
HOUSE BILL 1994

State of Washington

55th Legislature

1997 Regular Session

By Representatives Van Luven, Romero, Anderson, Blalock, Murray, Cody, Zellinsky and Cole

Read first time 02/18/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing certain health and safety standards
2 for registered commercial breeders of dogs and cats as pets; reenacting
3 and amending RCW 18.130.040; adding a new chapter to Title 16 RCW;
4 creating new sections; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 assure the humane, safe, and healthy treatment of dogs and cats bred as
8 pets by commercial breeding operations in this state. The registration
9 of commercial breeding operations by the department of health and the
10 establishment of reasonable state-wide operating standards will
11 professionalize breeding operators with a fair system of accountability
12 that merits public confidence while preventing the abuse and neglect of
13 prospective pets that present health and behavioral problems for their
14 adoptive pet owners. The legislature finds that current federal laws
15 and local controls, where they exist, are disparate, incomplete, and
16 infrequently enforced, and that the establishment of minimum uniform
17 state-wide standards will assist commercial pet breeders in meeting
18 public expectations consistent with recognized standards for the
19 health, safety, and welfare of animals. The legislature recognizes the

1 special bond between pet owners and their animal companions as an
2 integral part of the household, and the importance of assuring public
3 confidence in the pet industry for making healthy, happy, and loving
4 pets available to grateful owners.

5 NEW SECTION. **Sec. 2.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Breeder" means a person who owns or operates a facility that
8 sells or offers for sale more than five litters of dogs and cats bred
9 and produced annually for wholesale or retail sale.

10 (2) "Department" means the state department of health.

11 (3) "Secretary" means the secretary of health.

12 NEW SECTION. **Sec. 3.** (1) No breeder may operate a facility in
13 which five or more litters of dogs or cats, or both, are bred and
14 produced annually for sale without a license under this chapter. No
15 person may represent oneself as registered, or engage in any commercial
16 breeding operations covered under this chapter, without being
17 registered by the department of health.

18 (2) An application for registration must be made to the department
19 upon forms provided, and must contain such information as the
20 department reasonably requires including, but not limited to, evidence
21 of ability to comply with the laws as prescribed in this chapter.

22 NEW SECTION. **Sec. 4.** The secretary has authority to:

23 (1) Adopt rules necessary to implement this chapter;

24 (2) Establish all registration and renewal fees in accordance with
25 the purposes and processes specified in RCW 43.70.250;

26 (3) Establish forms and procedures necessary to administer this
27 chapter;

28 (4) Register and issue a registration certificate to an applicant
29 covered under this chapter;

30 (5) Hire clerical, administrative, investigative, and other staff
31 as needed to implement this chapter; and

32 (6) Maintain the official record of all applicants and licensees.

33 NEW SECTION. **Sec. 5.** Applications for registration must be
34 submitted on forms provided by the secretary. The secretary may
35 require any information and documentation which reasonably relates to

1 the need to determine whether the applicant meets the criteria for
2 registration under this chapter. Each applicant shall pay a fee
3 determined by the secretary under RCW 43.70.250 which must accompany
4 the application.

5 NEW SECTION. **Sec. 6.** The secretary may establish procedural
6 requirements and fees for renewal of registration. Failure to renew
7 invalidates the registration and all privileges granted by it.

8 NEW SECTION. **Sec. 7.** The uniform disciplinary act, chapter 18.130
9 RCW, governs the issuance and denial of a license, and the discipline
10 of a breeder registered under this chapter. The secretary is the
11 disciplining authority under this chapter.

12 NEW SECTION. **Sec. 8.** (1) The secretary shall appoint a pet
13 breeder advisory committee to advise the secretary on the
14 implementation of this chapter and on the operating standards for the
15 commercial breeding of dogs and cats as pets by breeders. The
16 committee is comprised of seven members consisting of one veterinarian
17 licensed by the department, two members who are breeders registered
18 under this chapter, two members of a state-wide association of animal
19 care and control agencies, and two members representing the public who,
20 in the determination of the secretary, present no conflicts of interest
21 to matters included in this chapter. The secretary shall appoint the
22 members for staggered terms, two members for one-year terms, two
23 members for two-year terms, and three members for three-year terms.
24 Subsequent appointments shall be for three-year terms.

25 (2) The secretary may remove any member for cause as specified by
26 rule. In the case of a vacancy, the secretary shall appoint a person
27 to serve for the remainder of the unexpired term.

28 (3) The committee shall meet at the request of the secretary and
29 hold meetings during the year as necessary to provide advice to the
30 secretary concerning the implementation of this chapter. The committee
31 may elect a chair and vice-chair. A majority of the members currently
32 serving shall constitute a quorum.

33 (4) Each member shall be reimbursed for travel expenses, as
34 authorized in RCW 43.03.050 and 43.03.060, and shall serve without
35 compensation.

1 (5) The secretary, members of the committee, or individuals acting
2 on their behalf are immune from civil action for official acts
3 performed in the course of their duties.

4 NEW SECTION. **Sec. 9.** The secretary, in consultation with the
5 advisory committee and with the cooperation of professional veterinary
6 associations, humane societies, and other groups, associations, and
7 organizations involved in the proper care and treatment of animals,
8 shall adopt rules establishing a standardized program of responsible
9 veterinary care to be implemented by breeders. The program shall
10 include, but not be limited to, provisions for vaccinations, internal
11 and external parasite control, disease prevention and control,
12 grooming, spaying, neutering and care of pregnant animals, first aid
13 and emergency care protocols, housing considerations associated with
14 illness and injury, and humane euthanasia methods. The secretary is
15 guided by the requirements of federal law and the program standards may
16 not be inconsistent with federal requirements established pursuant to
17 the animal welfare act, and any rules and regulations adopted thereto,
18 or its successor, now or hereinafter amended.

