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ENGROSSED SUBSTITUTE SENATE BILL 5651

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State of Washington

61st Legislature

2009 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Delvin, Kline, and Tom)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to providing humanitarian requirements for certain  
2 dog breeding practices; adding a new section to chapter 16.52 RCW;  
3 creating a new section; prescribing penalties; and providing an  
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) Dogs are neither a commercial crop nor commodity and should not  
8 be indiscriminately or irresponsibly mass produced;

9 (2) Large-scale dog breeding increases the likelihood that the dogs  
10 will be denied their most basic needs including but not limited to:  
11 Sanitary living conditions, proper and timely medical care, the ability  
12 to move freely at least once per day, and adequate shelter from the  
13 elements;

14 (3) Without proper oversight, large-scale breeding facilities can  
15 easily fall below even the most basic standards of humane housing and  
16 husbandry;

17 (4) Current Washington state laws are inadequate regarding the care  
18 and husbandry of dogs in large-scale breeding facilities;

1 (5) No Washington state agency currently regulates large-scale  
2 breeding facilities;

3 (6) The United States department of agriculture does not regulate  
4 large-scale breeding facilities that sell dogs directly to the public  
5 and thus, such direct-sales breeders are currently exempt from even the  
6 minimum care and housing standards outlined in the federal animal  
7 welfare act;

8 (7) Documented conditions at large-scale breeding facilities  
9 include unsanitary conditions, potential for soil and groundwater  
10 contamination, the spread of zoonotic parasites and infectious  
11 diseases, and the sale of sick and dying animals to the public; and

12 (8) An unfair fiscal burden is placed on city, county, and state  
13 taxpayers as well as government agencies and nongovernmental  
14 organizations, who are required to care for discarded or abused and  
15 neglected dogs from large-scale breeding facilities.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW  
17 to read as follows:

18 (1) A person may not own, possess, control, or otherwise have  
19 charge or custody of more than fifty dogs with intact sexual organs  
20 over the age of six months at any time.

21 (2) Any person who owns, possesses, controls, or otherwise has  
22 charge or custody of more than ten dogs with intact sexual organs over  
23 the age of six months and keeps the dogs in an enclosure for the  
24 majority of the day must at a minimum:

25 (a) Provide space to allow each dog to turn about freely, to stand,  
26 sit, and lie down. The dog must be able to lie down while fully  
27 extended without the dog's head, tail, legs, face, or feet touching any  
28 side of an enclosure and without touching any other dog in the  
29 enclosure when all dogs are lying down simultaneously. The interior  
30 height of the enclosure must be at least six inches higher than the  
31 head of the tallest dog in the enclosure when it is in a normal  
32 standing position. Each enclosure must be at least three times the  
33 length and width of the longest dog in the enclosure, from tip of nose  
34 to base of tail and shoulder blade to shoulder blade.

35 (b) Provide each dog that is over the age of four months with a  
36 minimum of one exercise period during each day for a total of not less  
37 than one hour of exercise during such day. Such exercise must include

1 removing the dog from the dog's primary enclosure and either leash  
2 walking or giving the dog access to an enclosure at least four times  
3 the size of the primary enclosure allowing the dog free mobility for  
4 the entire exercise period, but may not include use of a treadmill, cat  
5 mill, jenny mill, slat mill, or similar device, unless prescribed by a  
6 doctor of veterinary medicine. The exercise requirements in this  
7 subsection do not apply to a dog certified by a doctor of veterinary  
8 medicine as being medically precluded from exercise.

9 (c) Maintain adequate housing facilities and primary enclosures  
10 that meet the following requirements at a minimum:

11 (i) Housing facilities and primary enclosures must be kept in a  
12 sanitary condition. Housing facilities where dogs are kept must be  
13 sufficiently ventilated at all times to minimize odors, drafts, ammonia  
14 levels, and to prevent moisture condensation. Housing facilities must  
15 be equipped with a working smoke alarm and have a means of fire  
16 suppression, such as functioning fire extinguishers or a functioning  
17 sprinkler system on the premises and must have sufficient lighting to  
18 allow for observation of the dogs at any time of day or night;

19 (ii) Housing facilities must enable all dogs to remain dry and  
20 clean;

21 (iii) Housing facilities must provide shelter and protection from  
22 extreme temperatures and weather conditions that may be uncomfortable  
23 or hazardous to the dogs. Ambient temperature must not fall below  
24 fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit;

