

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

5

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
House Committee Substitute Favorable 8/6/09

Short Title: Commercial Dog Breeder Regulation.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE ABUSIVE PRACTICES AND PROVIDE FOR THE HUMANE
3 CARE AND TREATMENT OF DOGS AND PUPPIES BY ESTABLISHING
4 STANDARDS FOR THEIR CARE AT COMMERCIAL BREEDING OPERATIONS,
5 EXCLUDING KENNELS OR ESTABLISHMENTS OPERATED FOR THE PURPOSE
6 OF BOARDING OR TRAINING HUNTING, SPORTING, HERDING, SHOW, OR
7 WORKING DOGS.

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

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

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

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

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

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

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

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

28 The General Assembly of North Carolina enacts:

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

30 "**§ 19A-21. Purposes.**

31 The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of
32 such pets; (ii) to prevent the sale or use of stolen pets; (iii) to ~~insure~~ensure that animals, as
33 items of commerce, are provided humane care and treatment by regulating the transportation,
34 commercial breeding, sale, purchase, housing, care, handling and treatment of such animals by



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

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

8 "**§ 19A-23. Definitions.**

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

11 ...

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

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

20"

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

22 "(a) The Board of Agriculture shall:

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

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

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

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

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

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

1 chamber that allows for the individual separation of animals. Rules shall also
2 mandate training for any person who participates in the euthanasia process."

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

4 **"§ 19A-25. Employees; investigations; right of entry.**

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

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

17 **"§ 19A-29.1. Registration required for commercial breeder; penalty; injunction.**

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

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

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

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

33 **"§ 19A-29.2. Additional standards of care for commercial breeders.**

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

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

38 **"§ 19A-29.3. Penalties for commercial breeder failing to provide adequate care for**
39 **animals.**

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

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