



# OLR RESEARCH REPORT

September 6, 2013

2013-R-0309

## **STANDARDS OF CARE FOR DOG AND CAT BREEDERS**

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You asked for a summary of federal and state laws and regulations that establish standards for the care of animals by dog and cat breeders. You also want to know what positions large animal advocacy organizations hold on this issue. We contacted the American Kennel Club, American Cat Fanciers Association, and Humane Society of the United States for their positions. The American Kennel Club and the Humane Society provided responses for this report.

### **SUMMARY**

Federal laws and regulations establish minimum standards of care for the treatment of cats and dogs by commercial breeders. These standards apply to certain midsized and large breeders and exempt small and so-called hobby breeders. They set requirements for humane handling, shelter, space requirements, feeding, watering, sanitation, ventilation, veterinary care, and transport.

At least 19 states have laws and regulations establishing standards of care for commercial breeders to follow. These standards typically cover kennel size, limitations on cage stacking, access to water and food, sanitation, flooring material, temperature and ventilation, lighting, exercise, socialization, and veterinary care.

The American Kennel Club maintains a care and conditions policy for dog owners and breeders to follow and it conducts investigations and inspections to ensure compliance. We include the policy further below.

According to The Humane Society of the United States, federal laws and regulations applicable to dog and cat breeders are “extremely limited in scope, exclude a large percentage of breeders and other pet dealers, and provide very minimal standards of care.” As a result, “many states have enacted statutes to provide some degree of protection for dogs living in breeding facilities that are not subject to federal regulation and create more stringent standards than those set forth under [federal law].”

## **FEDERAL REGULATION OF BREEDERS**

The federal Animal Welfare Act (AWA) and accompanying U.S. Department of Agriculture (USDA) regulations set minimum standards for commercial breeders (i.e., those that breed and sell animals to pet stores, brokers, or research facilities) to follow (7 U.S.C. § 2131 et seq. and 9 CFR § 1.1 et seq.). These breeders are required to obtain a license from the USDA’s Animal and Plant Health Inspection Service (APHIS). Before APHIS issues a license, the applicant must comply with all standards and regulations. To ensure that licensed facilities continue to comply with the AWA, APHIS inspectors regularly make unannounced inspections.

While the AWA requires people who breed cats and dogs for sale to pet stores, brokers, or research facilities to be licensed and adhere to minimum standards of care, the act does not apply to all animals in all situations. For example, it does not apply to breeders who sell directly to the public, so-called hobby breeders (e.g., people who derive no more than \$500 in gross income from the sale of animals), or breeders with fewer than four breeding females (9 CFR § 2.1(a)(3)).

### ***Standards of Care***

All USDA/APHIS-licensed breeders must comply with the standards of care outlined in federal regulations (9 CFR §§ 2.40 and 3.1-3.19). These standards set minimum requirements for humane handling, shelter, space requirements, feeding, watering, sanitation, ventilation, veterinary care, and transport, among other things. APHIS encourages licensees to provide care that exceeds the minimum standards.

Table 1 provides examples of the federal standards.

**Table 1: Federal Minimum Standards of Care for Animal Breeders**

<b>Category</b>	<b>General Standard</b>
Housing and Primary Enclosures	Animals must be housed in structurally sound facilities and enclosures that are in good repair and meet APHIS' minimum space requirements. The facility must contain the animals and protect them from other animals and extreme weather and temperatures. Drainage systems must be in good repair. Floors must protect the animals from injury. Cages must be dry and clean and allow animals easy access to food and water. If the shelter is outdoors, it must protect animals from sunlight, precipitation, and extreme temperatures.
Ventilation	Animals must be provided with (1) cool air or increased ventilation if the ambient temperature is above 85 degrees Fahrenheit or (2) heat if the temperature falls below 45 degrees Fahrenheit.
Lighting	Facilities must be lit well enough to allow safe and easy access for feeding, cleaning, and complete inspection.
Interior Surfaces	The interior of a facility must be substantially impervious to moisture and able to be easily cleaned and sanitized.
Cleaning and Sanitation	Excreta and food waste must be removed and disposed of at least daily and as often as necessary. Primary cages or enclosures and food and water receptacles must be sanitized at least once every two weeks. Facilities must not allow trash to accumulate.
Pest Control	Facility managers must have an effective program to control insects, ectoparasites, and avian and mammalian pests.
Feeding and Watering	At least once each day, animals must be provided with nutritious, palatable food that is free from contamination, properly stored, and served in a clean receptacle. Potable water must be made available twice daily for one hour if it is not available all the time.
Compatibility	Female animals in heat must be separated from male animals except for breeding purposes. Additionally, (1) animals with vicious dispositions should be housed apart from other animals, (2) puppies and kittens should be separated from adult animals other than their mothers, and (3) different species of animals should not be housed together unless compatible.
Veterinary Care	Programs of disease control and prevention, euthanasia, and veterinary care must be established and maintained under the supervision and assistance of a veterinarian. Additionally, a caretaker must observe the animals daily.
Handling	Every licensee is required to handle animals properly at all times whether he or she is petting, working, feeding, crating, or transferring them.
Transportation	Licensees must provide animals with adequate space, ventilation, and shipping containers during transportation.

Source: USDA APHIS

## **STATE COMMERCIAL BREEDERS LAWS AND REGULATIONS**

States have the authority to impose higher standards of care than those required under the AWA. At least 19 states have specified standards of care for commercial breeders or large kennel operators in state law and regulations. These state requirements generally (1) apply to more breeders than the AWA and (2) establish more stringent standards of care than the AWA requires.

Generally, a commercial breeder under these state laws is someone who breeds a large number of dogs within a specified time period. This excludes hobby breeders who may breed just one or two litters every year. Breeders subject to the AWA must also comply with state laws and regulations.

The standards of care in state laws address things such as adequate food and water, regular exercise, veterinary care, lighting, adequate living space, and protection from the elements and extreme temperatures.

Table 2 provides, by state, the standards of care required for animals maintained by breeders, as that term is defined in state law; the facility inspection provisions under state law; and associated penalties for violations. The information is based on research compiled by the Michigan State University College of Law's Animal Legal & Historical Center. (See <http://www.animallaw.info/articles/State%20Tables/tbuscommercialbreeders.htm>.)

