

Introduced by

Senators Mathern, Bekkedahl, Oban

Representatives Beadle, M. Johnson, Mitskog

1 A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century
2 Code, relating to commercial dog breeders; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 36 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 In this chapter:

- 8 1. "Animal care facility" means an animal control center or animal shelter maintained by
9 or under contract with a county or city and which has the mission or practice of
10 protecting the welfare of animals and the placement of animals in permanent homes or
11 with animal rescue organizations.
- 12 2. "Animal rescue organization" means any not-for-profit organization that has tax-
13 exempt status under Section 501(c)(3) of the United States Internal Revenue Code,
14 and the mission and practice of which is the rescue of animals and the placement of
15 those animals in permanent homes.
- 16 3. "Board" means the state board of animal health.
- 17 4. "Commercial dog breeder" means any person that, during any twelve-month period,
18 possesses or maintains five or more intact female dogs at one time for the primary
19 purpose of breeding and selling the offspring of the dogs. The term does not include
20 any pet shop, animal care facility, or animal rescue organization.
- 21 5. "Dog" means a member of the canis familiaris family, or hybrid animal.
- 22 6. "Pet shop" means a retail establishment at which dogs or cats are sold, exchanged,
23 bartered, or offered for sale to the general public. The term does not include an animal
24 care facility or animal rescue organization.

1 7. "Primary enclosure" means a structure or device used to restrict a dog to a limited
2 amount of space, such as a room, pen, run, cage, compartment, or hutch.

3 **Licensing.**

4 1. A commercial dog breeder may not breed or sell dogs without a valid license issued by
5 the board under this section. A license is valid for one year, unless otherwise revoked
6 or suspended.

7 2. Before issuing an initial or renewal license to an applicant, the state veterinarian or
8 other designated licensed veterinarian shall determine:

9 a. The premises of the dog breeder conforms to this section and the rules adopted
10 under this chapter;

11 b. The applicant has a valid sales tax permit and is in good standing with the tax
12 commissioner;

13 c. The applicant has never been convicted of a violation related to the treatment of
14 animals under chapter 36-21.2 or animal fighting under chapter 36-21.1; and

15 d. The applicant has a valid class A or class B animal dealer's license issued by the
16 United States department of agriculture pursuant to the federal Animal Welfare
17 Act [7 U.S.C. 2131 et seq.], or written verification from the United States
18 department of agriculture that the applicant is not required to hold either license.

19 3. A license may be issued only for the premises and to the person named in the
20 application and may not be transferred or assigned.

21 4. A license must be posted in a conspicuous place on the licensed premises. A license
22 number must be included on all the licensee's invoices, advertisements, or promotions
23 that pertain to a dog, including newspapers, internet, radio, or fliers.

24 5. The fee for an initial or renewal license is one hundred dollars.

25 **Nutrition.**

26 1. A commercial dog breeder shall provide each dog with food at least once each day,
27 except as otherwise required to provide adequate veterinary care, in an amount
28 sufficient to maintain good health and physical condition. Food must be stored in
29 closed containers and kept wholesome and free of pests or spoilage.

1 2. A commercial dog breeder shall provide each dog with continuous access to potable
2 water that is not frozen and is generally free of debris, feces, algae, and other
3 contaminants.

4 **Primary enclosures.**

5 A commercial dog breeder shall comply with the following minimum standards of care:

6 1. A primary enclosure must have a floor constructed in a manner that protects the feet
7 and legs of dogs from injury, and which does not allow the feet of a dog to pass
8 through or become wedged or entrapped in any opening in the floor. A primary
9 enclosure must contain solid flooring made of grass, gravel, cement, or solid plastic or
10 vinyl.

11 2. A primary enclosure must provide sufficient space to allow each dog to turn freely,
12 stand, sit, and lie in a comfortable, normal position.

