

# FINAL BILL REPORT

## ESSB 5651

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Synopsis as Enacted

**Brief Description:** Providing humanitarian requirements for certain dog breeding practices.

**Sponsors:** Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Delvin, Kline and Tom).

**Senate Committee on Judiciary**

**Senate Committee on Labor, Commerce & Consumer Protection**

**House Committee on Judiciary**

**Background:** The United States Congress passed the Animal Welfare Act (Act) in 1966. The law requires the humane care and treatment of certain animals sold as pets at the wholesale level, transported in commerce, and used in research or exhibits. Individuals using or working with these animals must be licensed or registered by the United States Department of Agriculture (Department). They also must comply with regulations and standards enforced by the Department's Animal and Plant Health Inspection Service (APHIS). Although the Act generally does not cover domestic pets in retail stores, APHIS does inspect the wholesale dealers that supply such stores with dogs and cats.

Washington State's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. The law prohibits transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. Law enforcement agencies and animal care and control agencies may enforce the provisions of the animal cruelty law. Counties may individually regulate kennels, grooming facilities, and pet stores.

**Summary:** A person may not own, possess, control, or have charge or custody of more than 50 dogs with intact sexual organs over six months old at any time. Any person who has more than ten dogs with intact sexual organs over six months old and who keeps the dogs in an enclosure for the majority of the day, must at a minimum:

- provide space that allows each dog to turn around freely, stand, sit, and lie down without touching any other dog in the enclosure. Each enclosure must be at least three times the length and width of the longest dog in the enclosure;
- provide each dog more than four months old with a minimum of one exercise period each day for at least one hour. Exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable

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enclosure. The use of cat mills or similar devices are prohibited unless prescribed by a veterinarian;

- provide easy and convenient access to clean food and water; and
- provide veterinary care without delay when necessary. Animals requiring euthanasia must be euthanized only by a veterinarian.

Housing facilities and primary enclosures must:

- be kept sanitary with sufficient ventilation to minimize odors and prevent moisture condensation;
- contain a means of fire suppression, such as a fire extinguisher;
- have sufficient lighting to observe the dogs at any time;
- enable the dogs to remain dry, clean, and protected from weather conditions that are uncomfortable or hazardous;
- have floors that protect the dogs' feet and legs from injury;
- be placed no higher than 42 inches above the floor and not stacked; and
- be cleaned daily of feces, hair, dirt, debris, and food waste.

Requirements are established regarding when and under what conditions breeding females, females in heat, females and their litters, and puppies less than 12 weeks old may be in the same enclosure at the same time with other dogs. All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Only dogs between the ages of 12 months and 8 years may be used for breeding.

A person who has more than 50 unaltered dogs that are more than six months old or who is subject to the requirements of this act and violates the requirements is guilty of a gross misdemeanor.

The requirements do not apply to:

- publicly operated animal control facilities or animal shelters;
- private, charitable nonprofit humane society or animal adoption organizations;
- veterinary facilities;
- retail pet stores;
- research institutions;
- boarding facilities; and
- grooming facilities.

Commercial dog breeders licensed by the U.S. Department of Agriculture before the effective date of the act are exempt from the prohibition against having more than 50 unaltered dogs more than six months old.

**Votes on Final Passage:**

Senate	35	11	
House	74	23	(House amended)
Senate	43	4	(Senate concurred)

**Effective:** January 1, 2010