

## New Minnesota Dog Legislation

Once again, the Minnesota State Legislature is in session and legislation is being introduced that will affect dog owners, breeders and those who participate in sporting events with their dogs. While the Minnesota Council of Dog Clubs is no longer a viable organization, some of us still try to monitor legislative proposals and pass on to concerned organizations the information that can help us work together for legislation that is effective and does not penalize responsible dog owners.

Senate File 121 has been introduced. Please take the time to read it. The purpose of the bill which is titled "Dog and Cat Breeders Act", is to provide state supervision for commercial breeders - i.e. 'puppy mills'. This is much needed legislation. However, there are portions of the bill that can adversely affect hobby breeders, hunters, field trial competitors, sled dog owners, and many others who are involved in the broad range of legitimate activities that come under the umbrella of 'the dog sport'. Please discuss this information in your club meetings and take action by calling your legislators with your concerns. Concerned dog people need to make their view known to the legislators as as have other animal interest groups.

Note particularly:

Sec. 2. Subd. 10. Hobby Breeder: "Hobby Breeder means a person who possesses animals and is engaged in the business of breeding animals for direct sale or for exchange in return for consideration, and who possesses fewer than six adult intact breeding female animals".

Sec. 4.b "Animals may not be tethered or leashed as a means of confinement.

Sec. 5. Transportation - Hobby Breeders are included in these provisions.

Sect. 3, MN statute 347.10 - The term "kennel" shall mean any establishment where dogs are kept for sale or sporting purposes.

Please share this information with concerned people and organizations that should be aware of it.

Sincerely,  
Karen Elvin  
Marion Pierson

**S.F. No. 121, as introduced - 85th Legislative Session (2007-2008)** Posted on Jan 17, 2007

A bill for an act relating to animals; providing standards of care for dog and cat breeders; appropriating money; amending Minnesota Statutes 2006, sections 343.235, subdivisions 1, 3; 347.10; proposing coding for new law in Minnesota Statutes, chapter 347.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

## **ARTICLE 1 - DOG AND CAT BREEDERS ACT**

### **Section 1. CITATION.**

Minnesota Statutes, sections 347.57 to 347.65, may be cited as the "Dog and Cat Breeders Act."

### **Sec. 2. [347.57] DEFINITIONS.**

Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57 to 347.65.

Subd. 2. **Animal.** "Animal" means a dog or a cat.

Subd. 3. **Board.** "Board" means the Minnesota Board of Animal Health.

Subd. 4. **Breeder.** "Breeder" means a person, other than a hobby breeder, who possesses animals and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration, and who possesses six or more adult intact breeding female animals.

Subd. 5. **Broker.** "Broker" means a person, firm, partnership, corporation, or association that purchases animals for resale to other brokers or pet dealers.

Subd. 6. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis domesticus*. An adult cat is a cat 20 weeks of age or older. A kitten is a cat under 20 weeks of age.

Subd. 7. **Confinement area.** "Confinement area" means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.

Subd. 8. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis familiaris*. An adult dog is a dog 20 weeks of age or older. A puppy is a dog under 20 weeks of age.

Subd. 9. **Facility.** "Facility" means the place used by a breeder for breeding animals, and includes all buildings, property, confinement areas, and vehicles.

Subd. 10. **Hobby breeder.** "Hobby breeder" means a person who possesses animals and is engaged in the business of breeding animals for direct sale or for exchange in return for consideration, and who possesses fewer than six adult intact breeding female animals.

Subd. 11. **Local animal control authority.** "Local animal control authority" means an agency of the state, county, municipality, or other political subdivision of the state that is responsible for animal control operations in its jurisdiction.

Subd. 12. **Person.** "Person" means a natural person, firm, partnership, corporation, or association, however organized.

Subd. 13. **Pet dealer.** "Pet dealer" means a person, including a breeder, that is required to collect sales tax for the sale of animals to the public. "Pet dealer" does not include a humane society, nonprofit organization performing the functions of a humane society, or local animal control authority.

Subd. 14. **Possess.** "Possess" means to own, have an ownership interest in, care for, have custody of, or have control over.

Subd. 15. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and licensed in the state of Minnesota.

