

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 460*
Commerce Committee Substitute Adopted 5/4/09
PROPOSED COMMITTEE SUBSTITUTE S460-PCS75282-TD-59

Short Title: Puppy Mill Bill.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE PUPPY MILLS.

3 The General Assembly of North Carolina enacts:

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

5 "**§ 19A-21. Purposes.**

6 The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of
7 such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of
8 commerce, are provided humane care and treatment by regulating the transportation,
9 commercial breeding, sale, purchase, housing, care, handling and treatment of such animals by
10 persons or organizations engaged in transporting, breeding, buying, or selling them for such
11 use; (iv) to insure that animals confined in commercial breeding operations, pet shops, kennels,
12 animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the
13 sale, trade or adoption of those animals which show physical signs of infection, communicable
14 disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade
15 or adoption."

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

17 "**§ 19A-23. Definitions.**

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

20 ...

21 (5b) "Commercial breeder" means any person who owns or maintains 15 or more
22 intact female dogs of breeding age and 30 or more puppies for the purpose of
23 sale. Nothing in this Article shall apply to those kennels or establishments
24 operated for the purpose of boarding or training hunting, sporting, herding,
25 show, or working dogs.

26 (5c) "Commercial breeding operation" means the physical location or facility at
27 which a commercial breeder breeds or maintains intact female dogs of
28 breeding age and puppies.

29"

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

31 "(a) The Board of Agriculture shall:

32 (1) Establish standards for the care of animals at animal shelters, boarding
33 kennels, pet shops, and public auctions. A boarding kennel that offers dog



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1 day care services and has a ratio of dogs to employees or supervisors, or
2 both employees and supervisors, of not more than 10 to one, shall not as to
3 such services be subject to any regulations that restrict the number of dogs
4 that are permitted within any primary enclosure.

5 (1a) Establish standards for the care of animals at commercial breeding
6 operations. The standards adopted shall include provisions for adequate daily
7 exercise, adequate veterinary care, appropriate housing for intact female
8 dogs of breeding age, females with litters and weaned puppies, and record
9 keeping. The standards applicable to animal shelters shall apply to
10 commercial breeding facilities unless otherwise established.

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

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

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

17 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
18 person required to obtain a certificate of registration under this Article. An
19 animal shall only be put to death by a method and delivery of method
20 approved by the American Veterinary Medical Association, the Humane
21 Society of the United States, or the American Humane Association. The
22 Department shall establish rules for the euthanasia process using any one or
23 combination of methods and standards prescribed by the three
24 aforementioned organizations. The rules shall address the equipment, the
25 process, and the separation of animals, in addition to the animals' age and
26 condition. If the gas method of euthanasia is approved, rules shall require (i)
27 that only commercially compressed carbon monoxide gas is approved for
28 use, and (ii) that the gas must be delivered in a commercially manufactured
29 chamber that allows for the individual separation of animals. Rules shall also
30 mandate training for any person who participates in the euthanasia process."

31 **SECTION 4.** G.S. 19A-30 reads as rewritten:

32 **"§ 19A-30. Refusal, suspension or revocation of certificate or license.**

33 The Director may refuse to issue or renew or may suspend or revoke a certificate of
34 registration for any animal shelter or a license for any commercial breeder, public auction,
35 kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he
36 determines that any one or more of the following grounds apply:

37 (1) Material misstatement in the application for the original certificate of
38 registration or license or in the application for any renewal under this
39 Article;

40 (2) Willful disregard or violation of this Article or any rules issued pursuant
41 thereto;

42 (3) Failure to provide adequate housing facilities and/or primary enclosures for
43 the purposes of this Article, or if the feeding, watering, sanitizing and
44 housing practices at the animal shelter, public auction, pet shop, or kennel
45 are not consistent with the intent of this Article or the rules adopted under
46 this Article;

47 (3a) Failure to comply with the statutes and rules governing commercial breeding
48 operations;

49 (4) Allowing one's license under this Article to be used by an unlicensed person;

50 (5) Conviction of any crime an essential element of which is misstatement,
51 fraud, or dishonesty, or conviction of any felony;

- 1 (6) Making substantial misrepresentations or false promises of a character likely
2 to influence, persuade, or induce in connection with the business of a public
3 auction, commercial kennel, commercial breeding operation, pet shop, or
4 dealer;
- 5 (7) Pursuing a continued course of misrepresentation of or making false
6 promises through advertising, salesmen, agents, or otherwise in connection
7 with the business to be licensed;
- 8 (8) Failure to possess the necessary qualifications or to meet the requirements of
9 this Article for the issuance or holding of a certificate of registration or
10 license.

