

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 733

Short Title: Regulate Comm. Breeding/Dogs. (Public)

Sponsors: Representatives McElraft, Dickson, Sager, Allen (Primary Sponsors); Allred, Bordsen, Carney, Cotham, Dollar, Farmer-Butterfield, Fisher, Glazier, Harrell, Jeffus, Jones, Stewart, Tarleton, E. Warren, and Wilkins.

Referred to: Agriculture, if favorable, Finance.

March 23, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE COMMERCIAL DOG BREEDING.

3 The General Assembly of North Carolina enacts:

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

5 "**§ 19A-21. Purposes.**

6 The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of
7 such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of
8 commerce, are provided humane care and treatment by regulating the transportation,
9 commercial breeding, sale, purchase, housing, care, handling and treatment of such animals by
10 persons or organizations engaged in transporting, breeding, buying, or selling them for such
11 use; (iv) to insure that animals confined in commercial breeding operations, pet shops, kennels,
12 animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the
13 sale, trade or adoption of those animals which show physical signs of infection, communicable
14 disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade
15 or adoption."

16 **SECTION 2.** G.S. 19A-23 reads as rewritten:

17 "**§ 19A-23. Definitions.**

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

20 ...

21 (5b) "Commercial breeder" means any person who, during any 12-month period,
22 maintains 15 or more adult female dogs for the primary purpose of the sale
23 of their offspring as companion animals.

24 (5c) "Commercial breeding operation" means the physical location or facility at
25 which a commercial breeder breeds or maintains adult female dogs and their
26 offspring. For purposes of this Article, commercial breeding operations shall
27 not include those kennels or establishments operated primarily for the
28 purpose of boarding or training hunting, sporting, herding, or guide dogs.

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

30 "(a) The Board of Agriculture shall:

31 (1) Establish standards for the care of animals at animal shelters, boarding
32 kennels, pet shops, and public auctions. A boarding kennel that offers dog
33 day care services and has a ratio of dogs to employees or supervisors, or
34 both employees and supervisors, of not more than 10 to one, shall not as to



1 such services be subject to any regulations that restrict the number of dogs
2 that are permitted within any primary enclosure.

3 (1a) Establish standards for the care of animals at commercial breeding
4 operations. The standards adopted shall include provisions for adequate daily
5 exercise, adequate veterinary care, appropriate housing for adult females,
6 females with litters, and weaned puppies, and record keeping.

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

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

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

13 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
14 person required to obtain a certificate of registration under this Article. An
15 animal shall only be put to death by a method and delivery of method
16 approved by the American Veterinary Medical Association, the Humane
17 Society of the United States, or the American Humane Association. The
18 Department shall establish rules for the euthanasia process using any one or
19 combination of methods and standards prescribed by the three
20 aforementioned organizations. The rules shall address the equipment, the
21 process, and the separation of animals, in addition to the animals' age and
22 condition. If the gas method of euthanasia is approved, rules shall require (i)
23 that only commercially compressed carbon monoxide gas is approved for
24 use, and (ii) that the gas must be delivered in a commercially manufactured
25 chamber that allows for the individual separation of animals. Rules shall also
26 mandate training for any person who participates in the euthanasia process."

27 **SECTION 4.** G.S. 19A-30 reads as rewritten:

28 "**§ 19A-30. Refusal, suspension or revocation of certificate or license.**

29 The Director may refuse to issue or renew or may suspend or revoke a certificate of
30 registration for any animal shelter or a license for any commercial breeder, public auction,
31 kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he
32 determines that any one or more of the following grounds apply:

33 (1) Material misstatement in the application for the original certificate of
34 registration or license or in the application for any renewal under this
35 Article;

36 (2) Willful disregard or violation of this Article or any rules issued pursuant
37 thereto;

38 (3) Failure to provide adequate housing facilities and/or primary enclosures for
39 the purposes of this Article, or if the feeding, watering, sanitizing and
40 housing practices at the animal shelter, public auction, pet shop, or kennel
41 are not consistent with the intent of this Article or the rules adopted under
42 this Article;

43 (3a) Failure to comply with the statutes and rules governing commercial breeding
44 operations.

