

## HOUSE BILL NO. 720

INTRODUCED BY D. MCALPIN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING LAWS GOVERNING FACILITIES THAT BREED AND SELL DOGS; REQUIRING INSPECTION OF FACILITIES AND PROHIBITING THE SALE OF DOGS WITH KNOWN ILLNESSES OR DEFECTS; REQUIRING THE DEPARTMENT OF AGRICULTURE TO ADOPT RULES ESTABLISHING STANDARDS FOR THE FACILITIES; REQUIRING OWNERS OF FACILITIES TO REGISTER WITH THE DEPARTMENT AND PAY A FEE FOR REGISTRATION; REQUIRING INSPECTIONS TO BE UNANNOUNCED AND REQUIRING THE DEPARTMENT TO PREPARE AN INSPECTION REPORT; PROHIBITING AN OWNER OF A FACILITY THAT DOES NOT PASS AN INSPECTION FROM SELLING DOGS; REQUIRING A SELLER OF A DOG TO PROVIDE THE PURCHASER WITH CERTAIN HEALTH INFORMATION; AND ALLOWING FOR A REFUND OF PURCHASE PRICE OR REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Dog breeding facility subject to inspection -- department to adopt rules governing standards -- inspection report.** (1) A facility that breeds dogs intended for sale is subject to an annual inspection by the state veterinarian appointed under 81-1-301, or the state veterinarian's designee, as provided in this section.

(2) The department shall adopt rules governing inspection and standards for facilities that breed dogs for sale. The rules must include:

(a) standards for dog housing facilities, including size, construction material, proper drainage, sanitation, requirements for indoor and outdoor access, special provisions for dogs with nursing puppies, protection from weather, ventilation, temperature control, lighting, and any other housing standards that the department considers appropriate for ensuring the proper care of the dogs;

(b) standards for feeding, watering, and bedding;

(c) standards for dog health, including requirements that if a dog exhibits signs of poor health, the facility owner shall provide adequate proof that veterinary care has been provided; and

(d) the procedures that the department will follow to implement facility registration and inspection

required under this section.

(3) (a) An owner of a facility that breeds dogs for sale shall register with the department and provide the name of the facility, address, contact information, and any other information determined by the department on a form furnished by the department.

(b) A fee to be determined by the department must accompany the registration to offset the costs incurred by the department for inspections and inspection reporting. The fee must be commensurate with the costs incurred by the department.

(4) (a) The annual inspections provided for under subsection (1) must be unannounced, and the state veterinarian or the state veterinarian's designee shall provide a report of findings to the facility owner within 1 month of the inspection. The report must contain a statement regarding whether the facility has passed the inspection and, if it has not passed, remedies that must be applied.

(b) The department shall issue a certificate of passage of inspection to facilities that meet the prescribed standards.

(c) The owner of a facility who receives a certificate of passage of inspection shall display that certificate in a prominent place at the facility.

(5) An owner of a facility who fails to register with the department as required in subsection (3) or who fails to meet the prescribed standards may not sell any dogs until the facility has passed an inspection as provided in this section.

(6) This section applies to facilities that sell more than 20 dogs a year.

**NEW SECTION. Section 2. Sale of dogs -- guarantee of good health -- reimbursement to purchaser.** (1) A seller may not sell a dog with a known congenital or infectious health problem unless the problem is disclosed to the purchaser.

(2) (a) The seller shall provide the purchaser of a dog with the dog's health record at the time of sale. The health record must include the dog's date of birth, vaccination history, and the dates that the dog received veterinary care.

(b) The seller shall also provide a health certificate issued by a veterinarian within 21 days prior to the date of sale or shall provide a guarantee of good health issued and signed by the seller.

(3) (a) If a veterinarian determines within 10 days of purchase that a dog purchased from a seller is clinically ill or has died from an injury sustained or an illness likely to have been contracted on or before the date

of sale and delivery, the person may:

(i) return the dog to the seller for a full refund of the purchase price; or

(ii) keep the dog and receive reimbursement from the seller for reasonable veterinary charges, not to exceed the dog's purchase price.

(b) The provisions of this subsection (3) also apply if a veterinarian determines within 30 days of purchase that the dog has a congenital or hereditary defect that adversely affects the dog's health.

(4) The provisions of subsection (3) do not apply if a seller provided a health certificate issued by a veterinarian at the time of sale and disclosed in writing a health problem for which the purchaser later seeks to return the dog.

(5) In order to exercise the options provided under subsection (3), within 2 business days of a veterinarian's certification of a dog's illness, defect, or death, the purchaser shall provide the seller with the name, address, and telephone number of the examining veterinarian.

(6) The seller shall accept the returned dog and issue a refund or reimburse the purchaser for veterinary charges within 14 days after the seller receives notification of a veterinarian's determination under subsection (3).

(7) For the purposes of this section, "seller" means a person who breeds and sells dogs from a facility subject to the provisions of [section 1].

**NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 80, and the provisions of Title 80 apply to [sections 1 and 2].

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