**Table 2: State Commercial Breeder Laws and Regulations**

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>California</b> Cal. Health &amp; Safety Code §§ 122045 - 122315</p>	<p>“Dog breeder” or “breeder” means a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of three or more litters or 20 or more dogs during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association.</p>	<p>The law requires breeders to:</p> <ul style="list-style-type: none"> <li>• maintain facilities in a sanitary condition;</li> <li>• provide adequate nutrition and potable water;</li> <li>• provide “adequate space” appropriate to the dog’s age, size, weight, and breed;</li> <li>• provide a rest board, floormat, or similar device that can be maintained in a sanitary condition;</li> <li>• provide adequate socialization (physical contact with other dogs and with human beings) and exercise;</li> <li>• provide veterinary care without delay when necessary; and</li> <li>• have staff wash their hands before and after handling an infectious or contagious dog.</li> </ul> <p>It is unlawful for a breeder to primarily house a dog on wire flooring.</p>	<p>None listed</p>	<p>Violators are subject to a civil penalty of up to \$1,000 per violation.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Colorado</b></p> <p>Colo. Rev. Stat. Ann. §§ 35-80-101 - 117</p> <p>8 Colo. Code Regs. § 1201-11</p>	<p>“Dog breeder” means any firm, person, or corporation engaged in breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring the animals, excluding racing greyhounds that are not intended to be companion pets.</p> <p>“Pet animal facility” means any place or premise used in whole or in part, which part is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals. “Pet animal facility” also includes any individual animals kept by such a facility as breeding stock.</p> <p>Pet animal facilities must be licensed.</p>	<p>Regulations set standards for:</p> <ul style="list-style-type: none"> <li>• facilities (e.g., structural, electrical service, potable water, wastewater removal system, protection from escape, etc.);</li> <li>• animal enclosures (e.g., wire flooring, tethering, heating, cooling, ventilation, lighting, isolation areas, protection from the elements with outdoor housing, specific spatial requirements for primary enclosures depending on the dog’s size, nursery, and exercise areas);</li> <li>• care and handling of pet animals (e.g., food, water, separation of animals, sanitation, observation, grooming, and identification);</li> <li>• transportation (e.g., temporary enclosures, vehicle enclosures, protection from the elements, and sanitation);</li> <li>• sanitation generally (e.g., cleaning of animal enclosures, sanitation of runs and exercise areas, waste disposal, pest control, etc.); and</li> <li>• sale and transfer issues (i.e., it is unlawful to sell, transfer, or adopt dogs under the age of eight weeks)</li> </ul>	<p>Per law, the agriculture commissioner, upon his or her own motion or upon the complaint of any person, may make any investigations necessary to ensure compliance.</p> <p>Per regulations, all licensed facilities may be inspected upon application, routinely thereafter, and upon a complaint to the commissioner or the department about a particular facility.</p> <p>All licensees or applicants for licensure or license renewal must make their respective facilities, animals, and records available for inspection by the commissioner during business hours or at other mutually agreeable times.</p>	<p>The commissioner can issue a civil penalty of up to \$1,000 for violations of the law. He can also issue a cease and desist order. If a person fails to comply with an order within 24 hours, the commissioner may sue for a temporary restraining order and injunctive relief.</p> <p>Certain violations, including operating a pet animal facility without a license, are class 2 misdemeanors.</p> <p>The commissioner may issue letters of admonition or deny, suspend, restrict, refuse to renew, or revoke any license for falsifying license information, violating law or rule, being convicted of an animal cruelty-related offense, or failing three reinspections within a single license year.</p>

Table 2 (continued)

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<p><b>Connecticut</b></p> <p>CGS §§ <a href="#">22-342</a> and <a href="#">22-344</a></p> <p>Conn. Agencies Regs. §§ <a href="#">22-344-1-15</a></p>	<p>The term “breeder” is not defined in the law.</p> <p>Any kennel owner or keeper who breeds more than two litters of dogs annually must apply to the town clerk in the town in which such kennel is located for a kennel license.</p> <p>No person may maintain a commercial kennel unless he or she has obtained from the agriculture commissioner a commercial kennel license. Licenses are renewed annually.</p> <p>“Commercial kennel” means a kennel maintained for boarding or grooming dogs or cats, and includes any veterinary hospital which boards or grooms dogs or cats for nonmedical purposes.</p>	<p>Facilities for housing dogs must be structurally sound and maintained in good repair.</p> <p>Kennel floors and removable rest boards, if provided, must be constructed of non-toxic, easily cleaned, water impervious materials, and walls and ceilings must be painted and kept clean.</p> <p>Inside and outside runs must be constructed to meet listed weight requirements for dogs.</p> <p>Lighting by either natural or artificial means must provide a minimum of 30 candle power for at least eight hours per day, except where otherwise indicated for health reasons.</p> <p>Hot and cold water must be provided.</p> <p>Kennel space must be ventilated to provide fresh air at all times.</p> <p>Kennel temperature must be maintained at a reasonable and suitable level to promote the health and comfort of the type of dogs housed.</p> <p>Sanitation must keep vermin at a minimum.</p> <p>There must be isolation facilities for dogs</p>	<p>The agriculture commissioner or any state animal control officer may at any time inspect all facilities of any kennel in which dogs are bred or housed.</p> <p>The commissioner may, at any time, inspect a commercial kennel.</p>	<p>Anyone maintaining a commercial kennel without the required license is subject to a fine of up to \$200. Anyone maintaining a kennel after having his or her kennel license revoked or suspended is guilty of a class B misdemeanor.</p> <p>Any owner or keeper of a kennel who breeds more than two litters of dogs annually and (1) fails to apply for a kennel license or (2) fails to allow an inspection of such facility is guilty of a class B misdemeanor.</p> <p>The commissioner may revoke the license of any commercial kennel owner who fails to comply with the law, regulations, or the commissioner’s orders.</p> <p>Upon inspection of a commercial kennel, if the commissioner finds violations of the law, he may issue a fine of up to \$500 for each</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
		<p>under quarantine or treatment for communicable diseases.</p> <p>Puppy litters must be segregated.</p> <p>Dogs confined in cages must be caged individually, except where otherwise indicated for health or welfare reasons.</p> <p>Cages must be large enough for the dog to turn about freely, stand erect, and lie down in a natural position</p> <p>Facilities must provide shelter from inclement weather that keeps dogs clean, warm, and dry.</p> <p>There must be clean and fresh water and sufficient and wholesome food, and food and water containers must be kept clean and sanitized.</p>		<p>animal that is the subject of the violation, issue orders necessary for the correction of the conditions, and quarantine the premises and animals.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Indiana</b></p> <p>Ind. Code Ann. §§ 15-17-3-15 and 15-21-1-1 et seq.</p> <p>345 Ind. Admin. Code 13-1-1 et seq.</p>	<p>“Commercial dog breeder” means a person who maintains more than 20 unaltered female dogs that are at least 12 months of age.</p> <p>A commercial dog breeder must register annually with the Indiana State Board of Animal Health.</p>	<p>By law, a commercial dog breeder must comply with the standards of care set forth in the federal Animal Welfare Act regulations.</p> <p>A commercial dog breeder:</p> <ul style="list-style-type: none"> <li>• may not house a dog in a cage containing a wire floor unless the cage contains an accommodation that allows the dog to be off the wire floor;</li> <li>• who houses a dog in a wire cage must use a cage that is large enough to allow for reasonable movement by the dog; and</li> <li>• must provide every dog with a reasonable opportunity for exercise outside of a cage at least once per day.</li> </ul> <p>A commercial dog breeder who permits a dog access to a run at least once per day has satisfied the exercise requirement. However, a commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog’s life or health.</p>	<p>The board may (1) make sanitary inspections and surveys and (2) enter upon any public or private property where any animals are quartered to inspect the property and examine the animals.</p>	<p>Knowingly or intentionally failing to register with the board as a commercial dog breeder is a class A misdemeanor. The breeder is liable to the state for two times the amount of registration fees that it failed to pay.</p> <p>The board can:</p> <ul style="list-style-type: none"> <li>• seek injunctive relief;</li> <li>• issue a compliance order identifying a violation and requiring corrective action by a certain date; or</li> <li>• impose a civil penalty of up to \$500 for a knowing violation, \$1,000 for an intentional violation, and \$5,000 for knowingly or intentionally violating an injunction.</li> </ul>

