

1 HOUSE BILL NO. 390

2 INTRODUCED BY M. MACDONALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING FACILITIES THAT BREED DOGS FOR SALE OR
5 SELL DOGS; REQUIRING INSPECTION OF FACILITIES; REQUIRING THE DEPARTMENT OF LIVESTOCK
6 TO ADOPT RULES ESTABLISHING STANDARDS FOR THE FACILITIES; REQUIRING OWNERS OF
7 FACILITIES THAT SELL MORE THAN THE THRESHOLD AMOUNT OF DOGS IN A YEAR TO REGISTER
8 WITH THE DEPARTMENT AND PAY A FEE FOR REGISTRATION; REQUIRING INSPECTIONS TO BE
9 CONDUCTED DURING BUSINESS HOURS; REQUIRING THE DEPARTMENT TO PREPARE AN INSPECTION
10 REPORT; PROHIBITING AN OWNER OR MANAGER OF A FACILITY THAT DOES NOT PASS AN
11 INSPECTION FROM SELLING DOGS; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING AN
12 APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

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16 **NEW SECTION. Section 1. Dog breeding and selling facilities subject to inspection -- rulemaking**
17 **-- inspection report.** (1) A facility that sells 30 or more dogs a year is subject to inspection by the state
18 veterinarian appointed pursuant to 81-1-301 or the state veterinarian's designee as provided in this section.

19 (2) The department shall adopt rules governing inspection, recordkeeping, and standards for facilities
20 that breed dogs for sale or sell dogs. The rules must include:

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

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

26 (c) standards for dog health, adequate proof of all regular and necessary veterinary care, and, if a dog
27 exhibits signs of poor health, adequate proof that veterinary care was provided; and

28 (d) the procedures that the department will follow to implement facility registration and inspection
29 required under this section.

30 (3) (a) An owner or manager of a facility that breeds dogs for sale or offers dogs for sale shall register

1 with the department and provide the name of the facility, its address, contact information, and any other
2 information required by the department on a form furnished by the department.

3 (b) Registration fees must be collected as follows:

4 (i) for a person who sells or offers to sell at least 30 but fewer than 50 dogs per year, \$250;

5 (ii) for a person who sells or offers to sell at least 50 but fewer than 100 dogs per year, \$500;

6 (iii) for a person who sells or offers to sell at least 100 but fewer than 250 dogs per year, \$750;

7 (iv) for a person who sells or offers to sell 250 or more dogs per year, \$1,000; and

8 (v) for a person who operates an animal shelter or animal control facility, \$125.

9 (c) All fees must be deposited in the account provided for in [section 2].

10 (4) (a) The inspections provided for under subsection (1) must take place during normal business hours,
11 and the state veterinarian or the state veterinarian's designee shall provide a report of findings to the facility owner
12 or manager within 1 month of the inspection. The report must contain a statement regarding whether the facility
13 has passed the inspection and, if it has not passed, remedies that must be applied.

14 (b) The department shall:

15 (i) post the names of all facilities that have passed inspection on the department's website; and

16 (ii) issue a certificate of passage of inspection to facilities that meet the prescribed standards.

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

19 (d) After passing an initial inspection, a facility must be inspected every 2 years and upon a credible
20 complaint as defined by the department by rule.

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

24 (6) This section applies to facilities, including but not limited to commercial breeders, pet stores, animal
25 rescue shelters, and humane societies, that sell 30 or more dogs a year.

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27 **NEW SECTION. Section 2. Dog breeding and selling facility inspection state special revenue**
28 **account.** There is a dog breeding and selling facility inspection state special revenue account. The purpose of
29 the account is to offset the costs incurred by the department for dog breeding and selling facility inspections and
30 inspection reporting. Money is payable into the account as provided in [section 1]. Income and earnings on the

1 account must be redeposited in the account. The account must be administered by the department as provided
2 in [section 1].

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4 **NEW SECTION. Section 3. Appropriation.** (1) Subject to subsection (2), there is appropriated \$62,000
5 for fiscal year 2012 and \$62,000 for fiscal year 2013 from the state special revenue account created in [section
6 2] to the department for the purposes described in [section 1].

7 (2) Of the amount appropriated in subsection (1), \$85,000 must be used to pay for a 0.5 FTE veterinarian
8 to administer and authorize certifications and for a 1 FTE inspector and compliance officer to carry out the
9 provisions of [section 1].

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11 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified
12 as an integral part of Title 81, and the provisions of Title 81 apply to [sections 1 and 2].

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14 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2011.

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