

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5651

61st Legislature
2009 Regular Session

Passed by the Senate April 20, 2009
YEAS 43 NAYS 4

President of the Senate

Passed by the House April 8, 2009
YEAS 74 NAYS 23

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5651** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5651

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Delvin, Kline, and Tom)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to providing humanitarian requirements for certain
2 dog breeding practices; adding a new section to chapter 16.52 RCW;
3 creating a new section; prescribing penalties; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

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

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

1 (5) No Washington state agency currently regulates large-scale
2 breeding facilities;

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

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

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

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

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

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

25 (a) Provide space to allow each dog to turn about freely, to stand,
26 sit, and lie down. The dog must be able to lie down while fully
27 extended without the dog's head, tail, legs, face, or feet touching any
28 side of an enclosure and without touching any other dog in the
29 enclosure when all dogs are lying down simultaneously. The interior
30 height of the enclosure must be at least six inches higher than the
31 head of the tallest dog in the enclosure when it is in a normal
32 standing position. Each enclosure must be at least three times the
33 length and width of the longest dog in the enclosure, from tip of nose
34 to base of tail and shoulder blade to shoulder blade.

35 (b) Provide each dog that is over the age of four months with a
36 minimum of one exercise period during each day for a total of not less
37 than one hour of exercise during such day. Such exercise must include

1 either leash walking or giving the dog access to an enclosure at least
2 four times the size of the minimum allowable enclosure specified in (a)
3 of this subsection allowing the dog free mobility for the entire
4 exercise period, but may not include use of a cat mill, jenny mill,
5 slat mill, or similar device, unless prescribed by a doctor of
6 veterinary medicine. The exercise requirements in this subsection do
7 not apply to a dog certified by a doctor of veterinary medicine as
8 being medically precluded from exercise.

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

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

18 (ii) Housing facilities must enable all dogs to remain dry and
19 clean;

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

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

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

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

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

34 (viii) All dogs in the same enclosure at the same time must be
35 compatible, as determined by observation. Animals with a vicious or
36 aggressive disposition must never be placed in an enclosure with
37 another animal, except for breeding purposes. Breeding females in heat
38 may not be in the same enclosure at the same time with sexually mature

1 males, except for breeding purposes. Breeding females and their
2 litters may not be in the same enclosure at the same time with other
3 adult dogs. Puppies under twelve weeks may not be in the same
4 enclosure at the same time with other adult dogs, other than the dam or
5 foster dam unless under immediate supervision.

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

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

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

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

- 19 (a) A publicly operated animal control facility or animal shelter;
- 20 (b) A private, charitable not-for-profit humane society or animal
21 adoption organization;
- 22 (c) A veterinary facility;
- 23 (d) A retail pet store;
- 24 (e) A research institution;
- 25 (f) A boarding facility; or
- 26 (g) A grooming facility.

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

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

- 33 (a) "Dog" means any member of *Canis lupus familiaris*; and
- 34 (b) "Retail pet store" means a commercial establishment that
35 engages in a for-profit business of selling at retail cats, dogs, or
36 other animals to be kept as household pets and is regulated by the

1 United States department of agriculture.

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

--- END ---