Table 2 (continued)

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<p><b>Iowa</b></p> <p>Iowa Code Ann. § 162.1 et seq.</p> <p>Iowa Admin. Code r. 21-67.1(162) - 13</p>	<p>“Commercial breeder” means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females is not a commercial breeder. However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a racetrack is considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.</p> <p>A commercial breeder may only operate pursuant to a state license.</p>	<p>The law requires a commercial establishment to provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:</p> <ul style="list-style-type: none"> <li>• adequate food and water, housing facilities, sanitary control, or grooming practices and</li> <li>• veterinary care.</li> </ul> <p>Regulations provide specific standards for:</p> <ul style="list-style-type: none"> <li>• housing facilities,</li> <li>• primary enclosures,</li> <li>• in-home kennels,</li> <li>• feeding and watering,</li> <li>• sanitation,</li> <li>• veterinary care,</li> <li>• personnel in the facilities, and</li> <li>• transportation of animals</li> </ul> <p>A commercial establishment fails to provide for a standard of care if it commits abuse, neglect, or torture.</p>	<p>The law allows the Department of Agriculture and Land Stewardship to monitor a permittee’s commercial establishment by entering onto its business premises at any time during normal working hours. The department must monitor the establishment for the limited purpose of determining whether the permittee is providing for the required standard of care. If the owner or person in charge of the establishment refuses admittance, the department may obtain an administrative search warrant.</p> <p>In order to enter onto a permittee’s business premises, the department must have reasonable cause to suspect that the permittee is not providing for the required standard of care.</p>	<p>A license may be denied or revoked if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate or if the feeding, watering, cleaning, and housing practices are not in compliance with the law.</p> <p>An authorized commercial establishment that violates the law is subject to a civil penalty of up to \$500. The official who determines a violation exists must provide a corrective plan to the establishment describing how the violation will be corrected within 15 days.</p> <p>An unauthorized commercial establishment is subject to a civil penalty of up to \$1,000.</p> <p>Operating a commercial establishment without authorization is a misdemeanor. Failure to meet the required standard of care is a misdemeanor.</p>

Table 2 (continued)

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<p><b>Kansas</b></p> <p>Kan. Stat. Ann. §§ 47-1701 et seq.</p> <p>Kan. Admin. Regs. 9-18-1 – 3 and 9-25-1 - 15</p>	<p>“Animal breeder” means any person who operates animal breeder premises.</p> <p>“Animal breeder premises” means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.</p> <p>It is unlawful for any person to act as or be an animal breeder unless he or she has obtained from the animal health commissioner an animal breeder license for each animal breeder premises operated by such person.</p> <p>It is also unlawful for any person to knowingly purchase a dog or a cat for the purpose of resale to another from someone required to be licensed under federal or state law if that person is not so licensed.</p>	<p>Breeders must provide animals with:</p> <ul style="list-style-type: none"> <li>• an adequate housing facility or primary enclosure;</li> <li>• adequate feeding, watering, sanitizing, and housing practices; and</li> <li>• adequate veterinary care.</li> </ul> <p>Regulations provide standards for:</p> <ul style="list-style-type: none"> <li>• housing facilities;</li> <li>• primary enclosures (e.g., space; resting area; protection from weather, including excess heat or cold; and access to food and water);</li> <li>• sanitation, cleaning, and pest control;</li> <li>• compatible grouping;</li> <li>• exercise;</li> <li>• feeding and watering;</li> <li>• employees (e.g., supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats); and</li> <li>• adequate veterinary care.</li> </ul>	<p>The animal health commissioner or his or her authorized, trained representatives (1) must inspect the premises for which an application for an original license is made and (2) may make an inspection at least twice a year.</p> <p>The commissioner must make an inspection if there are reasonable grounds to believe that the person is violating the law and regulations, or that there are grounds for suspension or revocation of such person’s license or permit.</p>	<p>Failing to provide adequate care can result in license revocation, suspension, or the refusal to issue a license.</p> <p>Upon a finding that a person has violated or failed to comply with the law, the commissioner may impose a civil fine of up to \$1,000 for each violation or require the person to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, the person may choose either a fine or the educational course.</p> <p>Any violation of or failure to comply with the law, or any regulation adopted thereunder, is a class A nonperson misdemeanor.</p>