### Sec. 3. [347.58] LICENSING AND INSPECTIONS

#### Subdivision 1. Licensing.

(a) The board may grant an operating license to a breeder and shall enforce sections 347.58 to 347.64. The board may delegate that authority to a county or a city pursuant to a written agreement between the board and an authorized official of the county or city. A delegated county or city shall provide a copy to the board of any license issued to a breeder and shall retain a copy.

(b) A breeder shall obtain an annual license for each facility it owns or operates. More than one building on the same premises is considered one facility. The annual license fee for each facility where a breeder possesses adult breeding animals is as follows:

(1) fewer than 50 animals, \$75; (2) 50 to 100 animals, \$200; (3) 101 to 150 animals, \$300; or (4) more than 150 animals, \$400.

(c) The board or its agent shall inspect a breeder's facility before an initial license is issued. An initial prelicense inspection must be performed no more than 30 days before filing a license application. The application must include an inspection certificate signed by the inspector in a format approved by the board.

(d) The license application must indicate if a breeder operates under more than one name from a single location or has an ownership interest in any other facility. License holders must keep separate records for each business name.

(e) The application must include a notarized statement indicating whether any license held by an applicant under this section or under any other federal, state, county, or local law, ordinance, or other regulation relating to dealing in or handling cats or dogs was ever suspended, revoked, or denied; whether the applicant was ever convicted of animal cruelty; and whether the applicant was ever convicted of a felony. A felony conviction may be taken into account but is not a bar to licensure, unless it is for cruelty to animals. The notarized statement must also indicate the number of adult animals that will be kept, housed, and maintained by the applicant at the location that is the subject of the application, and the estimated number of puppies and kittens to be kept, housed, and maintained during the term of the license.

(f) An application from a partnership or corporation must include the name and address of each partner or the name and address of each corporate director and officer. The application must also include a list of all partners, directors, officers, or others authorized to represent the partnership or corporation.

(g) Foreign corporations must be authorized to do business in the state of Minnesota and must be in good standing with the secretary of state. A nonresident applicant must consent to adjudication of any violation under the laws of the state of Minnesota and in Minnesota courts.

(h) A license issued is not transferable.

(i) License holders shall apply for license renewal annually by submitting a renewal application on a form approved by the board. All license renewal applications must be postmarked by January 1 of each year. Late renewals are subject to a 50 percent penalty fee. If a license is not renewed by February 1, the license holder must reapply for an initial license.

(j) A breeder shall submit to the board an annual report by February 1 on a form prepared by the board. The form must include the current number of cats and dogs at the facility on the date of the report, the number of animals during the preceding year that were sold, traded, bartered, leased, brokered, given away, euthanized,

or deceased from other causes, and any other information required by the board.

(k) If a breeder is required to be licensed by the United States Department of Agriculture (USDA), the initial application must include USDA inspection reports and records for the past five years for any facility owned or operated by that breeder. All license renewals must attach USDA inspection reports and records for the preceding year.

(l) A breeder shall prominently display the breeder's license at each facility.

(m) A breeder shall notify the board by certified mail within ten days of any change in address, name, management, or substantial control and ownership of the business or operation.

(n) The board shall refuse to issue an initial license:

(1) if a breeder fails to meet the standards in section 347.59;

(2) if a breeder has been convicted of cruelty to animals under Minnesota law or under the law of another jurisdiction;

(3) if a similar license by another authority, either federal or state, has been denied, revoked, or suspended;  
or

(4) for falsification of any material information requested by the board.

(o) A person who has been an officer, agent, direct family member, or employee of a breeder whose license was revoked or suspended and who was responsible for or participated in the violation that was a basis for the revocation or suspension may not be licensed while the revocation or suspension is in effect.

## **Subd. 2. Inspections.**

(a) The board or its designated agent shall inspect each licensed facility at least annually. The inspection must be during normal business hours and with the breeder or an agent of the breeder present. Notice is not required before an inspection. The inspector shall submit an inspection report to the board within ten days of each inspection on a form prepared by the board. The board shall prepare an inspection report form and make it available to the public within 60 days after the effective date of this section. The inspection report form must list separately each standard set forth in section 347.59, and must require the inspector to document whether the facility complies with each standard. The inspection report form must document the animal inventory on the date of the inspection.

(b) The board may request a veterinarian not affiliated with the breeder, a peace officer, a local animal control authority, or a humane agent to assist in an inspection or investigation.

