

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2469**

May 9, 2007

Authored by Hornstein; Erhardt; Clark; Murphy, M.; Paymar and others

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

February 20, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

1.1 A bill for an act  
1.2 relating to animals; providing standards of care for dog and cat breeders;  
1.3 authorizing rulemaking; appropriating money; proposing coding for new law in  
1.4 Minnesota Statutes, chapter 347.

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

1.6 Section 1. **CITATION.**

1.7 Minnesota Statutes, sections 347.57 to 347.64, may be cited as the "Dog and Cat  
1.8 Breeders Act."

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

1.10 Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57  
1.11 to 347.64.

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

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

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

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

1.20 Subd. 6. **Cat.** "Cat" means a mammal that is wholly or in part of the species Felis  
1.21 domesticus. An adult cat is a cat 24 weeks of age or older. A kitten is a cat under 24  
1.22 weeks of age.

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

2.4 Subd. 8. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis*  
2.5 *familiaris*. An adult dog is a dog 24 weeks of age or older. A puppy is a dog under 24  
2.6 weeks of age.

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

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

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

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

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

2.22 Subd. 14. **Possess.** "Possess" means to have custody of or have control over.

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

2.25 **Sec. 3. [347.58] LICENSING AND INSPECTIONS.**

2.26 Subdivision 1. **Licensing.** (a) The board may grant an operating license to a breeder  
2.27 and shall enforce sections 347.58 to 347.63. The board may delegate that authority to a  
2.28 county or a city pursuant to a written agreement between the board and an authorized  
2.29 official of the county or city. A delegated county or city shall provide a copy to the board  
2.30 of any license issued to a breeder and shall retain a copy of each license issued by the  
2.31 delegated county or city.

2.32 (b) Beginning January 1 of the year following adoption of the rules under section  
2.33 347.59, a breeder shall obtain an annual license for each facility it owns or operates. More  
2.34 than one building on the same premises is considered one facility. The initial license fee

3.1 and the annual license fee for each facility where a breeder possesses adult breeding  
3.2 animals shall be established by the board, by rule.

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

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

3.10 (e) The application must include a notarized statement indicating;

3.11 (1) whether any license held by an applicant under this section or under any other  
3.12 federal, state, county, or local law, ordinance, or other regulation relating to dealing in or  
3.13 handling cats or dogs was ever suspended, revoked, or denied; and

3.14 (2) whether the applicant was ever convicted of animal cruelty.

3.15 The notarized statement must also indicate the number of adult animals that will be  
3.16 kept, housed, and maintained by the applicant at the location that is the subject of the  
3.17 application and the estimated number of puppies and kittens to be kept, housed, and  
3.18 maintained during the term of the license.

3.19 (f) An application from a partnership, corporation, or limited liability company must  
3.20 include the name and address of all partners, directors, officers, or members and must  
3.21 include a notation of any partners, directors, officers, members, or others authorized to  
3.22 represent the partnership, corporation, or limited liability company.

3.23 (g) A nonresident applicant must consent to adjudication of any violation under the  
3.24 laws of the state of Minnesota and in Minnesota courts.

3.25 (h) A license issued under this section is not transferable.

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

3.31 (j) A breeder shall submit to the board an annual report by February 1 on a form  
3.32 prepared by the board. The form must include the current number of cats and dogs at the  
3.33 facility on the date of the report, the number of animals during the preceding year that  
3.34 were sold, traded, bartered, leased, brokered, given away, euthanized, or deceased from  
3.35 other causes, and any other information required by the board.

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

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

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

4.10 (n) The board shall refuse to issue an initial license when a breeder:

4.11 (1) fails to meet the standards for the breeder under section 347.59;

4.12 (2) has been convicted of cruelty to animals under Minnesota law or under the  
4.13 law of another jurisdiction;

4.14 (3) has had a similar license by another authority, either federal or state, denied,  
4.15 revoked, or suspended; or

4.16 (4) has falsified any material information requested by the board.

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

4.21 Subd. 2. **Inspections.** (a) The board or its designated agent shall inspect each  
4.22 licensed facility at least annually. The inspection must be during normal business hours  
4.23 and with the breeder or an agent of the breeder present. Notice is not required before an  
4.24 inspection. The inspector shall submit an inspection report to the board within ten days of  
4.25 each inspection on a form prepared by the board. The inspection report form must list  
4.26 separately each standard established under section 347.59 and must require the inspector  
4.27 to document whether the facility complies with each standard. The inspection report form  
4.28 must document the animal inventory on the date of the inspection.

