



# HOUSE BILL 159: Dog Breeding Stds./Law Enforcement Tools

2013-2014 General Assembly

<b>Committee:</b>	Rules, Calendar, and Operations of the House	<b>Date:</b>	April 22, 2015
<b>Introduced by:</b>	Reps. Saine, McGrady, Catlin, Harrison	<b>Prepared by:</b>	Wendy Graf Ray
<b>Analysis of:</b>	PCS to First Edition H159-CSSU-17		Committee Counsel

**SUMMARY:** *The Proposed Committee Substitute for House Bill 159 would create standards of care for large commercial dog breeders and would provide criminal offenses for failing to comply with those standards.*

**CURRENT LAW:** Article 47 of Chapter 14 of the General Statutes addresses cruelty to animals and contains the following criminal penalties:

If any person shall intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance any animal, every such offender shall be guilty of a Class 1 misdemeanor.

If any person shall maliciously kill, or cause to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.

If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill any animal is guilty of a Class H felony.

Instigating or promoting cruelty to animals is a Class 1 misdemeanor.

Abandonment of animals a Class 2 misdemeanor.

There are also provisions addressing: cockfighting, dog fighting and baiting, animal fights and baiting (other than cock fights, dog fights, and dog baiting), among others.

Article 3 of Chapter 19A of the General Statutes is the Animal Welfare Act. The act requires persons who operate boarding kennels, public auctions, and pet shops or who act as animal dealers, to obtain a license from the Director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture and Consumer Services. Persons operating animal shelters are required to obtain a certificate of registration.

In addition, those persons operating kennels, public auctions, pet shops, and animal shelters must comply with rules adopted by the Board of Agriculture which provide standards of care for the animals kept at these facilities.

Failure to obtain a license for the operation of a pet shop, kennel, or public auction is a Class 3 misdemeanor with a penalty of no less than \$5 and no more than \$25. Failure to obtain a license to act as a dealer is a Class 2 misdemeanor. Failure to adequately house, feed, and water animals is a Class 3 misdemeanor and the person shall be subject to a fine of not less than \$5 per animal with a total cap of \$1,000. In addition, the Director may assess a civil penalty of not more than \$5,000 for a violation of the provisions of the article. The Director must consider the degree and extent of harm caused by the violation in assessing the penalty.

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## **BILL ANALYSIS:**

**Section 1** provides standards of care for large commercial dog breeders. The standards apply to: any person who owns, has custody of, or maintains 10 or more female dogs that are over six months of age, capable of reproduction, and are kept primarily for the purpose of breeding and selling the offspring as pets. Those standards include all of the following:

- Access to exercise on a daily basis.
- Access to fresh food and water.
- Access to fresh food provided at appropriate intervals to maintain a healthy weight.
- Appropriate veterinary care, including routine and preventative care.
- Daily assessment of each dog's overall health and behavior.
- Prompt treatment or attention to any deviation in health.
- Preventative care to keep dogs free from parasites.
- When necessary, euthanasia performed humanely.
- A primary enclosure that meets specified standards.
- Protection from adverse or extreme weather conditions.
- Flooring that provides solid footing.
- Lighting that provides a regular lighting cycle for the dogs.
- Bedding material must be clean and not pose a risk to the dogs.
- The facility and primary enclosures must be kept clean and free from debris and odor. Feces must be removed as frequently as necessary to ensure the health of the dogs.

Failure to comply with the standards is a Class 3 misdemeanor punishable by a fine of not less than \$25.00 per animal, but not more than a total of \$1,000. If the person has previously pled guilty or nolo contendere to, or been found guilty of, a violation of this section, each violation is a Class 1 misdemeanor. Each violation is a separate offense. The act does not apply to kennels or boarding facilities in which the majority of dogs are being bred or trained or maintained for hunting, sporting, field trials, or show, or kept for purposes other than the sale of offspring for pets.

The act makes clear that it is in addition to, and not in lieu of other State and federal laws dealing with animal welfare. It does not prevent the application of State laws and does not prohibit local governing bodies from adopting their own laws. The act does not limit (1) the number of dogs a person may own when those dogs are not used for breeding and selling as pets or (2) hunting and the ability to raise, sell, or possess dogs with the intention of using the dogs for hunting.

**Section 2** is a severability clause providing that if any provision of the act is held to be unconstitutional or invalid, then that invalidity will not affect other provisions of the act.

**EFFECTIVE DATE:** The act becomes effective December 1, 2015, and applies to offenses committed on or after that date.