(c) If a veterinarian assisting in an inspection or investigation determines there is a substantial risk to the health and welfare of an animal at a licensed facility, including, but not limited to, disease or pain, the veterinarian may humanely euthanize the animal at the expense of the breeder.

(d) If a license to operate is suspended, revoked, or denied, the board, a local animal control authority, or humane agent shall have access to the facility during normal business hours to verify that it is not operating.

## **Sec. 4. [347.59] STANDARDS OF CARE**

**Subdivision 1. State standards.** Subdivisions 2 to 24 apply to breeders. A breeder shall comply with the standards of care in subdivisions 2 to 24.

**Subd. 2. Food and water.**

(a) Animal food must meet or exceed Association of American Feed Control Officials standards. Animals must be provided uncontaminated, palatable, wholesome food suitable for the species, at a frequency and amount appropriate for the animal's species, condition, and age, to maintain proper and healthy weight.

Animals must be offered food at least once every 12 hours.

(b) Animals must be provided free access to clean, fresh, potable water in a sanitary manner at all times.

**Subd. 3. Outdoor confinement areas. (a) Outdoor confinement areas must include:**

(1) at least one shelter structure per animal large enough to allow the animal in the shelter structure to sit, stand, and lie in a normal manner; and

(2) at least one outside area of shade separate from the shelter structure large enough to contain all the animals at once and protect them from the direct rays of the sun year round.

**(b) Shelter structures in outdoor confinement areas must:**

(1) contain a roof, four sides, a floor raised at least two inches off the ground, and clean, dry bedding material; and

(2) provide adequate protection and shelter from cold and heat; protection from the direct effect of wind, rain, or snow; and a windbreak at the entrance between November 1 and March 31.

(c) Building surfaces in contact with animals must be impervious to moisture.

(d) Barrels, cars, refrigerators, freezers, and the like may not be used as shelter structures.

(e) Animals may not be tethered or leashed as a means of confinement.

(f) Cats may not be housed in outdoor confinement areas under any circumstances.

**(g) The following categories of dogs may not be housed in outdoor confinement areas:**

(1) breeds, such as short-haired breeds, that cannot tolerate the prevalent temperatures of the area without stress or discomfort;

(2) sick, infirm, or aged dogs and dogs younger than 20 weeks of age;

(3) dogs not acclimated to the temperatures prevalent in the region where the facility is located; and

(4) dogs for which acclimation status is unknown, if the ambient temperature in outdoor confinement areas is less than 50 degrees Fahrenheit.

**Subd. 4. Indoor confinement areas. (a) If an animal is maintained in a confinement area within a facility, each confined animal must be provided a minimum square footage of floor space as follows:**

(1) except for a nursing mother and her kittens, each cat must be individually housed in a confinement area measuring a minimum of nine cubic feet;

(2) each dog that weighs more than 50 pounds must be provided a minimum of four feet by eight feet, or 32 square feet of floor space;

(3) each dog that weighs 21 to 50 pounds must be provided a minimum of four feet by six feet, or 24 square feet of floor space; and

(4) each dog that weighs less than 21 pounds must be provided a minimum of three feet by five feet, or 15 square feet of floor space.

**(b) Animals may not be tethered or leashed as a means of confinement.**

Subd. 5. **Structure.** All confinement areas must be structurally sound, in good repair, contain animals securely, and restrict vermin from entering. All confinement areas must be free of objects with sharp or jagged edges. All confinement areas must be physically separate from animals other than dogs and cats, such as fur-bearing animals, rabbitries, poultry areas, and the like.

Subd. 6. **Surface area.** Confinement area flooring, walls, and ceilings must be constructed of smooth plastic-coated wire of eight gauge or larger, or smooth, durable, impermeable material suitable for animals. At least 25 percent of the floor surface areas must be solid. The mesh or grid must be of a suitable size to prevent feet from passing through the openings. Sufficient space or barriers must be provided between confinement areas to ensure that no liquid or solid waste, water, or food passes from one confinement area to the other. Confinement areas must be ventilated sufficiently to allow the free movement of air in and around the confinement area. All outdoor confinement area flooring must be impermeable material or well-drained aggregate. Any surface that an animal might contact must be free of jagged edges, sharp points, and rust that prevents proper cleaning or that affects structural strength.

Subd. 7. **Drainage.** A suitable method must be used to eliminate all feces and excess fluids from confinement areas daily. Animals must be removed from a confinement area when a hose or pressure washing is used and must not be returned to that area until the area is dry. All waste drainage and waste material must be disposed of using a method prescribed by applicable building or health codes.

