

HOUSE BILL REPORT

ESSB 5651

As Reported by House Committee On:
Judiciary

Title: An act relating to providing humanitarian requirements for certain dog breeding practices.

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).

Brief History:

Committee Activity:

Judiciary: 3/19/09, 3/26/09 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by House)**

- Prohibits a person from having more than 50 unaltered dogs that are more than six months old at any time.
- Establishes minimum housing, exercise, and other requirements for dogs when a person has more than 10 unaltered dogs more than six months old that are kept in enclosures for the majority of the day.
- Exempts retail pet stores, certain facilities, organizations, and other entities.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 8 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby and Roberts.

Minority Report: Do not pass. Signed by 3 members: Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

Staff: Trudes Tango (786-7384)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The federal Animal Welfare Act (AWA) considers facilities that breed and sell dogs to retail pet stores, brokers, or research facilities to be commercial dog breeders and requires them to be licensed by the U.S. Department of Agriculture (USDA). The USDA determines the standards for animal care and has enforcement responsibilities under the AWA. The AWA does not cover animals sold by pet stores or directly to the public.

The state's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. It is a misdemeanor for an owner of an animal to knowingly, recklessly, or with criminal negligence fail to provide the animal with necessary shelter, rest, sanitation, space, or medical attention that results in the animal suffering unnecessary or unjustifiable physical pain. The animal cruelty laws also prohibit 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.

Summary of Amended Bill:

The Legislature finds, among other things, that current state laws are inadequate regarding the care and husbandry of dogs in large-scale dog breeding facilities, and that no state agency currently regulates such facilities.

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 10 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 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 bill 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 non-profit humane society or animal adoption organizations;
- veterinary facilities;
- retail pet stores;
- research institutions;
- boarding facilities; and
- grooming facilities.

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

Amended Bill Compared to Original Bill:

The striking amendment makes changes to the housing, enclosure, exercise, and veterinary care requirements, and the exemptions. Specifically, the amendment:

- removes the requirement that housing facilities be equipped with smoke alarms;
- removes references to sprinkler systems as a means of fire suppression, but still requires a means of fire suppression such as fire extinguishers;
- removes the requirement that the ambient temperature in the housing facility be between 50 and 85 degrees Fahrenheit;
- removes specifications regarding the slats in the floors of the dogs' enclosures;
- provides that the exercise standards related to enclosures are based on the minimum allowable enclosure size rather than the primary enclosure size;
- removes the prohibition against the use of treadmills to exercise the dogs;
- removes the requirement that male unaltered dogs be examined by a veterinarian at least once per year and female unaltered dogs be examined either once per year or prior to each attempt at breeding, whichever occurs more frequently;
- clarifies the requirements regarding dogs being in the same enclosure with other dogs;
- removes the provision regarding an animal control officer investigating complaints;
- removes the definition of "large-scale breeding facility;"
- provides that commercial dog breeders licensed by the USDA before the effective date of the act are only exempt from the prohibition of having more than 50 dogs; and

- removes the exemption for commercial dog breeders licensed by the USDA after the effective date of the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on January 1, 2010.

Staff Summary of Public Testimony:

(In support) This bill addresses a consumer protection issue as well as the humane treatment of dogs. Not only should animals not have to suffer in puppy mills, but people should not have to purchase a dog that they think is healthy and then find out that the dog is diseased and suffering from illnesses. This could have an affect on the health and well-being of the families that have taken these dogs into their homes and can result in heartbreak.

Exemptions have been carefully written into the bill. All current breeders who are licensed under the USDA are grandfathered under this bill. The bill creates a cap of 50 breedable dogs for those who are licensed in the future. The intention is not to eliminate the existence of responsible breeders. The intent of this bill is to provide the state a uniform set of breeding operations and to address negligent dog breeding in the state. The exemptions in this bill are for those facilities that provide a temporary stay for animals and pets, like grooming facilities. Rural areas are not regulated and the counties cannot afford to have an animal control officer to ensure that animal cruelty is not occurring. This bill would prevent animal cruelty from happening in these large-scale breeding operations. Puppy mill dogs are often raised in overcrowded conditions and are caged their entire lives with little to no socialization. Some animal breeding facilities operate purely for profit with no concern for the animals. This law should not impact responsible breeders. One important provision of the bill is the requirement that all dogs receive veterinary care. If denied veterinary care, dogs can develop diseases. This bill provides important housing facility regulations for dogs in breeding facilities. Controlled temperatures are important for certain dogs, including those that are pregnant and certain designer dogs that are more prone to heat exhaustion. This bill will ease financial strain on the government as well as animal agencies like shelters.

(Opposed) This bill addresses unlicensed facilities. Many of the provisions of this legislation are already covered under state statute and are unnecessary. The recent prosecution of puppy mill owners proves that the state's current laws already protect these animals and punish people who mistreat animals. There is a gray area that exists regarding the provision that allows any officer to enter private property with certain knowledge. There are flaws in this bill that need to be worked on and changed. Some breeders cannot become licensed by the USDA because the agency does not allow the person to keep the animals in the home. The cap attached to this bill is the biggest problem with it. Currently, licenses are given to breeders based on the number of animals the licensing agency thinks the breeder can care for properly. Breeders provide guarantees; puppy mills do not. The law created by this bill is redundant. The laws already established are not being enforced or funded. The problems

addressed by this bill are caused by a minority of radicals. This bill sets limits on the number of intact dogs that a person can own without establishing a connection to the care of those dogs. It makes the assertion that the number of animals a person owns equates to the likelihood of mistreatment of animals.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; Dan Paul, Humane Society of the United States; Debra Eurich, Thurston County Prosecuting Attorney's Office; Brandon and Tarrah Hatch; Jennifer Kissinger; Audrey Long; Theresa Edwards; Megan Bezzo, Sydney Cicourel; and Rose Adams.

(Opposed) Patti Klecan, National Animal Interest Alliance Trust; Bob Vincent; Melani Keel; Pat Putnam; Faye Strauss; Julie Corwin; Debra Thomas-Blake; Susan Petersen.

Persons Signed In To Testify But Not Testifying: (Opposed) Teri Kruse.