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

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

4.35 Sec. 4. **[347.59] STANDARDS OF CARE; RULES AND REGULATIONS.**

5.1 (a) A breeder licensed by the United States Department of Agriculture must comply  
5.2 with all federal standards and regulations governing the license holder.

5.3 (b) By December 15, 2009, the board shall adopt rules for standards of care for dogs  
5.4 and cats that apply to breeders who are not licensed by the United States Department of  
5.5 Agriculture. The rules must include standards for:

5.6 (1) providing animals with uncontaminated, palatable, and wholesome food and  
5.7 water suitable for the species, at a frequency and amount appropriate for the animal's  
5.8 species, condition, and age to maintain proper and healthy weight. Animals must be  
5.9 offered food at least once every 24 hours and free access to water;

5.10 (2) structural integrity and structural conditions that provide a safe and sound  
5.11 environment for the animals, that is free of sharp or jagged edges, and provides for  
5.12 restrictions on vermin;

5.13 (3) outdoor confinement area requirements to include compliance with section  
5.14 343.21, subdivision 2, at least one shelter structure per animal large enough to allow the  
5.15 animal in the shelter to sit, stand, and lie in a normal manner, and outdoor confinement  
5.16 requirements as to age, health, and breed, including a prohibition on cats being housed in  
5.17 outdoor confinement areas;

5.18 (4) indoor confinement area within a facility, including dimensions based on the  
5.19 size and type of animal, including a prohibition on animals being tethered or leashed as  
5.20 a means of confinement;

5.21 (5) construction and materials of confinement area flooring, walls, and ceilings,  
5.22 including a percentage of solid floor surface areas;

5.23 (6) confinement area ventilation to provide the free movement of air in and around  
5.24 the confinement area;

5.25 (7) suitable methods to eliminate all feces and excess fluids from confinement areas  
5.26 on a daily basis, impervious surfaces disinfected weekly, including requirements for the  
5.27 removal of animals from a confinement area when a hose or pressure washer is used;

5.28 (8) the proper temperature for indoor confinement areas to protect the health and  
5.29 well-being of the animals based on the age, breed, physical condition, and type of animal;

5.30 (9) housing facility requirements to minimize odors, drafts, ammonia levels, and  
5.31 condensation;

5.32 (10) indoor confinement area lighting to allow observation of the physical condition  
5.33 of the animals housed in the area and to permit routine inspection and cleaning;

5.34 (11) the type, number, and placement of adequate fire extinguishers, smoke detectors,  
5.35 and carbon monoxide detectors for indoor confinement areas;

6.1 (12) sanitation practices, including bedding, the prevention of food and water  
6.2 from contamination, the isolation of animals with infectious or contagious diseases, and  
6.3 requiring employees to disinfect hands and shoes after handling isolated animals;

6.4 (13) the provision of exercise areas to allow all animals at least eight weeks of age  
6.5 and older the opportunity for exercise at least once a day and, if exercised in groups, must  
6.6 be compatible and free of illness;

6.7 (14) group housing and breeding requirements for males and females, to include  
6.8 prohibiting the housing of females in estrus with unneutered males, except for breeding  
6.9 purposes;

6.10 (15) daily socialization with human beings and compatible animals requirements;

6.11 (16) the conditions for care of puppies and kittens, including the conditions for them  
6.12 remaining with their mother, the ambient temperature of a confinement area, structure  
6.13 size, and socialization by physical contact with other compatible animals of the same or  
6.14 like breed and human beings, including a prohibition on animals being sold, traded, or  
6.15 given away before the age of eight weeks;

6.16 (17) the handling and treatment of animals for disease, parasite, and pest control,  
6.17 including requirements for care by a veterinarian and the requirements for individual  
6.18 written health records;

6.19 (18) identification and tracking requirements for animals, which are not transferable;

6.20 (19) the handling of animals to prevent trauma, behavioral stress, physical harm, or  
6.21 discomfort to the animal;

6.22 (20) adequate staffing, including the number of staff required, training requirements  
6.23 for staff in animal welfare and care, and proper supervision;