45 (4) Allowing one's license under this Article to be used by an unlicensed person;

46 (5) Conviction of any crime an essential element of which is misstatement,
47 fraud, or dishonesty, or conviction of any felony;

48 (6) Making substantial misrepresentations or false promises of a character likely
49 to influence, persuade, or induce in connection with the business of a public
50 auction, commercial kennel, commercial breeding operation, pet shop, or
51 dealer;

- 1 (7) Pursuing a continued course of misrepresentation of or making false
2 promises through advertising, salesmen, agents, or otherwise in connection
3 with the business to be licensed;
- 4 (8) Failure to possess the necessary qualifications or to meet the requirements of
5 this Article for the issuance or holding of a certificate of registration or
6 license.

7 The Director shall, before refusing to issue or renew and before suspension or revocation of
8 a certificate of registration or a license, give to the applicant or holder thereof a written notice
9 containing a statement indicating in what respects the applicant or holder has failed to satisfy
10 the requirements for the holding of a certificate of registration or a license. If a certificate of
11 registration or a license is suspended or revoked under the provisions hereof, the holder shall
12 have five days from such suspension or revocation to surrender all certificates of registration or
13 licenses issued thereunder to the Director or his authorized representative.

14 A person to whom a certificate of registration or a license is denied, suspended, or revoked
15 by the Director may contest the action by filing a petition under G.S. 150B-23 within five days
16 after the denial, suspension, or revocation.

17 Any licensee whose license is revoked under the provisions of this Article shall not be
18 eligible to apply for a new license hereunder until one year has elapsed from the date of the
19 order revoking said license or if an appeal is taken from said order of revocation, one year from
20 the date of the order or final judgment sustaining said revocation. Any person who has been an
21 officer, agent, or employee of a licensee whose license has been revoked or suspended and who
22 is responsible for or participated in the violation upon which the order of suspension or
23 revocation was based, shall not be licensed within the period during which the order of
24 suspension or revocation is in effect."

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

27 **"§ 19A-29.1. License required for commercial breeder; penalty.**

28 (a) No commercial breeder shall operate in the State without first obtaining a
29 commercial breeder's license. Application for a license shall be in the manner provided by the
30 Director. The license period shall be the fiscal year and the license fee shall be fifty dollars
31 (\$50.00) for each license period or part thereof, beginning with the first day of the fiscal year.

32 (b) Failure of a commercial breeder to obtain a license as set forth in subsection (a) of
33 this section shall constitute a Class 2 misdemeanor. Continued illegal operation after conviction
34 shall constitute a separate offense. Animals found in the possession or custody of an unlicensed
35 commercial breeder shall be subject to immediate seizure and impoundment and upon
36 conviction of the unlicensed commercial breeder, shall become subject to sale or euthanasia in
37 the discretion of the Director."

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

40 **"§ 19A-29.2. Additional standards of care for commercial breeders; inspections.**

41 (a) Commercial breeders shall not own or have custody or control of more than 20
42 female dogs over the age of four months at any time.

43 (b) Commercial breeders shall not breed female dogs less than 18 months or more than
44 8 years of age and shall provide adequate veterinary care to the female adult dogs and their
45 offspring. An adult female dog shall not be bred without an annual certification from a licensed
46 veterinarian that the dog is in suitable health for breeding.

47 (c) Commercial breeding operations shall be subject to inspection by duly appointed
48 employees of the Department or by local animal control officers. In conducting such
49 inspections, the Department employee or local animal control officer may inspect the records of
50 the commercial breeder, the premises where animals are bred and maintained, and any animal

1 used in the breeding program or their offspring. Denial of access to the commercial breeding
2 operation shall be grounds for revocation of the commercial breeder's license."

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

5 **"§ 19A-29.3. Penalties for commercial breeder failing to provide adequate care for**
6 **animals; disposition of animals.**

7 The failure of a commercial breeder to adequately house, exercise, feed, water, provide
8 adequate veterinary care, or otherwise meet the standards of care for the animals in the
9 commercial breeder's custody or possession shall constitute a Class 3 misdemeanor, and the
10 commercial breeder shall be subject to a fine of not less than fifty dollars (\$50.00) per animal
11 or more than a total of one thousand dollars (\$1,000). The animals in the possession or custody
12 of the commercial breeder shall be subject to seizure and impoundment and upon conviction
13 may be sold or euthanized at the discretion of the Director, and the failure shall also constitute
14 grounds for revocation of the commercial breeder's license."

15 **SECTION 8.** This act becomes effective December 1, 2009, and applies to the
16 commercial breeding of dogs on or after that date.