
Judiciary Committee

ESSB 5651

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 Summary of Engrossed Substitute Bill

- Prohibits a person from having more than 50 unaltered dogs at any time.
- Establishes minimum requirements for persons who have more than 10 unaltered dogs that are kept in enclosures for the majority of the day.
- Exempts certain facilities, organizations, retail stores, and licensed commercial dog breeders.

Hearing Date: 3/19/09

Staff: Trudes Tango (786-7384)

Background:

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 require them to be licensed by the United States Department of Agriculture (USDA). The USDA determines the animal care standards 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

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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 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 the age of six months at any time. Any person who has more than 10 dogs with intact sexual organs that are more than six months old and who keeps them 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;
- provide each dog over the age of four months with a minimum of one exercise period each day for at least one hour;
- provide easy and convenient access to clean food and water; and
- provide veterinary care without delay when necessary. A male unaltered dog must be examined by a veterinarian at least once a year. A female unaltered dog must be examined by a veterinarian at least once a year or prior to each breeding attempt. Only dogs between the ages of 12 months and eight years may be used for breeding.

Housing facilities and primary enclosures must:

- be kept sanitary, with sufficient ventilation;
- contain a smoke alarm and fire suppression, such as a fire extinguisher;
- have sufficient lighting to observe the dogs at any time;
- enable the dogs to remain dry and clean and protected from weather conditions that are uncomfortable or hazardous;
- have floors that protect the dogs' feet and legs from injury. Raised kennels must be slatted with a solid resting surface, and slats must be flat, have space between them that run the length of the floor, be no less than one inch in width, be level and not sag or bend, and be constructed of a material impervious to moisture;
- 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 dogs being housed together. All dogs housed in the same enclosure must be compatible as determined by observation. Animals with a vicious or aggressive disposition must be housed individually. Specific housing requirements for breeding females, females with litters, and puppies less than 12 weeks old are established.

Any animal control officer or other authorized public health or safety official may, upon receiving a complaint or upon the officer's own motion, investigate any violation of the requirements. A person who 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;
- grooming facilities; and
- commercial dog breeders licensed before the effective date of the act by the USDA. For commercial dog breeders licensed by the USDA after the effective date of the act, the requirements do not apply except for the prohibition on having more than 50 dogs with intact sexual organs more than six months old.

Appropriation: None.

Fiscal Note: Available.

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