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SENATE BILL 5964

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State of Washington

55th Legislature

1997 Regular Session

By Senators Thibaudeau, Fairley, Wojahn, Prentice, Patterson and Kohl

Read first time 02/24/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to providing certain health and safety standards  
2 for registered commercial breeders of dogs and cats as pets; reenacting  
3 and amending RCW 18.130.040; adding a new chapter to Title 18 RCW;  
4 creating a new section; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
7 assure the humane, safe, and healthy treatment of dogs and cats bred  
8 by commercial breeding operations in this state. The registration of  
9 breeders by the department of health and the establishment of  
10 reasonable state-wide minimal operating standards will provide breeders  
11 with a fair system of accountability that merits public confidence  
12 while preventing abuse and neglect of prospective pets. The  
13 legislature finds that local controls of breeders are disparate,  
14 incomplete, and infrequently enforced and the establishment of state-  
15 wide uniform minimum standards will assist breeders in meeting public  
16 expectations consistent with recognized standards for the humane  
17 treatment, health, safety, and welfare of dogs and cats. The  
18 legislature recognizes the special bond between pet owners and their

1 animal companions and the importance of assuring public confidence in  
2 the breeder industry.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Breeder" means a person who causes five or more litters of  
6 dogs or cats or both to be produced annually on property he or she  
7 owns, controls, or occupies and who sells the animals at wholesale or  
8 retail.

9 (2) "Department" means the state department of health.

10 (3) "Secretary" means the secretary of health.

11 NEW SECTION. **Sec. 3.** (1) No breeder may operate a facility in  
12 which five or more litters of dogs or cats, or both, are bred and  
13 produced annually for sale without a license under this chapter. No  
14 person may represent oneself as registered, or engage in any commercial  
15 breeding operations covered under this chapter, without being  
16 registered by the department.

17 (2) An application for registration must be made to the department  
18 upon forms provided, and must contain such information as the  
19 department reasonably requires including, but not limited to, evidence  
20 of ability to comply with the laws as prescribed in this chapter.

21 NEW SECTION. **Sec. 4.** The secretary has authority to:

22 (1) Adopt rules necessary to implement this chapter;

23 (2) Establish all registration and renewal fees in accordance with  
24 the purposes and processes specified in RCW 43.70.250;

25 (3) Establish forms and procedures necessary to administer this  
26 chapter;

27 (4) Register and issue a registration certificate to an applicant  
28 covered under this chapter;

29 (5) Hire staff as needed to implement this chapter;

30 (6) Maintain the official record of all applicants and licensees;  
31 and

32 (7) Examine records and facilities of registrants for compliance  
33 with this chapter.

34 NEW SECTION. **Sec. 5.** Applications for initial and renewal  
35 registration must be submitted on forms provided by the secretary. The

1 secretary may require any information and documentation which  
2 reasonably relates to the need to determine whether the applicant meets  
3 the criteria for registration under this chapter. Each applicant shall  
4 pay a fee determined by the secretary under RCW 43.70.250 which must  
5 accompany the application.

6 NEW SECTION. **Sec. 6.** The secretary may establish procedural  
7 requirements and fees for renewal of registration. Failure to renew  
8 invalidates the registration and all privileges granted by it.

9 NEW SECTION. **Sec. 7.** The uniform disciplinary act, chapter 18.130  
10 RCW, governs the issuance and denial of a registration, and the  
11 discipline of a breeder registered under this chapter. The secretary  
12 is the disciplining authority under this chapter.

13 NEW SECTION. **Sec. 8.** (1) The secretary shall appoint a breeder  
14 advisory committee to advise the secretary on the implementation of  
15 this chapter and on the operating standards for the commercial breeding  
16 of dogs and cats by breeders. The committee is comprised of seven  
17 members consisting of one veterinarian licensed by the department, two  
18 members who are breeders registered under this chapter, two members of  
19 an animal care and control agency, and two members representing the  
20 public who, in the determination of the secretary, present no conflicts  
21 of interest to matters included in this chapter. The secretary shall  
22 appoint the members for staggered terms, two members for one-year  
23 terms, two members for two-year terms, and three members for three-year  
24 terms. Subsequent appointments shall be for three-year terms.

25 (2) The secretary may remove any member for cause as specified by  
26 rule. In the case of a vacancy, the secretary shall appoint a person  
27 to serve for the remainder of the unexpired term.

28 (3) The committee shall meet at the request of the secretary and  
29 hold meetings during the year as necessary to provide advice to the  
30 secretary concerning the implementation of this chapter. The committee  
31 may elect a chair and vice-chair. A majority of the members currently  
32 serving shall constitute a quorum.

33 (4) Each member shall be reimbursed for travel expenses, as  
34 authorized in RCW 43.03.050 and 43.03.060, and shall serve without  
35 compensation.

1 (5) The secretary, members of the committee, or individuals acting  
2 on their behalf are immune from civil action for official acts  
3 performed in the course of their duties.

4 NEW SECTION. **Sec. 9.** The secretary, in consultation with the  
5 advisory committee, shall adopt rules establishing the minimum  
6 standards to be implemented by breeders. The program shall include,  
7 but not be limited to, provisions for adequate housing, nutrition,  
8 hydration, sanitation, vaccinations, exercise and socialization needs,  
9 internal and external parasite controls, care of pregnant and nursing  
10 animals, first aid and emergency protocols, treatment of illness and  
11 injury, and humane euthanasia methods. The secretary is guided by the  
12 requirements of the federal animal welfare act (7 U.S.C. Sec. 2131 et  
13 seq.), and rules adopted under this section may not be inconsistent  
14 with the federal act.