Subd. 8. **Temperature.** Indoor confinement areas must be sufficiently heated and cooled to protect the animals from temperature and humidity extremes and to provide for their health and well-being. Except as provided in subdivision 16, paragraph (b), the ambient temperature one foot above floor level in indoor confinement areas must not fall below 50 degrees Fahrenheit for those breeds of animals, such as short-haired breeds, that cannot tolerate lower temperatures without stress or discomfort; for sick, aged, or infirm animals; and for puppies and kittens. For healthy animals of breeds not mentioned above, the ambient temperature one foot above floor level must not fall below 45 degrees Fahrenheit for more than two hours. The ambient temperature one foot above floor level in indoor confinement areas must not rise above 80 degrees Fahrenheit for any animal. Heating and cooling units must be of a type and installation approved by applicable building or safety codes.

Subd. 9. **Ventilation.** Housing facilities must be ventilated in a manner that minimizes odors, drafts, ammonia levels, and condensation. Auxiliary ventilation, such as exhaust fans, vents, air conditioning, or a combination of those items, must be used when the ambient temperature reaches 80 degrees Fahrenheit one foot above floor level. The ventilation system must be of a type and installation approved by applicable building or safety codes. Relative humidity must be maintained at a level that maintains the health and well-being of the animals housed.

Subd. 10. **Lighting.** Indoor confinement areas must have at least eight hours of illumination each day. Ample

lighting, by natural or artificial means, must be uniformly distributed. Lighting must be sufficient to allow observation of the physical condition of the animals housed in the area and to permit routine inspection and cleaning.

Subd. 11. **Safety.** Smoke detectors and carbon monoxide detectors must be installed in housing facilities. Fire extinguishers containing substances nontoxic to animals must be readily available. Sprinkler systems must be installed according to local building codes.

Subd. 12. **Sanitation.** The following conditions apply to sanitation:

(1) food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta. Opened food bags must be stored in plastic or metal containers with tight-fitting lids. Disposable food receptacles must be discarded daily. Food that requires refrigeration must be stored accordingly;

(2) indoor and outdoor confinement areas must be thoroughly cleaned daily and impervious surfaces treated with disinfectant once per week. Animals must be removed from an area while the area is being cleaned or treated with disinfectant and animals must not be returned to that area until the area is dry;

(3) animals with infectious or contagious diseases must be isolated from healthy animals. Caretakers must disinfect their hands and shoes after handling animals with infectious or contagious diseases. A sink with hot and cold running water must be provided in the building. Dead animals must be removed promptly and disposed of properly;

(4) bedding must be kept clean and dry. Outdoor confinement and exercise areas must be kept clean and base material replaced as necessary; and

(5) each cat confinement area must be provided with a container for elimination. Nondisposable containers impervious to moisture must be cleaned daily. Absorbent material must be removed and replaced at least twice per week. Disposable containers must be discarded daily.

Subd. 13. **Exercise.** Animals eight weeks of age and older must be provided the opportunity for exercise at least twice a day for a minimum of 20 minutes each time. Exercise areas must be clean and have sufficient space for the animals to exercise freely. Animals that exercise in groups in the same space must be compatible and free of illness or parasites. Animals with vicious or aggressive dispositions must exercise individually.

Subd. 14. **Group housing and breeding.** The following standards apply for group housing and breeding:

(1) females in estrus may not be housed with males except for breeding purposes;

(2) only healthy, mature animals of normal weight that have been examined within the previous four months by a veterinarian may be used for breeding. Animals from the same litter may not be bred with each other;

(3) females must be rested for one or more cycles between breedings. Males must be managed so as to maintain good physical condition;

(4) animals with vicious or aggressive dispositions must be housed individually; and

(5) puppies and kittens may not be housed in the same primary enclosure with adult dogs or cats, other than their mothers or another compatible lactating female.

Subd. 15. **Socialization.** Adult animals must be provided daily socialization by positive physical contact with human beings.

Subd. 16. **Females and litters.** (a) Healthy puppies and kittens must remain with their mother at least seven weeks, unless a veterinarian has determined that the litter is rejected or endangered by their mother or the mother's health is endangered. An animal may not be sold, traded, or given away before the age of eight weeks.

