

ESSB 5651 - H COMM AMD

By Committee on Judiciary

ADOPTED 4/08/2009

1 Strike everything after the enacting clause and insert the
2 following:

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4 "NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Dogs are neither a commercial crop nor commodity and should
6 not be indiscriminately or irresponsibly mass produced;

7 (2) Large-scale dog breeding increases the likelihood that the
8 dogs will be denied their most basic needs including but not limited
9 to: Sanitary living conditions, proper and timely medical care, the
10 ability to move freely at least once per day, and adequate shelter
11 from the elements;

12 (3) Without proper oversight, large-scale breeding facilities can
13 easily fall below even the most basic standards of humane housing and
14 husbandry;

15 (4) Current Washington state laws are inadequate regarding the
16 care and husbandry of dogs in large-scale breeding facilities;

17 (5) No Washington state agency currently regulates large-scale
18 breeding facilities;

19 (6) The United States department of agriculture does not regulate
20 large-scale breeding facilities that sell dogs directly to the public
21 and thus, such direct-sales breeders are currently exempt from even
22 the minimum care and housing standards outlined in the federal animal
23 welfare act;

24 (7) Documented conditions at large-scale breeding facilities
25 include unsanitary conditions, potential for soil and groundwater
26 contamination, the spread of zoonotic parasites and infectious
27 diseases, and the sale of sick and dying animals to the public; and

1 (8) An unfair fiscal burden is placed on city, county, and state
2 taxpayers as well as government agencies and nongovernmental
3 organizations, which are required to care for discarded or abused and
4 neglected dogs from large-scale breeding facilities.

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6 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
7 to read as follows:

8 (1) A person may not own, possess, control, or otherwise have
9 charge or custody of more than fifty dogs with intact sexual organs
10 over the age of six months at any time.

11 (2) Any person who owns, possesses, controls, or otherwise has
12 charge or custody of more than ten dogs with intact sexual organs over
13 the age of six months and keeps the dogs in an enclosure for the
14 majority of the day must at a minimum:

15 (a) Provide space to allow each dog to turn about freely, to
16 stand, sit, and lie down. The dog must be able to lie down while
17 fully extended without the dog's head, tail, legs, face, or feet
18 touching any side of an enclosure and without touching any other dog
19 in the enclosure when all dogs are lying down simultaneously. The
20 interior height of the enclosure must be at least six inches higher
21 than the head of the tallest dog in the enclosure when it is in a
22 normal standing position. Each enclosure must be at least three times
23 the length and width of the longest dog in the enclosure, from tip of
24 nose to base of tail and shoulder blade to shoulder blade.

25 (b) Provide each dog that is over the age of four months with a
26 minimum of one exercise period during each day for a total of not less
27 than one hour of exercise during such day. Such exercise must include
28 either leash walking or giving the dog access to an enclosure at least
29 four times the size of the minimum allowable enclosure specified in
30 subsection (2)(a) of this section allowing the dog free mobility for
31 the entire exercise period, but may not include use of a cat mill,
32 jenny mill, slat mill, or similar device, unless prescribed by a
33 doctor of veterinary medicine. The exercise requirements in this

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1 subsection do not apply to a dog certified by a doctor of veterinary
2 medicine as being medically precluded from exercise.

3 (c) Maintain adequate housing facilities and primary enclosures
4 that meet the following requirements at a minimum:

5 (i) Housing facilities and primary enclosures must be kept in a
6 sanitary condition. Housing facilities where dogs are kept must be
7 sufficiently ventilated at all times to minimize odors, drafts,
8 ammonia levels, and to prevent moisture condensation. Housing
9 facilities must have a means of fire suppression, such as functioning
10 fire extinguishers, on the premises and must have sufficient lighting
11 to allow for observation of the dogs at any time of day or night;

12 (ii) Housing facilities must enable all dogs to remain dry and
13 clean;

14 (iii) Housing facilities must provide shelter and protection from
15 extreme temperatures and weather conditions that may be uncomfortable
16 or hazardous to the dogs;