15 NEW SECTION. **Sec. 10.** In addition to any action the secretary may  
16 take for acts of unprofessional conduct specified under the uniform  
17 disciplinary act, chapter 18.130 RCW, the secretary may deny or revoke  
18 the registration of a breeder who:

19 (1) Violates this act or any rules adopted under this act that are  
20 considered an act of unprofessional conduct for purposes of the uniform  
21 disciplinary act;

22 (2) Is convicted of violating RCW 16.52.205 or 16.52.207; or

23 (3) Is convicted of violating any animal protection law of this  
24 state or ordinance or substantially similar law in any other  
25 jurisdiction concerning the proper breeding, care, housing, raising, or  
26 treatment of dogs or cats.

27 **Sec. 11.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are  
28 each reenacted and amended to read as follows:

29 (1) This chapter applies only to the secretary and the boards and  
30 commissions having jurisdiction in relation to the professions licensed  
31 under the chapters specified in this section. This chapter does not  
32 apply to any business or profession not licensed under the chapters  
33 specified in this section.

34 (2)(a) The secretary has authority under this chapter in relation  
35 to the following professions:

36 (i) Dispensing opticians licensed under chapter 18.34 RCW;

1 (ii) Naturopaths licensed under chapter 18.36A RCW;  
2 (iii) Midwives licensed under chapter 18.50 RCW;  
3 (iv) Ocularists licensed under chapter 18.55 RCW;  
4 (v) Massage operators and businesses licensed under chapter 18.108  
5 RCW;  
6 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
7 (vii) Acupuncturists licensed under chapter 18.06 RCW;  
8 (viii) Radiologic technologists certified and X-ray technicians  
9 registered under chapter 18.84 RCW;  
10 (ix) Respiratory care practitioners certified under chapter 18.89  
11 RCW;  
12 (x) Persons registered or certified under chapter 18.19 RCW;  
13 (xi) Persons registered as nursing pool operators under chapter  
14 18.52C RCW;  
15 (xii) Nursing assistants registered or certified under chapter  
16 18.79 RCW;  
17 (xiii) Health care assistants certified under chapter 18.135 RCW;  
18 (xiv) Dietitians and nutritionists certified under chapter 18.138  
19 RCW;  
20 (xv) Sex offender treatment providers certified under chapter  
21 18.155 RCW;  
22 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
23 18.71.205;  
24 (xvii) Persons registered as adult family home providers and  
25 resident managers under RCW 18.48.020; (~~and~~)  
26 (xviii) Denturists licensed under chapter 18.30 RCW; and  
27 (xix) Persons registered as pet breeders under section 3 of this  
28 act.  
29 (b) The boards and commissions having authority under this chapter  
30 are as follows:  
31 (i) The podiatric medical board as established in chapter 18.22  
32 RCW;  
33 (ii) The chiropractic quality assurance commission as established  
34 in chapter 18.25 RCW;  
35 (iii) The dental quality assurance commission as established in  
36 chapter 18.32 RCW;  
37 (iv) The board of hearing and speech as established in chapter  
38 18.35 RCW;

1 (v) The board of examiners for nursing home administrators as  
2 established in chapter 18.52 RCW;

3 (vi) The optometry board as established in chapter 18.54 RCW  
4 governing licenses issued under chapter 18.53 RCW;

5 (vii) The board of osteopathic medicine and surgery as established  
6 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
7 18.57A RCW;

8 (viii) The board of pharmacy as established in chapter 18.64 RCW  
9 governing licenses issued under chapters 18.64 and 18.64A RCW;

10 (ix) The medical quality assurance commission as established in  
11 chapter 18.71 RCW governing licenses and registrations issued under  
12 chapters 18.71 and 18.71A RCW;

13 (x) The board of physical therapy as established in chapter 18.74  
14 RCW;

15 (xi) The board of occupational therapy practice as established in  
16 chapter 18.59 RCW;

17 (xii) The nursing care quality assurance commission as established  
18 in chapter 18.79 RCW governing licenses issued under that chapter;

19 (xiii) The examining board of psychology and its disciplinary  
20 committee as established in chapter 18.83 RCW; and

21 (xiv) The veterinary board of governors as established in chapter  
22 18.92 RCW.

23 (3) In addition to the authority to discipline license holders, the  
24 disciplining authority has the authority to grant or deny licenses  
25 based on the conditions and criteria established in this chapter and  
26 the chapters specified in subsection (2) of this section. This chapter  
27 also governs any investigation, hearing, or proceeding relating to  
28 denial of licensure or issuance of a license conditioned on the  
29 applicant's compliance with an order entered pursuant to RCW 18.130.160  
30 by the disciplining authority.

31 (4) All disciplining authorities shall adopt procedures to ensure  
32 substantially consistent application of this chapter, the Uniform  
33 Disciplinary Act, among the disciplining authorities listed in  
34 subsection (2) of this section.

35 NEW SECTION. **Sec. 12.** Sections 2 through 10 of this act  
36 constitute a new chapter in Title 18 RCW.

1        NEW SECTION.    **Sec. 13.**    Sections 1 through 7 and 10 of this act  
2    take effect January 1, 1998.

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