

SSB 5651 - S AMD 194

By Senators Kohl-Welles, Becker

ADOPTED 03/11/2009

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

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

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

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

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

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

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

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

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

27 (8) An unfair fiscal burden is placed on city, county, and state
28 taxpayers as well as government agencies and nongovernmental
29 organizations, who are required to care for discarded or abused and
30 neglected dogs from large-scale breeding facilities.

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

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

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

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

20 (b) Provide each dog that is over the age of four months with a
21 minimum of one exercise period during each day for a total of not less
22 than one hour of exercise during such day. Such exercise must include
23 removing the dog from the dog's primary enclosure and either leash
24 walking or giving the dog access to an enclosure at least four times
25 the size of the primary enclosure allowing the dog free mobility for
26 the entire exercise period, but may not include use of a treadmill, cat
27 mill, jenny mill, slat mill, or similar device, unless prescribed by a
28 doctor of veterinary medicine. The exercise requirements in this
29 subsection do not apply to a dog certified by a doctor of veterinary
30 medicine as being medically precluded from exercise.

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

33 (i) Housing facilities and primary enclosures must be kept in a
34 sanitary condition. Housing facilities where dogs are kept must be
35 sufficiently ventilated at all times to minimize odors, drafts, ammonia
36 levels, and to prevent moisture condensation. Housing facilities must
37 be equipped with a working smoke alarm and have a means of fire

1 suppression, such as functioning fire extinguishers or a functioning
2 sprinkler system on the premises and must have sufficient lighting to
3 allow for observation of the dogs at any time of day or night;

4 (ii) Housing facilities must enable all dogs to remain dry and
5 clean;

6 (iii) Housing facilities must provide shelter and protection from
7 extreme temperatures and weather conditions that may be uncomfortable
8 or hazardous to the dogs. Ambient temperature must not fall below
9 fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit;

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

12 (v) A primary enclosure must have floors that are constructed in a
13 manner that protects the dogs' feet and legs from injury. Raised
14 kennels must be slatted with a solid resting surface. The following
15 must be met for floors constructed with slats: (A) Slats must be flat;
16 must have spaces in between that are no more than 0.5 inches in width;
17 (B) slats must have spaces between them that run the length of the
18 floor; (C) slats must be no less than one inch in width; (D) slats must
19 be level with the slat next to it within a single enclosure; (E) slats
20 must be strong enough so that the slats do not sag or bend between
21 structural supports; and (F) slats must be constructed of a material
22 impervious to moisture and able to be cleaned and sanitized;

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

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

30 (viii) All dogs housed in the same enclosure must be compatible, as
31 determined by observation. Animals with a vicious or aggressive
32 disposition must be housed individually. Breeding females in heat may
33 not be housed in the same enclosure with sexually mature males, except
34 for breeding. Breeding females with litters may not be housed in the
35 same enclosure with other adult dogs. Puppies under twelve weeks may
36 not be housed in the same enclosure with other adult dogs, other than
37 the dam or foster dam unless under immediate supervision.

1 (d) Provide dogs with easy and convenient access to adequate
2 amounts of clean food and water. Food and water receptacles must be
3 readily cleaned and sanitized. Enclosures must contain potable water
4 that is not frozen, is free from debris, and is readily accessible to
5 all dogs at all times.

6 (e) Provide veterinary care without delay when necessary. A male
7 unaltered dog must be examined by a veterinarian at least once a year.
8 A female unaltered dog must be examined by a veterinarian at least once
9 a year or prior to each attempt at breeding, whichever occurs more
10 frequently. A dog may not be bred if a veterinarian determines that
11 the animal is unfit for breeding purposes. Only dogs between the ages
12 of twelve months and eight years of age may be used for breeding.
13 Animals requiring euthanasia must be euthanized only by a licensed
14 veterinarian.

15 (3) Any animal control officer or other authorized public health or
16 safety official may, upon receiving a complaint or upon the officer's
17 own motion, investigate any violation of subsections (1) and (2) of
18 this section.

19 (4) A person who violates this section is guilty of a gross
20 misdemeanor.

21 (5) This section does not apply to the following:

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

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

25 (c) A veterinary facility;

26 (d) A retail pet store;

27 (e) A research institution;

28 (f) A boarding facility;

29 (g) A grooming facility; or

30 (h)(i) A commercial dog breeder licensed, before the effective date
31 of this act, by the United States department of agriculture pursuant to
32 the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.); or

33 (ii) A commercial dog breeder licensed, on or after the effective
34 date of this act, by the United States department of agriculture
35 pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et
36 seq.), except as provided otherwise in this subsection. Subsection (1)
37 of this section applies to a commercial dog breeder under this
38 subsection (5)(h)(ii).

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

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

4 (b) "Large-scale breeding facility" means a breeding facility that
5 has fifty or more dogs with intact sexual organs; and

6 (c) "Retail pet store" means a commercial establishment that
7 engages in a for-profit business of selling at retail cats, dogs, or
8 other animals to be kept as household pets. This term does not
9 include: (i) Any person or establishment that breeds or raises animals
10 to sell, exchange, broker, or otherwise transfer the animals to the
11 public as household pets; and (ii) publicly operated animal control
12 facilities or animal shelters, private, charitable not-for-profit
13 humane societies, or animal adoption organizations.

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

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15 On page 1, line 2 of the title, after "practices;" strike the
16 remainder of the title and insert "creating a new section; prescribing
17 penalties; and providing an effective date."

EFFECT: Adds "width" and "shoulder blade to shoulder blade" to the requirement that each enclosure must be at least three times the length of the longest dog in the enclosure, from tip of nose to base of tail. Amends the requirement that floor slats must be no less than one inch. Removes the requirement that a veterinarian must use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Removes the requirement that ear cropping, tail docking, debarking, and surgical births be done under anesthesia by a licensed veterinarian. Exempts from the bill commercial dog breeders licensed, after the effective date of the act, by the United States department of agriculture pursuant to the federal animal welfare act, except for the

prohibition against having fifty dogs with intact sexual organs over the age of six months. Exempts from all provisions of the bill dog breeders licensed, prior to the effective date of the act, by the United States department of agriculture pursuant to the federal animal welfare act.

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