Table 2 (continued)

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<p><b>Maine</b></p> <p>Me. Rev. Stat. Ann. tit. 7, §§ 3901 et seq. and 3931-A et seq.</p> <p>01-001 Code Me. R. Ch. 701</p>	<p>A “breeding kennel” is a location where (1) five or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold, or exchanged for value or (2) more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. It does not include a kennel licensed by a municipality when (1) the dogs are kept primarily for hunting, show, training, sledding, competition, field trials, or exhibition purposes and (2) 16 or fewer dogs are offered for sale, sold, or exchanged for value within a 12-month period.</p> <p>A person maintaining a breeding kennel must obtain a license from the Department of Agriculture, Conservation, and Forestry.</p>	<p>Regulations require all kennels to be composed of a primary structure that is in good repair and structurally sound. All primary structures must have available running water, heat, and electricity.</p> <p>Regulations establish general standards for temperature control, sanitation, food, disease control, noise, ventilation, and lighting.</p> <p>Regulations also establish specific standards for kennels. For example:</p> <ul style="list-style-type: none"> <li>• dogs must be removed from the cage a minimum of twice every 24-hour period;</li> <li>• there must be a separate and suitable exercise area properly controlled for the animals’ safety;</li> <li>• animals may not be placed in cages over other animals unless the enclosure is properly constructed to prevent excreta from entering the lower enclosure;</li> <li>• females may not be housed with males unless requested by owners or keepers;</li> <li>• all cages and pens must have a clean dry place for the animal to lie down, the flooring must be of solid type material without perforations, and there must be clean and</li> </ul>	<p>The Department of Agriculture, Conservation, and Forestry commissioner, a state humane agent, a veterinarian employed by the state, or a licensed veterinarian at the commissioner’s direction may, at any reasonable time, enter a breeding kennel, make examinations, and conduct any recognized tests for the existence of contagious or infectious diseases or conditions.</p> <p>Upon written complaint made to the commissioner by any person alleging violation of law or regulations by any licensee, the commissioner must investigate matters related in the complaint.</p>	<p>A person maintaining a breeding kennel without having obtained a license, or after a license has been revoked or suspended, commits a civil violation and is subject to a fine of between \$50 and \$200 a day.</p> <p>If, following an investigation, a violation is found to exist, the department or the attorney general may file a complaint with the Administrative Court for revocation or suspension of the license.</p> <p>The commissioner may revoke or suspend a breeding kennel license if a person maintaining the breeding kennel violates any quarantine or maintains animals contrary to the law and regulations.</p>

Table 2 (continued)

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		<p>sufficient bedding material to retain the animal's normal body heat; and</p> <ul style="list-style-type: none"> <li>the design and location of a cage and exercise area must permit ready and convenient access for cleaning, sanitation, and care of the animal.</li> </ul>		
<p><b>Massachusetts</b>  Mass. Gen. Laws Ann. ch. 140, §§ 136A, 137A, 137C, &amp; 137D</p>	<p>A "kennel" is a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.</p> <p>A "commercial breeder kennel" is an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops in return for consideration.</p> <p>A person maintaining a kennel must obtain a kennel license from a licensing authority (i.e., Boston city police commissioner or municipality clerk.)</p>	<p>A kennel must be maintained in a sanitary and humane manner.</p>	<p>The mayor of a city or selectmen of a town, or in Boston the police commissioner, or a chief of police or an animal control officer within his jurisdiction, may at any time inspect or cause to be inspected, any kennel and if, in his or her judgment, the same is not being maintained in a sanitary and humane manner, he or she must by order revoke or suspend the kennel license.</p>	<p>Any person maintaining a kennel after a license is revoked or suspended is fined up to \$250.</p> <p>A kennel license is void and must be surrendered if the licensee violates certain animal cruelty statutes. No person will be given a license during a period of five years from the date of his being found guilty or penalized for offenses against animals.</p>

Table 2 (continued)