(b) The ambient temperature of the confinement area must be maintained at a minimum of 70 degrees Fahrenheit one foot above floor level and a maximum of 80 degrees Fahrenheit for animals eight weeks of age and younger.

(c) Puppies and kittens must be provided socialization by physical contact with other compatible animals of the same or like breed. Puppies and kittens must be provided daily socialization by positive physical contact with human beings at least twice per day.

Subd. 17. **Disease, parasite, and pest control.** (a) A dog or cat affected with clinical evidence of infectious, contagious, or communicable disease must be separated from other dogs or cats and must be given veterinary care. An effective written program of veterinary care must be established and maintained for disease control and prevention, humane euthanasia, and animal care. Animals must be vaccinated and dewormed and adult dogs must be given heartworm preventatives. If an animal is observably injured, ill, or in distress, the animal must be given immediate care by a veterinarian.

(b) An individual written health record must be maintained on each animal. The record must document date of birth, all vaccinations, dewormers, and heartworm preventatives given to the animal, including the date administered, type of vaccination, manufacturer, lot or batch number, and expiration date. The record must document any treatment or medication given to an animal in the breeder's possession to treat a disease, illness, or condition. The original record must be provided with the animal at the time of sale or exchange. Copies of all records must be kept by the breeder for five years, unless the board orders them to be kept longer.

(c) An effective and safe program must be established and maintained to control insects, parasites, rodents, and other pests.

Subd. 18. **Debarking.** No person may alter a dog's ability to bark.

Subd. 19. **Identification.** Dogs 16 weeks of age and older must have an identification tag with a unique tracking number attached to a properly fitting collar. The collar must be checked weekly for proper fit and adjusted if necessary. The identification tag is not transferable. The collar may not be made of chain, wire, elastic, plastic, or cording.

Subd. 20. **Handling.** Animals must be handled as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or discomfort to the animal. Physical abuse or deprivation of food or water may not be used to handle or train animals.

Subd. 21. **Adequate staffing.** Breeders must have a sufficient number of staff to maintain the standards set forth in this section. Staff must be properly trained in animal welfare and care and properly supervised. No employee or independent contractor who has been convicted of cruelty to animals under the law of any jurisdiction may have direct contact with or access to animals at a facility.

Subd. 22. **Consumer protection laws.** A breeder must comply with the applicable provisions of sections 325F.79 to 325F.792, which regulate the sale of cats and dogs.

Subd. 23. **Rules.** The board may adopt rules it considers necessary setting forth additional standards to protect the public health and welfare of animals covered under sections 347.57 to 347.63.

Subd. 24. **Federal standards.** In addition to the requirements of this act, a breeder licensed by the USDA must also comply with all federal standards and regulations governing the license holder.

## Sec. 5. **[347.60] TRANSPORTATION**

(a) This section applies to breeders.

(b) An animal may not be delivered or held for transport in commerce more than four hours before the scheduled departure time. An animal may not be shipped on consignment. Breeders must:

(1) provide carriers and intermediate handlers with the name, address, and telephone number of the receiver; the breeder's name, address, and telephone number; the tag or tattoo number of the animal; and the time and date the animal was last fed and watered; and

(2) securely attach to the outside of the shipping container written instructions for in-transit food and water requirements.

(c) Shipping containers must:

(1) be constructed of nonabrasive wire (1) a smooth, durable material suitable for animals;

(2) have smooth, impermeable floors;

(3) have barriers so as to ensure that no liquid or solid waste, water, or food passes from one confinement area to another;

(4) maintain animals in compatible groups with a maximum of two adult animals transported in the same container; and aggressive animals must be transported individually in separate containers; and

(5) be large enough to allow each animal to sit, stand, and lie in a normal manner.

(d) Female animals in estrus must be transported in a separate container from a male animal.

(e) A breeder, hobby breeder, pet dealer, or broker may not transport or cause to be transported into, out of, or within the state an animal under eight weeks of age.

(f) Animals must be offered food at least once every 12 hours or more often as necessary to maintain the health and condition of the animal. Each animal must be offered clean, fresh potable water, provided in a sanitary manner, at least once every eight hours. Food and water receptacles must be securely attached inside the container and placed so that the receptacle can be filled from outside the container without opening the door. Animals must be offered food and water four hours before delivery for transport if the

animals will be in transit for more than eight hours.