6.24 (21) prohibiting employees or independent contractors who have been convicted of  
6.25 cruelty to animals under the law of any jurisdiction;

6.26 (22) animals during transportation that provide for the safety and well-being of the  
6.27 animals transported, to include food, water, exercise, cage size and structure, temperature,  
6.28 observation, females in estrus, including a prohibition on selling, or transporting or cause  
6.29 to be transported into, out of, or within the state an animal under eight weeks of age for the  
6.30 purpose of direct or indirect sale or for exchange in return for consideration;

6.31 (23) compliance with applicable standards that regulate the sale of cats and dogs,  
6.32 under sections 325F.79 to 325F.792; and

6.33 (24) additional standards the board considers necessary to protect the public health  
6.34 and welfare of animals covered under sections 347.57 to 347.61.

6.35 Sec. 5. **[347.60] INVESTIGATIONS.**

7.1 The board, a local animal control authority, peace officer, or humane agent may  
7.2 initiate an investigation upon receiving a formal complaint alleging violations of section  
7.3 347.58 or 347.59.

7.4 **Sec. 6. [347.61] SEIZURE, NOTICE, BONDING.**

7.5 The board, a local animal control authority, a peace officer, or a humane agent may  
7.6 seize an animal for a violation of section 347.58 or 347.59 that threatens the health and  
7.7 welfare of the animal. The board, local animal control authority, peace officer, or humane  
7.8 agent that seizes an animal shall follow the procedures set forth in section 343.235,  
7.9 concerning the disposition of the animal seized.

7.10 **Sec. 7. [347.62] CIVIL ENFORCEMENT.**

7.11 Subdivision 1. **Correction orders.** (a) The board may issue a correction order  
7.12 requiring a breeder to correct a violation of federal and state statutes, rules, and regulations  
7.13 governing breeding facilities. The correction order must state the deficiencies that  
7.14 constitute the violation; the specific statute, rule, or regulation violated; and when the  
7.15 violation must be corrected.

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

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

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

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

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

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

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

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

8.10 (2) for failure to pay an administrative penalty;

8.11 (3) for failure to meet a standard of care rule or regulation required by section 347.59;

8.12 (4) for violating any other provision of section 347.58 or 347.59; or

8.13 (5) for falsifying information requested by the board.

8.14 A license suspension, revocation, or nonrenewal may be appealed through the Office of  
8.15 Administrative Hearings. A notice of intent to appeal must be filed in writing with the  
8.16 board within 20 days after receipt of the notice of suspension, revocation, or nonrenewal.

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

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

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

8.28 Subd. 6. **Administrative hearing rights.** (a) Except as provided in paragraph (b), if  
8.29 the board proposes to refuse to renew, suspend, or revoke a license, the board must first  
8.30 notify the breeder in writing of the proposed action and provide an opportunity to request a  
8.31 hearing under the contested case provisions of chapter 14. If the breeder does not request  
8.32 a hearing within 20 days after receipt of the notice of the proposed action, the board may  
8.33 proceed with the action without a hearing.

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

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

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

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

9.11 **Sec. 8. [347.63] PENALTIES.**

9.12 (a) Except as provided in paragraph (b), a violation of section 347.58 or 347.59, or  
9.13 rules adopted under section 347.59, is a misdemeanor.

9.14 (b) A violation of section 347.58 or 347.59, or rules adopted under section 347.59,  
9.15 that results in cruelty or torture to an animal, as those terms are defined in section 343.20,  
9.16 subdivision 3, is subject to the penalties in section 343.21, subdivisions 9 and 10.

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

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

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

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

9.27 **Sec. 9. [347.64] DOG AND CAT BREEDERS LICENSING ACCOUNT;**  
9.28 **APPROPRIATION.**

9.29 A dog and cat breeders licensing account is created in the special revenue fund.  
9.30 All fees and penalties collected by the board under sections 347.58 to 347.63 must be  
9.31 deposited in the state treasury and credited to the dog and cat breeders licensing account  
9.32 in the special revenue fund. Money in the account, including interest on the account, is  
9.33 annually appropriated to the board to administer those sections.

10.1 Sec. 10. **EFFECTIVE DATE.**

10.2 Sections 1 to 9 are effective the day following final enactment.