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<p><b>Missouri</b></p> <p>Mo. Rev. Stat. § 273.325 et seq.</p> <p>Mo. Code Regs. Ann. tit. 2, § 30-9.010 - 9.030</p>	<p>The law applies to any person having custody or ownership of more than 10 female dogs for the purpose of breeding those animals and selling any offspring for use as a pet.</p> <p>A “commercial breeder” is a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or exchange in return for a consideration, and who harbors more than three intact females for the primary purpose of breeding animals for sale.</p> <p>Commercial breeders must obtain a license. (People engaged in breeding dogs and cats who harbor three or fewer intact females are exempt from the license requirement.)</p>	<p>The law establishes standards for:</p> <ul style="list-style-type: none"> <li>• sufficient food and clean water;</li> <li>• necessary veterinary care;</li> <li>• sufficient housing, including protection from the elements;</li> <li>• sufficient space to turn and stretch freely, lie down, and fully extend limbs;</li> <li>• regular exercise; and</li> <li>• adequate rest between breeding cycles.</li> </ul> <p>Regulations establish additional standards for:</p> <ul style="list-style-type: none"> <li>• housing facilities;</li> <li>• primary enclosures (e.g., those constructed after April 2011 may not have wire strand or bare metal flooring);</li> <li>• space and compatibility;</li> <li>• exercise;</li> <li>• feeding and watering;</li> <li>• sanitation, cleaning, and pest control; and</li> <li>• transportation.</li> </ul>	<p>A license may be issued only upon inspection by the state veterinarian, his designee, or an animal welfare official.</p> <p>The state veterinarian has the duty and authority to inspect all licensed facilities. Inspections must be conducted at least once a year, or upon a complaint to the agriculture department regarding a particular facility.</p>	<p>Whenever a state veterinarian or animal welfare official finds past violations of the law have occurred and have not been addressed, including operating without a valid license, the agriculture director may request the attorney general or the county prosecuting attorney or circuit attorney to sue in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations. In addition, the court may assess a civil penalty of up to \$1,000 for each violation.</p> <p>A person commits canine cruelty if he or she repeatedly violates the law so as to pose a substantial risk to the health and welfare of animals in such person’s custody, or knowingly violates a remedial</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
				<p>order involving the safety and welfare of animals. Canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case each violation is a class A misdemeanor.</p> <p>Any person required to have a license who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.</p>
<p><b>Nebraska</b> Neb. Rev. St. Ann. §§ 54-625 - 643 23 Neb. Admin. Code Ch. 18, § 001 - 015</p>	<p>A “commercial breeder” is a person:</p> <ul style="list-style-type: none"> <li>• who sells, exchanges, leases, or in any way transfers 31 or more dogs or cats in a 12-month period;</li> <li>• engaged in the business of breeding dogs or cats who owns or harbors four or more dogs or cats,</li> </ul>	<p>A commercial breeder must:</p> <ul style="list-style-type: none"> <li>• maintain housing facilities and primary enclosures in a sanitary condition,</li> <li>• enable all dogs and cats to remain dry and clean,</li> <li>• provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats,</li> <li>• provide sufficient shade to shelter all</li> </ul>	<p>The Department of Agriculture’s Bureau of Animal Industry must inspect each licensee’s premises at least once in a 24-month period to determine whether the licensee is in compliance with the law.</p>	<p>The department may:</p> <ul style="list-style-type: none"> <li>• issue a stop-movement order if it has reasonable cause to believe that there is noncompliance;</li> <li>• apply for a restraining order, temporary or permanent injunction, or</li> </ul>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
	<p>intended for breeding, in a 12-month period;</p> <ul style="list-style-type: none"> <li>• whose dogs or cats produce a total of four or more litters within a 12-month period; or</li> <li>• who knowingly sells, exchanges, or leases dogs or cats for later retail sale or brokered trading.</li> </ul> <p>A commercial breeder must be licensed by the Department of Agriculture.</p>	<p>the dogs and cats housed in the primary enclosure at one time,</p> <ul style="list-style-type: none"> <li>• provide dogs and cats with easy and convenient access to adequate amounts of clean food and water,</li> <li>• provide dogs with adequate socialization and exercise,</li> <li>• assure that a handler's hands are washed before and after handling each infectious or contagious dog or cat,</li> <li>• maintain a written veterinary care plan developed in conjunction with an attending veterinarian, and</li> <li>• provide veterinary care without delay when necessary.</li> </ul>		<p>mandatory injunction against any person violating or threatening to violate the act, the rules and regulations, or any order;</p> <ul style="list-style-type: none"> <li>• suspend or revoke licenses for noncompliance with the law or regulations; or</li> <li>• impose an administrative fine of up to \$5,000 for any violation.</li> </ul> <p>Operating as a commercial breeder without a license or violating the law is a class I misdemeanor.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Nevada</b></p> <p>Nev. Rev. Stat. Ann. 574.210 - 510</p>	<p>“Breeder” means a dealer, operator, or other person who is responsible for operating a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. It does not include a person who breeds dogs or cats as a hobby.</p> <p>“Operator” means a person responsible for operating (1) a cattery, kennel, or commercial establishment engaged in the business of selling animals or (2) an animal shelter.</p> <p>The board of county commissioners of each county or city council of a city (if not limited by an interlocal agreement) must adopt an ordinance requiring each breeder in an unincorporated area of the county or city to obtain an annual permit to act as a breeder.</p>	<p>By law, a breeder must not:</p> <p>(1) sell a dog or cat (a) unless the dog or cat has had (i) a registered microchip subcutaneously inserted and (ii) all the required vaccinations for rabies which are appropriate based upon the age of the dog or cat or (b) without providing a written sales contract to the purchaser or</p> <p>(2) breed a female dog (a) before she is 18 months old or (b) more than once a year.</p> <p>The law establishes standards of care for “operators,” including standards for buildings and grounds, enclosures, food and water, and sanitization.</p>	<p>Any animal control agent of a breeder permit-issuing authority may enter and inspect the premises specified on the permit at any reasonable hour.</p>	<p>An ordinance may provide for the suspension, revocation, or denial of a breeder permit for violating state law, as it applies to breeders.</p>
<p><b>Oregon</b></p> <p>Or. Rev. Stat. §§ 167.310, 374, &amp; 376</p>	<p>The law does not define “breeder.” Standards of care for dog breeding apply only to a person that possesses,</p>	<p>Owners must provide minimum care sufficient to preserve the animal’s health and well-being (e.g., food, water, shelter, and appropriate veterinary care).</p>	<p>None listed</p>	<p>A violation of the law is a class B misdemeanor.</p> <p>With respect to the “more</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
	<p>controls, or otherwise has charge of at the same time 10 or more sexually intact dogs that are at least eight months old. But this excludes:</p> <ul style="list-style-type: none"> <li>• an animal control agency, humane society, or animal shelter;</li> <li>• a person who provides care for dogs at the request of a unit of government, government agency, humane society, or animal shelter;</li> <li>• a veterinary facility;</li> <li>• a person that is transporting dogs; and</li> <li>• a boarding kennel.</li> </ul> <p>A person may not have more than 50 sexually intact dogs that are two years old or older for the primary purpose of reproduction.</p>	<p>Owners must:</p> <ul style="list-style-type: none"> <li>• provide each dog with sufficient space to turn about freely, stand, sit, and lie down without the head, face, tail, legs, or feet touching the sides of the enclosure or touching any other dog;</li> <li>• provide each dog with an enclosure that (1) has a solid floor without slats or gaps; (2) is six inches higher than the head of the tallest dog in that enclosure when the tallest dog is in a normal standing position; (3) if elevated above the floor of a room, is placed so that the floor of the enclosure is no more than 42 inches above the floor of the room and; (4) is not stacked or otherwise placed above or below any other dog enclosure;</li> <li>• provide each dog that is more than four months old with at least one hour of regular exercise each day, unless a veterinarian has certified that the dog is medically precluded from exercise; and</li> <li>• remove waste and contaminants from the enclosure at least once each day (the dog must be outside the enclosure when doing this).</li> </ul>		<p>than 50 dogs” requirement, a court must suspend the sentence if the violator agrees to have a sufficient number of dogs spayed or neutered to remedy the violation.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Pennsylvania</b></p> <p>3 Pa. Cons. Stat. Ann. §§ 459-102, 206, 207, 211, and 218;</p>	<p>A “commercial kennel” is a kennel that breeds or whelps dogs and (1) sells or transfers any dog to a dealer or pet shop kennel or (2) sells or transfers more than 60 dogs per calendar year.</p> <p>Anyone who operates a kennel must annually apply to the Department of Agriculture for a kennel license.</p>	<p>Kennel class C license holders (commercial kennels) must maintain primary enclosures in a way that protects the dogs from injury; provides shelter and protection from temperatures and weather conditions that may be uncomfortable or hazardous to any dog; provides sufficient space to shelter all the dogs housed in the primary enclosure at one time; provides potable water at all times, unless otherwise directed by a veterinarian; and provides space to allow each dog to turn about freely and lie down while fully extended. Primary enclosures must also be designed and constructed so that they are structurally sound and kept in good repair.</p> <p>Additionally, kennel class C license holders must:</p> <ul style="list-style-type: none"> <li>• establish a veterinarian-client-patient relationship and provide a written program of veterinary care;</li> <li>• provide sufficient heating, cooling, lighting, and ventilation in housing facilities;</li> <li>• ensure floors and walls of the primary enclosure are impervious to moisture;</li> <li>• not stack primary enclosures more than two rows high, keep the bottom of the uppermost primary enclosure no more than four and one-half feet</li> </ul>	<p>The agriculture department may not issue a kennel license unless a state dog warden or agriculture department employee has inspected and approved the kennel.</p> <p>A state dog warden or department employee must inspect all licensed kennels at least twice each calendar year.</p>	<p>The agriculture secretary must revoke a kennel license if the licensee is convicted of animal cruelty.</p> <p>In addition to any other penalty, the secretary may assess a civil penalty against an unlicensed kennel of between \$500 and \$1,000 for each day it operates in violation of the law.</p> <p>The secretary may provide a written cease and desist order to an owner who is operating a kennel without a license.</p> <p>Failure to take action or to meet the conditions imposed may, in addition to any other penalties allowed, result in the department imposing an administrative penalty of between \$100 and \$500 per day for each violation.</p> <p>Any violation constitutes a 3<sup>rd</sup> degree misdemeanor.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
		<p>off the housing facility floor, and equip the enclosure with a device to collect urine and excreta;</p> <ul style="list-style-type: none"> <li>• equip all kennels with a smoke alarm and have a means of fire suppression, such as fire extinguishers or a sprinkler system on the premises;</li> <li>• have detailed sanitization processes for both primary enclosures and food and water receptacles; and</li> <li>• have an effective pest control program.</li> </ul>		