(g) An animal must be allowed to exercise at least once every 12 hours.

(h) All applicable standards of care under this section must be met. An animal in transit must be individually observed every four hours to ensure that it has adequate air and appropriate temperature and that other standards are met. If an animal is observably in distress, the animal must be given prompt veterinary care.

#### Sec. 6. **[347.61] LOCAL GOVERNMENT AUTHORITY**

(a) A local unit of government may enact more stringent regulations governing facilities licensed under section 347.58, including, but not limited to, specifying the maximum number of animals that can be housed at a facility in its jurisdiction.

(b) A breeder must comply with the zoning regulations of the municipality or other political subdivision where the facility is located.

#### Sec. 7. **[347.62] INVESTIGATIONS**

The board, a local animal control authority, peace officer, or humane agent may initiate an investigation upon receiving a formal complaint alleging violations of sections 347.58 to 347.60. Investigators must have access to all premises of licensed facilities during normal business hours, and may make copies of any records of a breeder. Refusal to allow an investigation provides a separate basis for enforcement action. The board may request a veterinarian not affiliated with the facility, a peace officer, a local animal control authority, or a humane agent to assist in an investigation.

#### Sec. 8. **[347.63] SEIZURE, NOTICE, BONDING**

The board, a local animal control authority, a peace officer, or a humane agent may seize an animal for a violation of sections 347.58 to 347.60 that threatens the health and well-being of the animal. The board, local animal control authority, peace officer, or humane agent that seizes an animal shall follow the procedures set forth in section 343.235, concerning the disposition of the animal seized. Upon request of a breeder, the board, local animal control authority, peace officer, or humane agent may allow the seized animal to remain in the physical custody of the breeder for 30 days, during which time the breeder shall take all necessary actions to come into compliance. During the 30-day period, the board, local animal control authority, peace officer, or humane agent may inspect the facility at any reasonable time. If, at the end of 30 days, the breeder is not in compliance, the animal must be removed from the facility following the procedures set forth in section 343.235.

#### Sec. 9. **[347.64] CIVIL ENFORCEMENT**

Subdivision 1. **Correction orders.** (a) The board may issue a correction order requiring a breeder to correct a violation of the statutes and rules governing breeding facilities. The correction order must state the deficiencies

that constitute the violation, the specific statute or rule violated, and when the violation must be corrected.

(b) A breeder may ask the board to reconsider any portion of the correction order that the breeder believes is in error. The request for reconsideration must be made in writing by certified mail within seven days after receipt of the correction order. The request for reconsideration does not stay the correction order. The board must respond to the request for reconsideration within 15 days after receiving a request. The board's disposition of a request for reconsideration is final. The board may extend the time for complying with a correction order after receiving a request for reconsideration if necessary.

(c) The board shall reinspect the facility within 15 days after the time for correcting the violation has passed to determine whether the violation has been corrected.

Subd. 2. **Administrative penalty orders.** After the inspection required under subdivision 1, paragraph (c), the board may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations. The administrative penalty order must include a citation of the statute or rule violated, a description of the violation, and the amount of the penalty for each violation. A single correction order may be assessed a maximum \$10,000 administrative penalty.

Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the board may bring an action for injunctive relief in the district court in Ramsey County or in the county in which a violation of the statutes or rules governing the breeding of cats and dogs occurred to enjoin the violation.

Subd. 4. **Cease and desist.** The board may issue an order to cease a practice if its continuation would result in an immediate risk to animal welfare or public health. An order issued under this subdivision is effective for a maximum of 72 hours. The board or its designated agent must seek an injunction or take other administrative action authorized by law to restrain a practice beyond 72 hours. The issuance of a cease-and-desist order does not preclude other enforcement action by the board.

Subd. 5. **Refusal to reissue a license; suspension and revocation of a license.**

(a) The board may suspend, revoke, or refuse to renew a license as follows:

(1) for failure to comply with a correction order;

(2) for failure to pay an administrative penalty;

(3) for failure to meet a standard set forth in section 347.59 or 347.60;

(4) for violating any other provision of sections 347.58 to 347.60; or

(5) for falsifying information requested by the board. A license suspension, revocation, or nonrenewal may be appealed through the Office of Administrative Hearings. A notice of intent to appeal must be filed in writing with the board within 20 days after receipt of the notice of suspension, revocation, or nonrenewal.

