

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 159
PROPOSED COMMITTEE SUBSTITUTE H159-PCS10356-SU-17

Short Title: Dog Breeding Stds./Law Enforcement Tools.

(Public)

Sponsors:

Referred to:

March 5, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH STANDARDS OF CARE FOR LARGE COMMERCIAL DOG
3 BREEDING FACILITIES AND TO PROVIDE LAW ENFORCEMENT WITH TOOLS
4 TO ENSURE THAT DOGS AT THOSE FACILITIES ARE TREATED HUMANELY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 47 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 "§ 14-362.4. Standards of care for large commercial dog breeders.

9 (a) Any person who owns, has custody of, or maintains 10 or more female dogs over
10 the age of six months that are capable of reproduction and kept primarily for the purpose of
11 breeding and selling the offspring as pets shall provide the following for each dog owned, kept,
12 or maintained by that person:

13 (1) Access to exercise on a daily basis.

14 (2) Access to fresh food and water.

15 (3) Access to fresh food provided at appropriate intervals to maintain a healthy
16 weight.

17 (4) Appropriate veterinary care, including routine and preventative care.

18 (5) Daily assessment of each dog's overall health and behavior.

19 (6) Appropriate and prompt treatment or attention to any deviation in health.

20 (7) Preventative care sufficient to keep dogs free from internal and external
21 parasites.

22 (8) When necessary, euthanasia performed humanely.

23 (9) A primary enclosure that (i) is constructed and maintained so that dogs are
24 securely confined, (ii) does not cause injury to the dogs, (iii) protects the
25 dogs from extreme weather conditions, (iv) is maintained in a sanitary
26 manner, and (v) is large enough that each dog can sit, stand, lie down, or
27 turn around comfortably with no overcrowding.

28 (10) Protection from adverse or extreme weather conditions.

29 (11) Flooring that provides solid footing. If wire is used as flooring of a primary
30 enclosure, it should be comprised of a material featuring a protective
31 coating, be of an appropriate size to prevent injury, particularly to the dogs'
32 feet, and must be kept in good repair. If wire is used, a solid platform of
33 sufficient size should be provided to allow the dogs to attain solid footing
34 and to offer a space for resting.

35 (12) Lighting that provides a regular lighting cycle for the dogs.



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1 In addition, any bedding material made available to dogs shall be clean and not pose a risk
2 to the dogs.

3 (b) Any person who owns, has custody of, or maintains 10 or more female dogs over
4 the age of six months that are capable of reproduction and kept primarily for the purpose of
5 breeding and selling the offspring as pets shall keep the facility and primary enclosures clean
6 and free from debris and odor and shall remove feces and dispose of them as frequently as
7 necessary so as not to pose a threat to the health of the dogs.

8 (c) Failure to comply with the standards established under subsections (a) and (b) of
9 this section constitutes a Class 3 misdemeanor punishable by a fine of not less than twenty-five
10 dollars (\$25.00) per animal nor more than a total of one thousand dollars (\$1,000), unless the
11 person has previously pled guilty or nolo contendere to, or been found guilty of, a violation of
12 this section, in which case each such violation is a Class 1 misdemeanor. Each violation shall
13 constitute a separate offense.

14 (d) The provisions of this section are in addition to, and not in lieu of, any other State or
15 federal laws protecting animal welfare. This section shall not be construed to limit any State
16 law or regulation protecting the welfare of animals, nor shall anything in this section prevent a
17 local governing body from adopting and enforcing its own animal welfare laws and regulations
18 in addition to this section. This section shall not be construed to place any numerical limits on
19 the number of dogs a person may own or control or to regulate persons' ownership of dogs
20 when those dogs are not used for breeding and selling any offspring for use as a pet. Nothing in
21 this section shall be construed to limit hunting or the ability to breed, raise, sell, control, train,
22 or possess dogs with the intention to use those dogs for hunting or other sporting purposes.

23 (e) This section does not apply to kennels or boarding facilities in which the majority of
24 the dogs are:

- 25 (1) Being bred or trained primarily for hunting, sporting, field trials, or show;
- 26 (2) Being maintained primarily for hunting, sporting, field trials, or show; or
- 27 (3) Kept primarily for purposes other than the sale of offspring as pets."

28 **SECTION 2.** If any provision of this act, or the application of this act to any
29 person or circumstances, is held invalid or unconstitutional, that invalidity or
30 unconstitutionality shall not affect other provisions or applications of this act that can be given
31 effect without the invalid or unconstitutional provision or application, and to this end, the
32 provisions of this act are severable.

33 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
34 offenses committed on or after that date.