17 (iv) Housing facilities must provide sufficient shade to shelter
18 all the dogs housed in the primary enclosure at one time;

19 (v) A primary enclosure must have floors that are constructed in a
20 manner that protects the dogs' feet and legs from injury;

21 (vi) Primary enclosures must be placed no higher than forty-two
22 inches above the floor and may not be placed over or stacked on top of
23 another cage or primary enclosure;

24 (vii) Feces, hair, dirt, debris, and food waste must be removed
25 from primary enclosures at least daily or more often if necessary to
26 prevent accumulation and to reduce disease hazards, insects, pests,
27 and odors; and

28 (viii) All dogs in the same enclosure at the same time must be
29 compatible, as determined by observation. Animals with a vicious or
30 aggressive disposition must never be placed in an enclosure with
31 another animal, except for breeding purposes. Breeding females in
32 heat may not be in the same enclosure at the same time with sexually
33 mature males, except for breeding purposes. Breeding females and
34 their litters may not be in the same enclosure at the same time with

1 other adult dogs. Puppies under twelve weeks may not be in the same
2 enclosure at the same time with other adult dogs, other than the dam
3 or foster dam unless under immediate supervision.

4 (d) Provide dogs with easy and convenient access to adequate
5 amounts of clean food and water. Food and water receptacles must be
6 regularly cleaned and sanitized. All enclosures must contain potable
7 water that is not frozen, is substantially free from debris, and is
8 readily accessible to all dogs in the enclosure at all times.

9 (e) Provide veterinary care without delay when necessary. A dog
10 may not be bred if a veterinarian determines that the animal is unfit
11 for breeding purposes. Only dogs between the ages of twelve months
12 and eight years of age may be used for breeding. Animals requiring
13 euthanasia must be euthanized only by a licensed veterinarian.

14 (3) A person who violates subsection (1) or (2) of this section is
15 guilty of a gross misdemeanor.

16 (4) This section does not apply to the following:

17 (a) A publicly operated animal control facility or animal shelter;

18 (b) A private, charitable not-for-profit humane society or animal
19 adoption organization;

20 (c) A veterinary facility;

21 (d) A retail pet store;

22 (e) A research institution;

23 (f) A boarding facility; or

24 (g) A grooming facility.

25 (5) Subsection (1) does not apply to a commercial dog breeder
26 licensed, before the effective date of this act, by the United States
27 department of agriculture pursuant to the federal animal welfare act
28 (Title 7 U.S.C. Sec. 2131 et seq.).

29 (6) For the purposes of this section, the following definitions
30 apply, unless the context clearly requires otherwise:

31 (a) "Dog" means any member of *Canis lupus familiaris*; and

32 (b) "Retail pet store" means a commercial establishment that
33 engages in a for-profit business of selling at retail cats, dogs, or
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1 other animals to be kept as household pets and is regulated by the
2 United States department of agriculture.

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4 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2010."

EFFECT: Removes the requirement that housing facilities be equipped with smoke alarms. Removes references to sprinkler systems as a means of fire suppression, but still requires a means of fire suppression such as fire extinguishers. Removes the requirement that the ambient temperature in the housing facility be between 50-85 degrees. Removes specifications regarding the slats in the floors of the dogs' enclosures.

Provides that the exercise standards related to enclosures are based on the minimum allowable enclosure size rather than the primary enclosure size.

Removes the prohibition against the use of treadmills to exercise the dogs.

Removes the requirement that male unaltered dogs be examined by a veterinarian at least once per year and female unaltered dogs be examined either once per year or prior to each attempt at breeding, whichever occurs more frequently.

Provides that commercial dog breeders licensed by the USDA before the effective date of the act are only exempt from the prohibition of having more than 50 dogs. Commercial dog breeders licensed by the USDA after the effective date of the act are not exempt from the act.

Removes the provision regarding an animal control officer investigating complaints.

Removes the definition of "large-scale breeding facility."

Clarifies the requirements regarding dogs being in the same enclosure with other dogs.

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