25 (iv) Housing facilities must provide sufficient shade to shelter  
26 all the dogs housed in the primary enclosure at one time;

27 (v) A primary enclosure must have floors that are constructed in a  
28 manner that protects the dogs' feet and legs from injury. Raised  
29 kennels must be slatted with a solid resting surface. The following  
30 must be met for floors constructed with slats: (A) Slats must be flat;  
31 must have spaces in between that are no more than 0.5 inches in width;  
32 (B) slats must have spaces between them that run the length of the  
33 floor; (C) slats must be no less than one inch in width; (D) slats must  
34 be level with the slat next to it within a single enclosure; (E) slats  
35 must be strong enough so that the slats do not sag or bend between  
36 structural supports; and (F) slats must be constructed of a material  
37 impervious to moisture and able to be cleaned and sanitized;

1 (vi) Primary enclosures must be placed no higher than forty-two  
2 inches above the floor and may not be placed over or stacked on top of  
3 another cage or primary enclosure;

4 (vii) Feces, hair, dirt, debris, and food waste must be removed  
5 from primary enclosures at least daily or more often if necessary to  
6 prevent accumulation and to reduce disease hazards, insects, pests, and  
7 odors; and

8 (viii) All dogs housed in the same enclosure must be compatible, as  
9 determined by observation. Animals with a vicious or aggressive  
10 disposition must be housed individually. Breeding females in heat may  
11 not be housed in the same enclosure with sexually mature males, except  
12 for breeding. Breeding females with litters may not be housed in the  
13 same enclosure with other adult dogs. Puppies under twelve weeks may  
14 not be housed in the same enclosure with other adult dogs, other than  
15 the dam or foster dam unless under immediate supervision.

16 (d) Provide dogs with easy and convenient access to adequate  
17 amounts of clean food and water. Food and water receptacles must be  
18 readily cleaned and sanitized. Enclosures must contain potable water  
19 that is not frozen, is free from debris, and is readily accessible to  
20 all dogs at all times.

21 (e) Provide veterinary care without delay when necessary. A male  
22 unaltered dog must be examined by a veterinarian at least once a year.  
23 A female unaltered dog must be examined by a veterinarian at least once  
24 a year or prior to each attempt at breeding, whichever occurs more  
25 frequently. A dog may not be bred if a veterinarian determines that  
26 the animal is unfit for breeding purposes. Only dogs between the ages  
27 of twelve months and eight years of age may be used for breeding.  
28 Animals requiring euthanasia must be euthanized only by a licensed  
29 veterinarian.

30 (3) Any animal control officer or other authorized public health or  
31 safety official may, upon receiving a complaint or upon the officer's  
32 own motion, investigate any violation of subsections (1) and (2) of  
33 this section.

34 (4) A person who violates this section is guilty of a gross  
35 misdemeanor.

36 (5) This section does not apply to the following:

37 (a) A publicly operated animal control facility or animal shelter;

- 1 (b) A private, charitable not-for-profit humane society or animal  
2 adoption organization;
- 3 (c) A veterinary facility;
- 4 (d) A retail pet store;
- 5 (e) A research institution;
- 6 (f) A boarding facility;
- 7 (g) A grooming facility; or
- 8 (h)(i) A commercial dog breeder licensed, before the effective date  
9 of this act, by the United States department of agriculture pursuant to  
10 the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.); or
- 11 (ii) A commercial dog breeder licensed, on or after the effective  
12 date of this act, by the United States department of agriculture  
13 pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et  
14 seq.), except as provided otherwise in this subsection. Subsection (1)  
15 of this section applies to a commercial dog breeder under this  
16 subsection (5)(h)(ii).
- 17 (6) For the purposes of this section, the following definitions  
18 apply, unless the context clearly requires otherwise:
- 19 (a) "Dog" means any member of *Canis lupus familiaris*;
- 20 (b) "Large-scale breeding facility" means a breeding facility that  
21 has fifty or more dogs with intact sexual organs; and
- 22 (c) "Retail pet store" means a commercial establishment that  
23 engages in a for-profit business of selling at retail cats, dogs, or  
24 other animals to be kept as household pets. This term does not  
25 include: (i) Any person or establishment that breeds or raises animals  
26 to sell, exchange, broker, or otherwise transfer the animals to the  
27 public as household pets; and (ii) publicly operated animal control  
28 facilities or animal shelters, private, charitable not-for-profit  
29 humane societies, or animal adoption organizations.

30 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2010.

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