 113 weakens current law by only providing for such penalties for continuing violations and giving violators a free pass for initial violations regardless how serious the offense.</p> <p>Under current law the director "may apply to the circuit court of the county in which such person resides, and such court may grant an order enjoining temporarily or permanently that person from engaging in activities "posing an ongoing risk to the welfare of animals (ACFA 273.335).</p> <p>SB 113 weakens current law by only providing for such injunctions and remedial orders for continuing</p>

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	<p>a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.</p> <p>3. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357 in circuit court in the county where the crime has occurred for criminal punishment.</p> <p>4. No action under this section shall prevent or preclude action taken under section 578.012 or under subsection 3 of section 273.329.</p> <p>Section 1. Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.</p>	<p>violators of Prop B provisions be charged with criminal penalties up to a Class C Misdemeanor. Under Prop B, the Department may request that violators of current regulations involving basic care such as food, water, shelter, and sanitation be charged with criminal penalties up to a Class A Misdemeanor.</p>	<p>violators and giving violators a free pass for initial violations regardless of how serious the offense.</p> <p>Under current law violations of 273.325 to 273.357 are a Class A Misdemeanor. SB 113 weakens current law to a Class C Misdemeanor.</p> <p>SB 113 adds additional hurdles to enforcement efforts and gives first time violators a pass on both criminal and civil penalties regardless of the seriousness of the violations.</p> <p>Breeders can currently be charged with a Class A Misdemeanor for excrement falling onto dogs below (see ACFA Section 273.348.3 & 2 CSR 30-9.030 (1) A.6.).</p>
FEES	<p>“The license fee shall range from one hundred to two thousand five hundred dollars per year. Each licensee subject to sections 273.325 to 273.357 shall pay an additional fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering Operation Bark Alert or any successor program.</p>	<p>No fee changes. Attempts to raise license fees on commercial breeders failed in the past legislative session.</p>	<p>While we support an increase in license fees and surcharges to help fund enforcement efforts, such fees should not be assessed toward non-profit shelters and rescues that are performing a public service for their communities by housing and caring for stray and unwanted animals. Many of these shelters and rescues are actually taking in and caring for</p>

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			<p>the unwanted and abandoned breeding dogs from the commercial breeding operations. SB 113 wants shelters and rescues to pay for the privilege of doing charitable work to help the animals. Applying such fees and surcharges to rescues and animal shelters is comparable to assessing hotel taxes to homeless shelters.</p>

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