13 a. Each dog housed in a primary enclosure must be provided:

14 (1) At least twelve square feet [1.14 square meters] of indoor floor space for a
15 dog up to twenty-five inches [63.5 centimeters] long;

16 (2) At least twenty square feet [1.86 square meters] of indoor floor space for a
17 dog between twenty-five [63.5 centimeters] and thirty-five inches
18 [88.9 centimeters] long; or

19 (3) At least thirty square feet [2.79 square meters] of indoor floor space for a
20 dog thirty-five inches [88.9 centimeters] and longer. The length of the dog
21 must be measured from the tip of the nose to the base of the tail.

22 b. The interior height of a primary enclosure must be sufficient to allow the tallest
23 dog in the enclosure to stand on the hind legs without touching the roof of the
24 enclosure.

25 3. A commercial dog breeder may not tether a dog as a primary means of enclosure.

26 4. A primary enclosure may not be stacked or otherwise placed above or below any other
27 primary enclosure.

28 5. A primary enclosure must be sufficiently ventilated at all times when a dog is present
29 to provide for the health and well-being of the dog, and to minimize odors, drafts,
30 ammonia levels, and moisture condensation. Ventilation must be provided by
31 windows, vents, fans, or air conditioning.

1 **Veterinary care.**

2 A commercial dog breeder shall establish and maintain a written program of adequate
3 veterinary care, documented and signed by a licensed veterinarian. The program must include:

- 4 1. A written protocol for core vaccinations recommended by the American veterinary
5 medical association, including a rabies vaccine for any dog over four months of age
6 and vaccinations necessary to prevent common canine diseases including parvovirus;
7 and
- 8 2. At least one hands-on veterinary examination by a licensed veterinarian during each
9 twelve-month period:
 - 10 a. A comprehensive physical examination, dental assessment, pain assessment,
11 and body condition scoring;
 - 12 b. An examination of each breeding dog, before the first breeding, for hereditary
13 disorders that may disable or significantly affect the lifespan or quality of life of
14 the offspring; and
 - 15 c. Documentation by the attending veterinarian that each breeding dog is healthy
16 and free of any communicable disease or condition that would be exacerbated by
17 breeding, pregnancy, or whelping.

18 **Recordkeeping.**

- 19 1. A commercial dog breeder shall maintain accurate records for two years or for as long
20 as the dog remains in the possession of the breeder, whichever is longer, including:
 - 21 a. The date on which the dog enters the operation through purchase, transfer, or
22 birth;
 - 23 b. The person from which the dog was purchased or obtained, including the
24 address and phone number of the person;
 - 25 c. A description of the dog, including the species, color, breed, sex, approximate
26 age, and weight;
 - 27 d. Any tattoo, microchip number, or other identification number carried by or
28 appearing on the dog;
 - 29 e. The date on which each puppy was born and the number of offspring of the dog;
30 f. All veterinary care, including documentation of annual exams and vaccinations
31 provided to each dog; and

1 g. The disposition of each dog and the date of the disposition.

2 2. The commercial breeder shall submit the records annually to the board and provide
3 the records to the state veterinarian or other designated licensed veterinarian upon
4 request.

5 **Inspections.**

6 1. The state veterinarian or other designated licensed veterinarian shall make at least
7 one unannounced inspection annually of each commercial dog breeder and may make
8 additional inspections upon complaint. An inspection may include the inspection of the
9 books and records of the commercial dog breeder; inspection of any animal in
10 possession of the commercial dog breeder; or inspection of any facility, enclosure, or
11 other place in which any dog is bred, maintained, or otherwise held.

12 2. The state veterinarian or other designated licensed veterinarian shall document the
13 findings of each inspection, including any photographs taken, and submit the
14 inspection report to the board. The board shall maintain each report for three years
15 after the date of the inspection.

16 3. Any inspection must take place during the regular business hours of the commercial
17 dog breeder.

18 **Rules.**

19 The board may make and enforce rules for implementing this chapter.

20 **Penalties.**

21 It is a class B misdemeanor for any person to knowingly violate any provision of this chapter
22 for a first offense and a class A misdemeanor for a second or subsequent violation.

23 **Seizure of dogs.**

24 A dog of a commercial dog breeder that violates this chapter may be seized under chapter
25 36-21.2.