

Core Issues	Prop B	Old Law	New Law (SB 161)
Limit on Number of Dogs	Limit of 50 breeding dogs	No limit on number of dogs but does require enough employees to carry out the level of husbandry practices and care as required by law	No limit – will leave in effect current requirement that there must be enough employees to carry out the level of husbandry practices and care as required by law
Breeding Frequency	Ensure dogs are not bred to produce more than two litters in any 18 month period	No restrictions	Ensure 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; all pertinent veterinary records shall be maintained for a two year period and shall be available to inspectors
Veterinary Care	Examination at least once yearly by a licensed veterinarian; prompt treatment of any illness or injury by a licensed veterinarian; humane euthanasia, where needed, by a licensed veterinarian using lawful techniques deemed acceptable by the AVMA	Requires a program of veterinary care and regularly scheduled visits to the premises by a veterinarian	Examination at least once yearly by a licensed veterinarian; prompt treatment of any serious illness or injury by a licensed veterinarian; humane euthanasia, where needed, by a licensed veterinarian using lawful techniques deemed acceptable by the AVMA
Space	At least 12 square feet of indoor floor space per each dog up to 25 inches long; at least 20 square feet of indoor floor space per each dog between 25 and 35 inches long; and at least 30 square feet of indoor floor space per each dog for dogs 35 inches and longer	Length of dog plus 6 inches squared/144 = sq feet of required floor space	Two times the space allowable under current regulations by January 1, 2012; for any enclosure newly constructed after April 15, 2011 and for all enclosures as of January 1, 2016 three times the space allowable under current regulation
Flooring	Requires solid flooring	Allows wire flooring as long as openings will not allow the dogs' feet to pass through any openings in the floor	Prohibits all wire flooring for any enclosure newly constructed after April 15, 2011 and for all enclosures as of January 1, 2016
Exercise	Constant and unfettered access to an outdoor exercise area	No exercise plan unless dog is housed alone	Constant and unfettered access to an outdoor run for any enclosure newly constructed after April 15, 2011 and for all enclosures as of January 1, 2016
Access to Food & Water	Access to appropriate nutritious food at least once a day sufficient to maintain good health; and continuous access to potable water that is not frozen, and is free of debris, feces, algae, and other contaminants	Access to food at suitable intervals of not more than 12 hours; water continuously or at intervals not to exceed eight hours	Access to appropriate nutritious food at least twice a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants



The Road from Prop B to Senate Bill 161

A Critical Step Toward Ending Puppy Mill Cruelty

Dear Alliance Supporter,

With the close of the 2011 legislative session, it's a good time to reflect back on the tumultuous events and subsequent challenges of the past few months in Jefferson City. Hopefully this letter will explain how we traveled from the repeal of Prop B to the passage of SB 161 and renewed hope for the dogs of Missouri. Heading into the session, we faced fierce legislative backlash against Proposition B, the Puppy Mill Cruelty Prevention Act, despite voter approval last November. Several bills to repeal or seriously weaken Prop B were pre-filed before the legislature even convened in January. By early April, both the Missouri Senate and House passed SB 113 which repealed the core provisions of Prop B.

From the beginning of the legislative session, it was clear that an ardent group of lawmakers were determined to repeal Prop B. With a long list of anti-Prop B bills to deal with, the Alliance had three lobbyists at the capitol every day working to block the repeal efforts. I spent considerable time testifying at hearings and visiting with lawmakers, working to clarify the true meaning of Prop B's provisions and trying to separate the facts from the multitude of myths being circulated by dog breeders and agricultural interests.

It was heartening to witness how many of our supporters became actively involved and responded to our action alerts by writing letters, making phone calls, sending e-mails, attending hearings, and even visiting their legislators in an attempt to prevent this repeal. Despite all of this, the legislature passed SB 113 which removed all of the major provisions of Prop B and left the dogs with no meaningful protections or improvements in their living conditions.

In the wake of Prop B's repeal, and with no veto on the horizon, one option was to place all our hopes in another ballot initiative or referendum on Prop B. However, if this effort were to fail, the negative provisions of SB 113 would remain in effect, leaving the dogs with no new protections whatsoever. Missouri's referendum process permits only 90 days to collect the signatures to place a law on the ballot. Taking into consideration the state's filing requirements and the likelihood of litigation, the signature-gathering window was likely to be 60 days or less, compared to the 4-month dash to collect signatures for Prop B. Even if enough signatures were collected in time, we recognized that the measure would likely be tied up in litigation for months. In the meantime, the legislature would have stripped funding for enforcement of the new provisions until it could be voted on at the polls in 2012. While Prop B had passed overwhelmingly in urban areas, it passed statewide by a surprisingly

slim margin. We were aware that agricultural groups were preparing to spend huge sums to defeat a future measure at the polls, something they had not done leading up to the vote in November 2010. A real win at the polls would also need to include a win for a constitutional amendment that would prevent the legislature from so easily overturning our efforts again. Even under the best case scenario, if we won at the polls, the legislature could again strip the Department of Agriculture's funding for Prop B enforcement. If we lost at the polls, the dogs would be left with nothing. This was a high-stakes gamble that required the most serious consideration.

