

1 HOUSE BILL NO. 515

2 INTRODUCED BY S. MALEK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING STANDARDS FOR BREEDING DOGS; PROVIDING
5 EXCEPTIONS; SETTING A MAXIMUM NUMBER OF BREEDING DOGS ALLOWED; ESTABLISHING
6 RECORDKEEPING REQUIREMENTS; PROVIDING MINIMUM CARE STANDARDS; AND ESTABLISHING A
7 PENALTY."

8

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

10

11 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 6], the following definitions
12 apply:

13 (1) "Dog" means any member of *Canis lupus familiaris*.

14 (2) "Person" means any individual, firm, partnership, joint venture, association, limited liability company,
15 corporation, estate, trust, receiver, or syndicate.

16 (3) "Pet" means any domesticated animal normally maintained in or near the household of the owner
17 of the pet.

18 (4) (a) "Retail pet store" means a commercial, retail establishment that engages in a for-profit business
19 of selling cats, dogs, or other animals to be kept as household pets and that is not a breeding facility.

20 (b) This term does not include any person or establishment that breeds or raises animals to sell,
21 exchange, broker, or otherwise transfer the animals to the public as pets.

22

23 NEW SECTION. **Section 2. Exceptions.** [Sections 1 through 6] do not apply to the following:

24 (1) a publicly operated animal control facility or animal shelter;

25 (2) a private, charitable not-for-profit humane society or animal adoption organization;

26 (3) a veterinary facility;

27 (4) a retail pet store;

28 (5) a research institution;

29 (6) a boarding facility; or

30 (7) a grooming facility.

1

2 NEW SECTION. Section 3. Maximum number of dogs. A person may not own, possess, control, or
3 otherwise have charge or custody of more than 25 dogs that are 6 months of age or older and have intact sexual
4 organs at any time for the purpose of breeding those dogs and selling any offspring as pets.

5

6 NEW SECTION. Section 4. Recordkeeping. (1) A person who owns, possesses, controls, or otherwise
7 has charge of 25 or more dogs that are 6 months of age or older and have intact sexual organs shall maintain
8 a record for each of those dogs. The record must include:

9 (a) the date of birth or, if the date of birth is unknown, the date the person acquired ownership,
10 possession, control, or charge of the dog and the source of the dog;

11 (b) the dates on which the dog has been bred;

12 (c) for a female, the date of each litter produced and the number of dogs in each litter; and

13 (d) the disposition the person makes of each dog owned by, possessed by, controlled by, or in the
14 charge of the person, including the date and manner of disposition and the name and address of any person
15 taking ownership, possession, control, or charge of a dog.

16 (2) A person shall retain each record required under this section for a period of 3 years following the
17 death or disposition of the dog.

18

19 NEW SECTION. Section 5. Minimum standards of care. (1) A person who owns, possesses, controls,
20 or otherwise has charge or custody of more than 25 dogs that are 6 months of age or older and have intact sexual
21 organs and who keeps the dogs in an enclosure for the majority of the day shall provide, at a minimum:

22 (a) space to allow each dog to turn about freely, stand, sit, and lie down. The dog must be able to lie
23 down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and
24 without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height
25 of the enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in
26 a normal standing position. Each enclosure must be at least three times the length and width of the longest dog
27 in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

28 (b) Each dog that is over 4 months of age must be provided with unfettered access to an outdoor
29 exercise area that is composed of a solid, ground level surface with adequate drainage, that provides some
30 protection against sun, wind, rain, and snow, and that is at least four times the size of the minimum allowable

1 enclosure specified in subsection (1)(a). The exercise requirements in this subsection (1)(b) do not apply to a dog
2 certified by a doctor of veterinary medicine as being medically precluded from exercise.

3 (c) Each dog must be provided with easy and convenient access to clean food and water sufficient to
4 maintain good health. Food and water receptacles must be cleaned and sanitized daily. All enclosures and
5 housing facilities must contain potable water that is not frozen, that is substantially free from debris, and that is
6 readily accessible to all dogs in the enclosure at all times.

7 (d) Each dog must be provided with an examination once yearly by a licensed veterinarian, veterinary
8 care without delay for any illnesses or injury, and when needed, humane euthanasia by a licensed veterinarian
9 using lawful techniques considered acceptable by the American veterinary medical association. A dog may not
10 be bred if a veterinarian determines that the animal is unfit for breeding purposes, and a dog may not be bred
11 to produce more than two litters in any 18-month period.

12 (2) A person who owns, possesses, controls, or otherwise has charge or custody of more than 25 dogs
13 that are 6 months of age or older and have intact sexual organs and who keeps the dogs in an enclosure for the
14 majority of the day shall maintain adequate housing facilities and primary enclosures for each dog that meet the
15 following minimum requirements:

16 (a) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities in
17 which dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, and ammonia levels and
18 to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning
19 fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any
20 time of day or night.

21 (b) Housing facilities and primary enclosures must enable all dogs to remain dry and clean.

22 (c) Housing facilities and primary enclosures must provide shelter and protection from extreme
23 temperatures and weather conditions. The ambient temperature within housing facilities and primary enclosures
24 may not fall below 45 degrees Fahrenheit or rise above 85 degrees Fahrenheit.

25 (d) Housing facilities must provide shade sufficient to shelter all the dogs housed in the primary
26 enclosure at one time.

27 (e) A primary enclosure must have solid flooring that is constructed in a manner that protects the dogs'
28 feet and legs from injury.

29 (f) Primary enclosures must be placed no higher than 42 inches above the floor and may not be placed
30 over or stacked on top of another cage or primary enclosure.

1 (g) Feces, hair, dirt, debris, and food waste must be removed from housing facilities and primary
2 enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards,
3 insects, pests, and odors.

4 (3) All dogs in the same enclosure at the same time must be compatible, as determined by observation.
5 Animals with a vicious or aggressive disposition may never be placed in an enclosure with another animal.
6 Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except
7 for breeding purposes. Foster dam and dam females and their litters may not be in the same enclosure at the
8 same time with other adult dogs. Puppies under 12 weeks of age may not be in the same enclosure at the same
9 time with adult dogs, other than the foster dam or dam unless they are under immediate supervision.

10 (4) Only dogs between the ages of 12 months and 8 years of age may be used for breeding.

11
12 **NEW SECTION. Section 6. Penalty.** A person who violates [section 3 or 5] is guilty of a misdemeanor.

13
14 **NEW SECTION. Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable
15 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
16 remains in effect in all valid applications that are severable from the invalid applications.

17
18 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 6] are intended to be codified
19 as an integral part of Title 7, chapter 23, and the provisions of Title 7, chapter 23, apply to [sections 1 through 6].

20 - END -