

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 460*
Commerce Committee Substitute Adopted 5/4/09
Finance Committee Substitute Adopted 7/1/09
Rules and Operations of the Senate Committee Substitute Adopted 8/4/09

Short Title: Commercial Dog Breeder Regulation.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE ABUSIVE PRACTICES AND PROVIDE FOR THE HUMANE CARE AND TREATMENT OF DOGS AND PUPPIES BY ESTABLISHING STANDARDS FOR THEIR CARE AT COMMERCIAL BREEDING OPERATIONS, EXCLUDING KENNELS OR ESTABLISHMENTS OPERATED FOR THE PURPOSE OF BOARDING OR TRAINING HUNTING, SPORTING, HERDING, SHOW, OR WORKING DOGS.

Whereas, dogs are known as "man's best friend" and were first domesticated more than 14,000 years ago; and

Whereas, dogs have been used as both working and companion animals throughout history and have performed invaluable functions for people, including hunting, herding, protection, and assisting ill and disabled individuals; and

Whereas, there is a long-standing tradition of using dogs for hunting and working in this State; and

Whereas, nothing in this act shall be construed to interfere with an individual's right to participate in hunting and working activities with dogs; and

Whereas, some members of society have chosen to exploit man's best friend for money through the operation of breeding mills wherein large numbers of dogs and their puppies are kept in intolerable and inhumane conditions in the name of maximizing profits from the sale of the puppies; and

Whereas, significant public health and safety concerns have been raised by the abusive and inhumane practice of some unregulated commercial dog breeders; and

Whereas, there have been substantial costs to taxpayers as a result of responding to complaints regarding unregulated commercial dog breeders; and

Whereas, this act is intended to eliminate abusive treatment of dogs by regulating commercial breeding operations only, not by restricting hunting or working rights in any way;

Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-21 reads as rewritten:

"§ 19A-21. **Purposes.**

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of such pets; (ii) to prevent the sale or use of stolen pets; (iii) to ~~insure~~ensure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, commercial breeding, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, breeding, buying, or selling them for such



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1 use; (iv) to ~~insure~~ensure that animals confined in commercial breeding operations, pet shops,
2 kennels, animal shelters and auction markets are provided humane care and treatment; (v) to
3 prohibit the sale, trade or adoption of those animals which show physical signs of infection,
4 communicable disease, or congenital abnormalities, unless veterinary care is assured
5 subsequent to sale, trade or adoption."

6 **SECTION 2.** G.S. 19A-23 is amended by adding two new subdivisions to read:
7 "**§ 19A-23. Definitions.**

8 For the purposes of this Article, the following terms, when used in the Article or the rules
9 or orders made pursuant thereto, shall be construed respectively to mean:

10 ...

11 (5b) "Commercial breeder" means any person who owns or maintains 15 or more
12 intact female dogs of breeding age and 30 or more puppies primarily for the
13 purpose of sale. This shall not include kennels or establishments operated for
14 the purpose of boarding or training hunting, sporting, herding, show, or
15 working dogs.

16 (5c) "Commercial breeding operation" means the physical location or facility at
17 which a commercial breeder breeds or maintains intact female dogs of
18 breeding age and puppies.

19"

20 **SECTION 3.** G.S. 19A-24(a) reads as rewritten:

21 "(a) The Board of Agriculture shall:

22 (1) Establish standards for the care of animals at animal shelters, boarding
23 kennels, pet shops, and public auctions. A boarding kennel that offers dog
24 day care services and has a ratio of dogs to employees or supervisors, or
25 both employees and supervisors, of not more than 10 to one, shall not as to
26 such services be subject to any regulations that restrict the number of dogs
27 that are permitted within any primary enclosure.

28 (1a) Establish standards for the care of animals at commercial breeding
29 operations. The standards adopted shall include provisions for adequate daily
30 exercise, adequate veterinary care, appropriate housing for intact female
31 dogs of breeding age, females with litters and weaned puppies, and record
32 keeping. The standards applicable to animal shelters shall apply to
33 commercial breeding facilities unless otherwise established.

34 (1b) Provide a consumer protection registry available on the Internet that lists all
35 registered commercial breeding facilities.