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Tennessee</b></p> <p>Tenn. Code Ann. §§ 44-17-701 - 715</p> <p>Tenn. Comp. R. &amp; Regs. 1200-33-01-.01 - .09</p>	<p>“Commercial breeder” means any person who possesses or maintains, under the person’s immediate control, 20 or more unsterilized adult female dogs or cats for the purpose of selling the offspring as companion animals. It excludes those possessing companion animals for veterinary medicine, hunting, training, boarding, or grooming.</p> <p>A commercial breeder may not advertise, sell, or offer to sell any companion animal unless he or she has a valid license from the Department of Health commissioner.</p>	<p>Each licensee must comply with applicable federal or state laws or rules relative to the premises, including the federal AWA regulations.</p> <p>Each licensee must ensure that any act that constitutes the practice of veterinary medicine is performed by an individual licensed as a veterinarian by the Board of Veterinary Medical Examiners.</p>	<p>The health commissioner or the commissioner’s representative must inspect a breeder’s premises as considered necessary.</p>	<p>Any commercial breeder who advertises, sells, or offers to sell a companion animal without having a valid license from the commissioner is subject to a civil penalty of between \$50 and \$1,000 per violation. Each day of continued violation constitutes a separate violation.</p> <p>After inspections, a commercial breeder has 30 days from notice of violation to make a correction. If the breeder fails to make a correction, the commissioner may assess a civil penalty of between \$50 and \$1,000 per violation.</p>
<p><b>Texas</b></p> <p>Tex. Occ. Code Ann. §§ 802.001 et seq.</p>	<p>“Dog or cat breeder” means a person who possesses 11 or more adult intact female animals and (1) is engaged in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration and (2) who sells or exchanges, or offers to sell or exchange, at least 20</p>	<p>The Commission of Licensing and Regulation must adopt standards of care, which must, at a minimum, meet federal regulations. They must also:</p> <ul style="list-style-type: none"> <li>• require each dog 12 weeks old and older have at least one hour of daily exercise;</li> <li>• require an adequate period between the breeding cycles;</li> <li>• require the provision of basic</li> </ul>	<p>The Department of Licensing and Regulation must (1) conduct a pre-license inspection of an applicant’s facility and (2) inspect each facility of a licensed breeder at least once in every 18-month period and at other times as necessary to ensure</p>	<p>If a person violates the law or a rule adopted pursuant to it, the person is subject to any action or penalty under law, including administrative penalties, cease and desist orders, injunctive relief, and license denial. Penalties include a fine of up to \$5,000 per day for each violation.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
	<p>animals in a calendar year.</p> <p>A person may not act as, offer to act as, or represent that the he or she is a dog or cat breeder unless he or she holds a license for each facility owned or operated in the state.</p>	<p>grooming to each animal;</p> <ul style="list-style-type: none"> <li>• meet specific requirements for primary enclosures;</li> <li>• prohibit the placement of a primary enclosure of an animal on top of one of another animal unless an impervious barrier is present;</li> <li>• prohibit stacking dogs' primary enclosures above three vertical levels;</li> <li>• require at least one regular veterinary examination a year for a breeding animal;</li> <li>• require the provision of necessary routine and preventive care;</li> <li>• prohibit a person from euthanizing an adult animal or performing a surgical birth of an animal unless the person is a veterinarian; and</li> <li>• prohibit a dog or cat breeder from selling, trading, or giving away an animal before the animal is eight weeks old.</li> </ul>	<p>compliance.</p>	<p>Each day of a continuing violation is a separate violation.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Vermont</b></p> <p>Vt. Stat. Ann. tit. 20, §§ 3583, 3681-3684</p> <p>Vt. Code R. 2-4-300:3.1 et seq.</p>	<p>“Pet dealer” means any person who sells or exchanges or offers to sell or exchange cats, dogs, or wolf-hybrids from three or more litters in any 12-month period. It excludes pet shops, animal shelters, and rescue organizations.</p> <p>A pet dealer must apply to the municipal clerk of the town in which the cats, dogs, or wolf-hybrids are kept for a pet dealer permit.</p>	<p>The owner or keeper of domestic pets and wolf-hybrids kept for breeding purposes must keep the animals within a proper enclosure, which is a locked fence or structure of sufficient height and depth into the ground to prevent the entry of young children and to prevent the animal from escaping. It also provides humane shelter for the animal.</p> <p>Regulations provide specific standards relating to:</p> <ul style="list-style-type: none"> <li>• facilities,</li> <li>• primary enclosures,</li> <li>• animal health and husbandry,</li> <li>• watering,</li> <li>• sanitation,</li> <li>• classification and separation of animals,</li> <li>• veterinary care, and</li> <li>• transportation.</li> </ul>	<p>A pet dealer must allow inspections of the premises as a condition of receiving and keeping a pet dealer permit. Inspections may be conducted by a municipal animal control officer, a law enforcement officer, or an employee of the Agency of Agriculture, Food, and Markets.</p>	<p>A person who (1) fails to remedy conditions specified in a quarantine order, other than the prevalence of contagious disease, within 10 days after receiving notice of such order, or (2) sells, gives away, or otherwise removes a domestic pet or wolf-hybrid under quarantine or affected with a contagious disease, is subject to imprisonment of up to one year, a fine of up to \$2,000, or both. Second and subsequent convictions are punishable by imprisonment of up to two years, a fine of up to \$5,000, or both.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Virginia</b></p> <p>Va. Code Ann. §§ 3.2-6500 to 6503 and 3.2-6507.1 to 6507.6</p>	<p>“Commercial dog breeder” means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.</p> <p>A commercial dog breeder may not breed dogs without a valid business license issued by the locality where the dogs are kept.</p>	<p>“Adequate care” means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and euthanasia when necessary. The care must be appropriate for the age, species, condition, size, and type of the animal. Veterinary care must be provided when needed to prevent suffering or impairment of health.</p> <p>Adequate care provisions apply to all owners of companion animals. Each owner must provide for each of his or her companion animals:</p> <ul style="list-style-type: none"> <li>• adequate food and water;</li> <li>• adequate shelter that is properly cleaned;</li> <li>• adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;</li> <li>• adequate exercise;</li> <li>• adequate care, treatment, and transportation; and</li> <li>• veterinary care when needed or to prevent suffering or disease transmission.</li> </ul>	<p>The state veterinarian is authorized to inspect any business premises where animals are housed or kept at any reasonable time.</p> <p>The agriculture commissioner, state veterinarian, or any animal control officer may, upon receiving a complaint or upon his or her own motion, investigate a breeder’s premises for any violation of the law.</p>	<p>Any commercial dog breeder violating any provision of the law is guilty of a class 1 misdemeanor.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Washington</b></p> <p>Wash. Rev. Code Ann. § 16.52.310</p>	<p>“Breeder” is not specifically defined, but the law applies to a person who keeps 10 or more dogs with intact sexual organs over the age of six months in an enclosure for the majority of the day. It does not apply to a:</p> <ul style="list-style-type: none"> <li>• publicly operated animal control facility or animal shelter;</li> <li>• private, charitable not-for-profit humane society or animal adoption organization;</li> <li>• veterinary facility;</li> <li>• retail pet store;</li> <li>• research institution;</li> <li>• boarding facility; or</li> <li>• grooming facility.</li> </ul> <p>The law prohibits keeping more than 50 dogs, but this limitation does not apply to a commercial dog breeder licensed before January 1, 2010 by the USDA.</p>	<p>By law, a person must provide:</p> <ul style="list-style-type: none"> <li>• enough space for a dog to turn around freely, stand, sit, and lie down;</li> <li>• a dog one hour of exercise each day;</li> <li>• adequate housing facilities and primary enclosures that are kept in a sanitary condition (e.g., must be ventilated, provide shelter from extreme weather, have floors that protect the dogs’ feet from injury, and remove feces and debris);</li> <li>• a compatible grouping of dogs;</li> <li>• easy and convenient access to adequate clean food and water; and</li> <li>• veterinary care without delay when necessary.</li> </ul>	<p>None listed</p>	<p>A person who keeps more than 50 dogs or who violates the standards of care is guilty of a gross misdemeanor.</p>