19 NEW SECTION. **Sec. 10.** Each year the department must compile,
20 publish, and make available to the public a list of breeders registered
21 by the department. The department must provide on request current
22 rules establishing breeder operating standards and a copy of this
23 chapter with the integrated disciplinary process.

24 NEW SECTION. **Sec. 11.** In addition to any action the secretary may
25 take for acts of unprofessional conduct specified under the uniform
26 disciplinary act, chapter 18.130 RCW, the secretary may deny or revoke
27 the registration of a breeder if that breeder:

28 (1) Violates this act or any implementing rule adopted under this
29 act that is considered an act of unprofessional conduct for the
30 purposes of the uniform disciplinary act;

31 (2) Is convicted of a crime relating to cruelty to animals; or

32 (3) Violates any animal protection law of this state concerning the
33 proper breeding, care, housing, raising, or treatment of animals.

34 **Sec. 12.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are
35 each reenacted and amended to read as follows:

1 (1) This chapter applies only to the secretary and the boards and
2 commissions having jurisdiction in relation to the professions licensed
3 under the chapters specified in this section. This chapter does not
4 apply to any business or profession not licensed under the chapters
5 specified in this section.

6 (2)(a) The secretary has authority under this chapter in relation
7 to the following professions:

8 (i) Dispensing opticians licensed under chapter 18.34 RCW;

9 (ii) Naturopaths licensed under chapter 18.36A RCW;

10 (iii) Midwives licensed under chapter 18.50 RCW;

11 (iv) Ocularists licensed under chapter 18.55 RCW;

12 (v) Massage operators and businesses licensed under chapter 18.108
13 RCW;

14 (vi) Dental hygienists licensed under chapter 18.29 RCW;

15 (vii) Acupuncturists licensed under chapter 18.06 RCW;

16 (viii) Radiologic technologists certified and X-ray technicians
17 registered under chapter 18.84 RCW;

18 (ix) Respiratory care practitioners certified under chapter 18.89
19 RCW;

20 (x) Persons registered or certified under chapter 18.19 RCW;

21 (xi) Persons registered as nursing pool operators under chapter
22 18.52C RCW;

23 (xii) Nursing assistants registered or certified under chapter
24 18.79 RCW;

25 (xiii) Health care assistants certified under chapter 18.135 RCW;

26 (xiv) Dietitians and nutritionists certified under chapter 18.138
27 RCW;

28 (xv) Sex offender treatment providers certified under chapter
29 18.155 RCW;

30 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
31 18.71.205;

32 (xvii) Persons registered as adult family home providers and
33 resident managers under RCW 18.48.020; (~~and~~)

34 (xviii) Denturists licensed under chapter 18.30 RCW; and

35 (xix) Persons registered as pet breeders under section 3 of this
36 act.

37 (b) The boards and commissions having authority under this chapter
38 are as follows:

1 (i) The podiatric medical board as established in chapter 18.22
2 RCW;

3 (ii) The chiropractic quality assurance commission as established
4 in chapter 18.25 RCW;

5 (iii) The dental quality assurance commission as established in
6 chapter 18.32 RCW;

7 (iv) The board of hearing and speech as established in chapter
8 18.35 RCW;

9 (v) The board of examiners for nursing home administrators as
10 established in chapter 18.52 RCW;

11 (vi) The optometry board as established in chapter 18.54 RCW
12 governing licenses issued under chapter 18.53 RCW;

13 (vii) The board of osteopathic medicine and surgery as established
14 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
15 18.57A RCW;

16 (viii) The board of pharmacy as established in chapter 18.64 RCW
17 governing licenses issued under chapters 18.64 and 18.64A RCW;

18 (ix) The medical quality assurance commission as established in
19 chapter 18.71 RCW governing licenses and registrations issued under
20 chapters 18.71 and 18.71A RCW;

21 (x) The board of physical therapy as established in chapter 18.74
22 RCW;

23 (xi) The board of occupational therapy practice as established in
24 chapter 18.59 RCW;

25 (xii) The nursing care quality assurance commission as established
26 in chapter 18.79 RCW governing licenses issued under that chapter;

27 (xiii) The examining board of psychology and its disciplinary
28 committee as established in chapter 18.83 RCW; and

29 (xiv) The veterinary board of governors as established in chapter
30 18.92 RCW.

31 (3) In addition to the authority to discipline license holders, the
32 disciplining authority has the authority to grant or deny licenses
33 based on the conditions and criteria established in this chapter and
34 the chapters specified in subsection (2) of this section. This chapter
35 also governs any investigation, hearing, or proceeding relating to
36 denial of licensure or issuance of a license conditioned on the
37 applicant's compliance with an order entered pursuant to RCW 18.130.160
38 by the disciplining authority.

1 (4) All disciplining authorities shall adopt procedures to ensure
2 substantially consistent application of this chapter, the Uniform
3 Disciplinary Act, among the disciplining authorities listed in
4 subsection (2) of this section.

5 NEW SECTION. **Sec. 13.** Sections 2 through 10 of this act
6 constitute a new chapter in Title 16 RCW.

7 NEW SECTION. **Sec. 14.** Sections 1 through 7, 10, and 11 of this
8 act take effect January 1, 1998.

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