11 The Director shall, before refusing to issue or renew and before suspension or revocation
12 of a certificate of registration or a license, give to the applicant or holder thereof a written
13 notice containing a statement indicating in what respects the applicant or holder has failed to
14 satisfy the requirements for the holding of a certificate of registration or a license. If a
15 certificate of registration or a license is suspended or revoked under the provisions hereof, the
16 holder shall have five days from such suspension or revocation to surrender all certificates of
17 registration or licenses issued thereunder to the Director or his authorized representative.

18 A person to whom a certificate of registration or a license is denied, suspended, or revoked
19 by the Director may contest the action by filing a petition under G.S. 150B-23 within five days
20 after the denial, suspension, or revocation.

21 Any licensee whose license is revoked under the provisions of this Article shall not be
22 eligible to apply for a new license hereunder until one year has elapsed from the date of the
23 order revoking said license or if an appeal is taken from said order of revocation, one year from
24 the date of the order or final judgment sustaining said revocation. Any person who has been an
25 officer, agent, or employee of a licensee whose license has been revoked or suspended and who
26 is responsible for or participated in the violation upon which the order of suspension or
27 revocation was based, shall not be licensed within the period during which the order of
28 suspension or revocation is in effect."

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

31 **"§ 19A-29.1. License required for commercial breeder; penalty.**

32 (a) No commercial breeder shall operate in the State without first obtaining a
33 commercial breeders license. Application for a license shall be in the manner provided by the
34 Director. The license period shall be the fiscal year and the license fee shall be fifty dollars
35 (\$50.00) for each license period or part thereof, beginning with the first day of the fiscal year.

36 (b) Acting as a commercial breeder without first obtaining a license as set forth in
37 subsection (a) of this section shall constitute a Class 2 misdemeanor. A second or subsequent
38 offense shall constitute a Class 1 misdemeanor. Animals found in the possession or custody of
39 an unlicensed commercial breeder who has been convicted of acting as an unlicensed
40 commercial breeder within the past five years shall be subject to immediate seizure and
41 impoundment and shall be subject to sale or euthanasia at the discretion of the Director."

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

44 **"§ 19A-29.2. Additional standards of care for commercial breeders; inspections.**

45 (a) Commercial breeders shall provide adequate veterinary care to the intact female
46 dogs of breeding age and any puppies in their care and custody. An intact female dog of
47 breeding age shall not be bred without an examination from a licensed veterinarian to
48 determine that the dog is in suitable health for breeding.

49 (b) Commercial breeding operations shall be subject to inspection by duly appointed
50 employees of the Department unless otherwise requested by a local animal control officer and
51 authorized by the Department. In conducting such inspections, the Department employee or

1 local animal control officer may inspect the records of the commercial breeder, the premises
2 where animals are bred and maintained, and any animal used in the breeding program or any
3 puppies in their care and custody. Denial of access to the commercial breeding operation shall
4 be grounds for revocation of the commercial breeders license."

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

7 **"§ 19A-29.3. Penalties for commercial breeder failing to provide adequate care for**
8 **animals; disposition of animals.**

9 The failure of a commercial breeder to adequately house, exercise, feed, water, provide
10 adequate veterinary care, or otherwise meet the standards of care for the animals in the
11 commercial breeder's custody or possession shall constitute a Class 3 misdemeanor, and the
12 commercial breeder shall be subject to a fine of not less than fifty dollars (\$50.00) per animal
13 or more than a total of one thousand dollars (\$1,000). The failure to meet the standards of care
14 for the animals in the commercial breeder's custody or possession shall also constitute grounds
15 for revocation of the commercial breeder's license. The animals in the possession or custody of
16 the commercial breeder may be subject to seizure and impoundment and upon conviction may
17 be sold or euthanized at the discretion of the Director. Prior to seizure, the Director shall
18 consult with the county in which the animals are located. At the discretion of the Director, a
19 county may accept custody of the animals."

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