Table 2 (continued)

<i>State and Citation</i>	<i>Definition of commercial breeder</i>	<i>Standards of care required</i>	<i>Inspection provisions</i>	<i>Penalties</i>
<p><b>Wisconsin</b></p> <p>Wis. Stat. Ann. § 173.41</p> <p>Wis. Admin. Code §§ 16.01 - 30</p>	<p>“Dog breeder” means a person who sells 25 or more dogs in a year that the person has bred and raised, except that “dog breeder” does not include a person who sells 25 or more dogs in a year that the person has bred and raised if all of those dogs are from no more than three litters.</p> <p>A dog breeder must be licensed by the Department of Agriculture, Trade, and Consumer Protection.</p>	<p>The law provides standards of care that require:</p> <ul style="list-style-type: none"> <li>• sufficient food for a dog’s good health,</li> <li>• sufficient fresh water,</li> <li>• necessary and standard veterinarian care in a timely manner,</li> <li>• specific enclosure standards for dogs kept inside or outside (e.g., structurally sound, good repair, adequate lighting and ventilation, and sanitary condition),</li> <li>• adequate daily exercise, and</li> <li>• dogs to be checked daily by the caretaker.</li> </ul>	<p>The Department of Agriculture, Trade, and Consumer Protection must inspect facilities before initial licensing and at least once every two years after that.</p>	<p>A person who violates the standards of care or other non-licensing issues is subject to a fine of up to \$1,000 for a first offense and between \$200 to \$2,000 for a second or subsequent offense within a five-year time period. Each animal is a separate violation.</p> <p>A person who operates a breeding facility without a license is subject to a fine of up to \$10,000, nine months imprisonment, or both.</p>

Source: Animal Legal & Historical Center, Michigan State University College of Law, Table of State Commercial Pet Breeders Laws (2012) available at <http://www.animallaw.info/articles/State%20Tables/tbuscommercialbreeders.htm> and individual state statutes and regulations.