36 (2) Prescribe the manner in which animals may be transported to and from
37 registered or licensed premises.

38 (3) Require licensees and holders of certificates to keep records of the purchase
39 and sale of animals and to identify animals at their establishments.

40 (4) Adopt rules to implement this Article, including federal regulations
41 promulgated under Title 7, Chapter 54, of the United States Code.

42 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
43 person required to obtain a certificate of registration under this Article. An
44 animal shall only be put to death by a method and delivery of method
45 approved by the American Veterinary Medical Association, the Humane
46 Society of the United States, or the American Humane Association. The
47 Department shall establish rules for the euthanasia process using any one or
48 combination of methods and standards prescribed by the three
49 aforementioned organizations. The rules shall address the equipment, the
50 process, and the separation of animals, in addition to the animals' age and
51 condition. If the gas method of euthanasia is approved, rules shall require (i)

1 that only commercially compressed carbon monoxide gas is approved for
2 use, and (ii) that the gas must be delivered in a commercially manufactured
3 chamber that allows for the individual separation of animals. Rules shall also
4 mandate training for any person who participates in the euthanasia process."

5 **SECTION 4.** G.S. 19A-25 reads as rewritten:

6 "**§ 19A-25. Employees; investigations; right of entry.**

7 For the enforcement of the provisions of this Article, the Director is authorized, subject to
8 the approval of the Commissioner to appoint employees as are necessary in order to carry out
9 and enforce the provisions of this Article, and to assign them interchangeably with other
10 employees of the Animal Health Division. The Director shall cause the investigation of all
11 reports of violations of the provisions of this Article, and the rules adopted pursuant to the
12 provisions hereof; provided further, that if any person shall deny the Director or his
13 representative admittance to his property, either person shall be entitled to secure from any
14 superior court judge a court order granting such admittance. Counties shall have the exclusive
15 authority to investigate violations related to commercial breeding operations and to take
16 appropriate enforcement action as authorized by law."

17 **SECTION 5.** Article 1A of Chapter 19A of the General Statutes is amended by
18 adding a new section to read:

19 "**§ 19A-29.1. Registration required for commercial breeder; penalty; injunction.**

20 (a) No commercial breeder shall operate in the State without first registering with the
21 Director. Registration shall be in the manner provided by the Director. Prior to registering, a
22 commercial breeder shall provide the Director a statement that the commercial breeding
23 operation being registered is in full compliance with all established standards in accordance
24 with G.S. 19A-24(a). The registration period shall be the fiscal year and the registration fee
25 shall be fifty dollars (\$50.00) for each registration period or part thereof, beginning with the
26 first day of the fiscal year.

27 (b) Acting as a commercial breeder without first registering as set forth in subsection
28 (a) of this section shall constitute a Class 2 misdemeanor. A second or subsequent offense shall
29 constitute a Class 1 misdemeanor.

30 (c) A commercial breeder who fails to register pursuant to this section, or violates the
31 standards established pursuant to G.S. 19A-24(a)(1a), shall be subject to injunction pursuant to
32 the provisions of G.S. 19A-3 and G.S. 19A-4."

33 **SECTION 6.** Article 1A of Chapter 19A of the General Statutes is amended by
34 adding a new section to read:

35 "**§ 19A-29.2. Additional standards of care for commercial breeders.**

36 Commercial breeders shall provide adequate veterinary care to the intact female dogs of
37 breeding age and any puppies in their care and custody."

38 **SECTION 7.** Article 1A of Chapter 19A of the General Statutes is amended by
39 adding a new section to read:

40 "**§ 19A-29.3. Penalties for commercial breeder failing to provide adequate care for
41 animals.**

42 The failure of a commercial breeder to adequately house, exercise, feed, water, provide
43 adequate veterinary care, or otherwise meet the standards of care for the animals in the
44 commercial breeder's custody or possession shall constitute a Class 3 misdemeanor, and the
45 commercial breeder shall be subject to a fine of not less than fifty dollars (\$50.00) per day per
46 animal. The registration of any commercial breeder convicted under this Article shall be
47 terminated."

48 **SECTION 8.** This act becomes effective May 1, 2010, and applies to the
49 commercial breeding of dogs on or after that date.