In the end, we determined that it was a daunting task indeed to rely solely upon the referendum route to preserve Prop B. There was a good chance we would not have succeeded, in which case the dogs would end up with nothing. This was simply not a gamble the Alliance felt we should take on behalf of hundreds of thousands of dogs in Missouri's puppy mills.

Lacking a veto of SB 113, and with waning confidence in the referendum option, we set about to explore the possibilities of another bill which might restore some of Prop B's protections. That bill, SB 161, was passed and signed into law on April 27th. The Alliance chose to support this legislation because it mandates important protections for dogs confined in commercial breeding facilities and requires significant improvements in their living conditions. SB 161 will help close down many of the substandard kennels that have plagued our state and contributed to Missouri's reputation as the puppy mill capital of the country.

While SB 161 clearly improves the plight of the dogs, it has also stirred many conflicting and passionate emotions, particularly among those throughout the state who worked so hard to pass and defend Prop B. The repeal of this voter-approved initiative was a deep disappointment for each and every one of us. There was no greater hope for the dogs than Prop B, the passage and subsequent defense of which occupied all the Alliance's resources. So, while this was a bittersweet moment, we must recognize that our hard work on Prop B helped to bring about the subsequent passage of SB 161 and the long-overdue protections it affords the dogs of Missouri.

SB 161 was a culmination of our efforts to restore as many of Prop B's humane provisions as we possibly could. SB 161 addresses many of the core provisions of Prop B (see comparison chart below):

- requires twice (eventually three times) the living space currently required;
- mandates constant and unfettered access to an outdoor exercise run;
- prohibits wire flooring of any kind;
- requires continuous access to clean water;
- requires veterinary care including an annual physical exam of each dog rather than the "walk through" visit of the facility as previously allowed.

Passage of SB 161 produced a dramatically increased budget for enforcement and gives the attorney general the direct authority to criminally prosecute substandard kennels. As part of the negotiations surrounding SB 161, the attorney general promised to assign a full time attorney in his office to prosecute illegal and substandard kennels. In addition to the provisions spelled out in SB 161, there are several other protections to be implemented directly by the Department of Agriculture via the regulatory process. In addition, as a result of the passage of SB 161, the legislature authorized

funding to hire 10 more inspectors.

SB 161 does not address Prop B's 50 dog limit or a specific time limit between breeding cycles. There was concern that enforcement of these particular stipulations in Prop B could be difficult. Historically, in cases where breeders have been instructed to reduce the number of breeding dogs on site, they have commonly placed their excess dogs in the names of family members, relatives, or neighbors. The issue to limit the number of dogs was extremely controversial and contentious and was without doubt the main cause of the repeal efforts. We felt it much more important to focus on those issues that directly affect the dogs' care and welfare. Additionally, current regulations already require breeders to have a sufficient number of employees to care for their dogs. The Department of Agriculture recently closed down a licensed facility for having more dogs than the staff on hand could care for.

With regard to breeding restrictions, there is simply no way for an inspector to examine a dog and know how many times she has been bred. Prop B did not include any record keeping requirements about the frequency of breeding and, therefore, provided no means for inspectors to enforce this stipulation. SB 161 requires a vet to sign off on the health of the dog prior to each breeding and will require that such records be kept for two years and be presented to the state inspectors for review. We believe this will help in some way to address the serious issue of chronic over breeding.

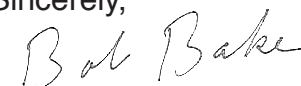
SB 161 restores many of the humane provisions of Prop B, dramatically increases funding and enforcement, and has the support of the legislature, the governor and the attorney general going forward.

Be assured that SB 161 does not prevent a future citizens' initiative on this issue. If a future ballot initiative fails, however, the dogs will have the protections afforded them in SB 161. Without SB 161, if the citizens' initiative failed, the dogs would continue to languish for many generations to come without any improvement in their living conditions.

I have included a chart below showing the differences between past law, Prop B, and the provisions in the new law. You can also visit our web site and read our "Facts versus Myths" sheet on SB 161 at maal.org which will hopefully clear up some of the misinformation that has been circulated on this legislation. If you need a copy mailed to you, please let us know. If you have any questions, please feel free to contact me.

Thanks so much for your support. The past few months in Jefferson City have been challenging as we fought to protect the dogs' welfare just as we've done in the Missouri legislature for more than 20 years. We would never have achieved what we did without your efforts and especially your hard work on Prop B. Hopefully, SB 161 is the first step towards realizing the spirit and intent of Prop B. I sincerely believe this is a historic time for the welfare of dogs in Missouri.

Sincerely,



Bob Baker
Executive Director