## ANIMAL ADVOCACY ORGANIZATIONS' POSITIONS

### ***American Kennel Club***

According to Sarah Sprouse, legislative analyst for The American Kennel Club (AKC), the AKC expects people who register litters with it to raise their dogs in a humane manner. It maintains a “care and conditions of dogs” policy for owners and breeders to follow and conducts investigations and inspections to ensure compliance. The AKC suspends privileges for anyone convicted of animal cruelty involving dogs.

The AKC updated its care and conditions policy in April 2012. According to the AKC, the policy provides guidelines “for helping individuals ensure that dog care practices are performed and housing facilities are maintained in a safe, humane, and responsible manner.” AKC also expects individuals to comply with all applicable federal, state, and local laws and regulations regarding the ownership and maintenance of dogs.

Table 3 details the AKC’s care and conditions policy, which is broken into three categories: care of dogs, kennels and housing, and operations.

**Table 3: American Kennel Club’s Care and Conditions of Dogs Policy**

<b><i>Category</i></b>	<b><i>General Standard</i></b>
Care of Dogs	Dogs should have access on a daily basis for play and exercise.
	Dogs must have access to fresh water as appropriate.
	Dogs must have access to fresh food provided at appropriate intervals to maintain a healthy weight.
	Dogs must be provided appropriate health care, including routine and preventative care.
	Dogs should be provided with daily positive human contact and socialization.
	Each dog should have its overall health and behavior assessed daily. Any deviation in its health must be addressed expeditiously and appropriately.
	Dogs should be free from internal and external parasites.
	Dogs should be afforded regular grooming to ensure health and comfort.
	When euthanasia is necessary, it must always be performed humanely.

Kennels and Housing	<p>The primary enclosure must be large enough to allow the dogs to sit, stand, lie down, or turn around comfortably without overcrowding.</p> <p>The primary enclosure must be constructed and maintained so that (1) dogs are securely confined and (2) it does not cause them injury.</p> <p>Facilities must provide protection from adverse or extreme weather conditions.</p> <p>While flooring that provides solid footing is preferred, if wire is used as flooring of a primary enclosure, it should be composed of a material featuring a protective coating, be of an appropriate size to prevent injury (especially to feet), and must be kept in good repair. If wire is used, a solid platform of sufficient size should be provided to allow the dogs to attain solid footing and to offer a space for resting.</p> <p>Facilities must be lighted to provide a regular lighting cycle for the dogs.</p> <p>Bedding material made available to dogs should be clean and not pose a risk to them.</p>
Operations	<p>There must be a sufficient number of staff to carry out appropriate levels of care and conditions for the number of dogs kept.</p> <p>Facility and primary enclosures should be clean, free from debris and odor, and feces should be picked up and disposed of as frequently as necessary to maintain the dogs' health.</p> <p>Each kennel should maintain an adequate emergency preparedness plan for the type of facility owned and breeds of dogs maintained therein.</p>

Source: American Kennel Club

In addition, the AKC will notify federal, state, or local agencies of unsanitary or unhealthy conditions found by AKC inspectors during their kennel inspections. This includes notifying the USDA's APHIS if it is a federally licensed facility or state or local governmental or humane agencies when the kennel is not regulated by federal law.

If an AKC inspector determines that a person is not maintaining his or her dogs or facility in a manner that complies with the AKC's care and conditions policy, the person's AKC privileges may be temporarily suspended. The person will be notified in writing of specific deficiencies and necessary steps for attaining compliance with the policy. The person has 45 days to correct deficiencies and request a re-inspection. If deficiencies are not corrected or re-inspections are not requested, the AKC may proceed with disciplinary action leading to suspension of all AKC privileges.

## ***The Humane Society of the United States***

Annie Hornish, Connecticut state director of The Humane Society of the United States, noted that federal requirements for dog and cat breeders (i.e., those contained in the AWA and USDA regulations) are “extremely limited in scope, exclude a large percentage of breeders and other pet dealers, and provide very minimal standards of care.” In addition, she says there is inadequate agency enforcement of the basic welfare standards.

Hornish pointed out that the AWA does not apply to pet stores or breeders, dealers, or brokers who sell directly to the public. As such, it “does not apply to Internet sales made directly from breeders to consumers or live sales by the breeder (such as sales at flea markets).” Additionally, Hornish stated:

The animal care standards set forth in the AWA regulations are so minimal that breeding facilities can be considered compliant even if they keep dogs in small, stacked wire cages for their entire lives. Dogs at such legal facilities may have the minimum amount of cage space required plus regular food and water, but they may never have access to the outdoors, adequate exercise, fresh air, socialization or other enrichments, or annual veterinary exams.

### **ADDITIONAL RESOURCES AND HYPERLINKS**

- USDA APHIS publications:

[http://www.aphis.usda.gov/publications/animal\\_welfare/content/printable\\_version/fs\\_compliance\\_inspection.pdf](http://www.aphis.usda.gov/publications/animal_welfare/content/printable_version/fs_compliance_inspection.pdf)

[http://www.aphis.usda.gov/publications/animal\\_welfare/content/printable\\_version/faq\\_animal\\_dealers.pdf](http://www.aphis.usda.gov/publications/animal_welfare/content/printable_version/faq_animal_dealers.pdf)

- American Kennel Club government relations position statements and policy manual:

[http://www.akc.org/governmentrelations/policy\\_resources.cfm](http://www.akc.org/governmentrelations/policy_resources.cfm)

[http://images.akc.org/pdf/canine\\_legislation/value.pdf](http://images.akc.org/pdf/canine_legislation/value.pdf)

<http://www.akc.org/about/depts/investigations.cfm>

<http://www.akc.org/rules/policymanual.cfm?page=7#Deficiencies>

- The Humane Society of the United States, “*A Horrible Hundred: Problem Puppy Mills in the United States*” and “puppy mill” laws:

[http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/100-puppy-mills-report.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/100-puppy-mills-report.pdf)

[http://www.humanesociety.org/assets/pdfs/legislation/state\\_puppy\\_mill\\_laws.pdf](http://www.humanesociety.org/assets/pdfs/legislation/state_puppy_mill_laws.pdf)

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