(b) The board shall revoke a license if a breeder or any agent of a breeder has been convicted of cruelty to animals under Minnesota law or the law of another jurisdiction, or for the denial, revocation, or suspension of a similar license by another federal or state authority. A license revocation under this subdivision may be appealed through the Office of Administrative Hearings. A notice of intent to appeal must be filed in writing with the board within 20 days after receipt of the notice of revocation.

(c) A breeder whose license is revoked shall not reapply for licensure for two years after the date of revocation. The license is permanently revoked if the basis for the revocation was a gross misdemeanor or felony conviction for animal cruelty.

(d) A breeder whose license is suspended or revoked three times is permanently barred from licensure.

**Subd. 6. Administrative hearing rights.**

(a) Except as provided in paragraph (b), if the board proposes to refuse to renew, suspend, or revoke a license, the board must first notify the breeder in writing of the proposed action and provide an opportunity to request a hearing under the contested case provisions of chapter 14. If the breeder does not request a hearing within 20 days after receipt of the notice of the proposed action, the board may proceed with the action without a hearing.

(b) The contested case provisions of chapter 14 do not apply when the board denies a license based on an applicant's failure to meet the minimum qualifications for licensure.

(c) A breeder may appeal the amount of an administrative penalty order through the Office of Administrative Hearings following the procedures set forth in chapter 14. A breeder wishing to file an appeal must notify the board in writing within 20 days after receipt of the administrative penalty order.

**Subd. 7. Other jurisdictions.** The board may accept as prima facie evidence of grounds for an enforcement action under this section any enforcement or disciplinary action from another jurisdiction, if the underlying violation would be grounds for a violation under the provisions of this section.

**Subd. 8. Appeals.** A final order by the board may be appealed to the Minnesota Court of Appeals.

**Sec. 10. [347.65] PENALTIES**

(a) Except as provided in paragraph (b), a violation of a provision in sections 347.58 to 347.60 is a misdemeanor.

(b) A violation of sections 347.58 to 347.60 that results in cruelty or torture to an animal, as those terms are defined in section 343.20, subdivision 3, is subject to the penalties in section 343.21, subdivisions 9 and 10.

(c) It is a misdemeanor for a broker or pet dealer to knowingly purchase or trade a dog or cat for the purpose of resale or trade to another person from a person required to be licensed but who does not have a valid license.

(d) It is a misdemeanor for a pet dealer who is not the breeder of any animal to knowingly possess an animal under the age of eight weeks. This restriction does not apply to humane societies, nonprofit organizations performing the functions of a humane society, or a local animal control authority.

(e) It is a misdemeanor to falsify information in a license application, annual report, or records.

(f) It is a misdemeanor for an unlicensed breeder to advertise animals for sale.

## Sec. 11. **APPROPRIATION; SPECIAL ACCOUNT**

All fees and penalties collected by the board under Minnesota Statutes, sections 347.58 to 347.65, must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the board to administer those sections.

## Sec. 12. **EFFECTIVE DATE.**

Minnesota Statutes, sections 347.57 to 347.64, are effective August 1, 2007. Breeders must be in compliance with Minnesota Statutes, sections 347.58 to 347.60, by January 1, 2008.

## **ARTICLE 2 CONFORMING AMENDMENTS**

Section 1. Minnesota Statutes 2006, section 343.235, subdivision 1, is amended to read: Subdivision 1.

**General rule.** An animal taken into custody under section 343.12, 343.22, 343.29, ~~or 343.31~~, or 347.63 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, provided that the procedures in subdivision 3 are followed. An animal raised for food or fiber products may not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant issued by a judge.

Sec. 2. Minnesota Statutes 2006, section 343.235, subdivision 3, is amended to read: Subd. 3. **Notice; right to hearing.**

(a) The authority taking custody of an animal under section 343.12, 343.22, 343.29, ~~or 343.31~~, or 347.63 shall give notice of this section by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

(1) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;

(2) a statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and

(3) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing under this subdivision.

(b) Upon request of a person claiming an interest in the animal, which request must be made within ten days of the date of seizure, a hearing must be held within five business days of the request, to determine the validity of the seizure and impoundment. If the seizure was done pursuant to a warrant under section 343.22, the hearing

must be conducted by the judge who issued the warrant. If the seizure was done under section 343.12 , 343.29, ~~or 343.31~~, or 347.63, the municipality taking custody of the animal or, in the case of a humane society, the municipality from which the animal was seized, may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of a hearing officer under this subdivision may seek a court order governing the seizure or impoundment within five days of notice of the order.

(c) The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that:

(1) the animal is physically fit; and

(2) the person claiming an interest in the animal can and will provide the care required by law for the animal.

(d) The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before return of the animal to the person.

Sec. 3. Minnesota Statutes 2006, section 347.10, is amended to read:

**347.10 OWNERS OF DOGS AND KENNELS; LICENSES.**

The term "kennel" shall mean any establishment where dogs are kept for ~~the purpose of breeding~~, sale or sporting purposes. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by sections 347.08 to 347.21, apply to the town or city treasurer for a kennel license for the keeping or operating of such kennel. For ~~such~~ a kennel license the person shall pay a fee of \$10 for the license year. With the kennel license the clerk shall issue a number of metal tags equal to the number of dogs kept in the kennel. The tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over six months old kept under a kennel license. The tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The clerk may appoint a deputy or deputies to issue such licenses. The clerk shall receive ten cents for each license issued, to be paid by the town out of the revenue fund. A license shall be issued by the clerk or the clerk's deputy upon application being made therefor and upon payments made as herein provided. The license shall be in the form prescribed by the county auditor and shall be executed by the proper town, or city clerk or deputy. The license shall state the year for which it was issued, shall bear a serial number, the owner's name and address, and the name, sex, breed, and color of the dog licensed.

Please direct all comments concerning issues of legislation to your [House Member](#) or [State Senator](#). For Legislative Staff or for directions to the Capitol, visit the [Contact Us](#) page. [General questions or comments](#). last updated: 01/16/2007

**AKC Legislative Alert – AKC has posted the following article on their website.**

**“MN Dog and Cat Breeders Act Aims to Regulate Breeders” – *Wednesday, January 24, 2007***

“Minnesota Senate Bill 121, known as the Dog and Cat Breeders Bill, has been introduced by Senators Betzold and Koering. It seeks to establish breeder licensing, inspection of all “kennels”, and unproven care standards. If passed and signed into law, the changes imposed by this bill would have a profound impact on dog breeders in Minnesota. It is imperative that breeders and concerned dog owners contact their senator and the committee chairman to express their opposition.

The American Kennel Club strongly supports humane treatment of dogs, including an adequate and nutritious diet, clean water, clean living conditions, regular veterinary care, kind and responsive human companionship, and training in appropriate behavior. However, many of the changes proposed by SB 121 are impractical, unenforceable, and costly. Most importantly, it will not improve the quality of life for dogs in Minnesota. Instead, enactment of this law will create greater burdens for responsible breeders and many will be forced to stop breeding altogether.

For example, the proposed set of laws would require the following:

- Any breeder with six or more intact adult females will be forced to comply with the requirements of SB 121. An adult dog is defined as one who is over 20 weeks of age. This threshold is both arbitrary and overreaching as it does not focus on the number of litters or puppies produced and sold.
- If a veterinarian is part of the inspection team and determines there is a substantial risk to the health and welfare of an animal, including, but not limited to, disease or pain, the veterinarian may immediately euthanize the animal.
- It will be almost impossible for smaller breeders and dog owners who maintain their dogs in their own residential premises to comply with the unreasonable building standards required by SB 121.
- SB 121 will require an annual inspection of any premises deemed to be a kennel. The inspection report will be made available to the public within 60 days of the inspection.
- Under SB 121, the amount of space required of each dog is based on the dog's weight. There is no scientific or accepted husbandry basis for these requirements.
- Animals may not be tethered or leashed as a means of confinement.

#### **WHAT YOU CAN DO:**

Contact the members of the Minnesota Senate Committee on Agriculture and Veterans who will consider this bill.

**Senator Jim Vickerman, Chair**

75 Rev. Dr. Martin Luther King Jr. Blvd, Room 226

St. Paul, MN 55155-1606

(651) 296-5650

**Senator Sharon L Erickson Ropes, Vice Chair**

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**Senator Steve Dille, Ranking Minority Member**

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**Senator Dan Skogen**  
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**Senator Betsy L. Wergin**  
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For more information, contact AKC's Canine Legislation Department at (919) 816-3720, or e-mail at [doglaw@akc.org](mailto:doglaw@akc.org)."