

HOUSE BILL NO. 439

INTRODUCED BY M. MACDONALD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA COMMERCIAL PET PROTECTION  
5 ACT; REGULATING COMMERCIAL DOG BREEDING FACILITIES AND PROVIDING FOR LICENSURE;  
6 REQUIRING REGISTRATION, PAYMENT OF FEES, AND INSPECTIONS OF FACILITIES; REQUIRING THE  
7 DEPARTMENT OF LIVESTOCK TO ADOPT RULES ESTABLISHING STANDARDS AND INSPECTION  
8 PROCEDURES FOR THE FACILITIES; PROHIBITING SALE OF DOGS FROM A FACILITY THAT FAILS  
9 INSPECTIONS; CREATING A STATE SPECIAL REVENUE ACCOUNT FOR THE DEPOSIT OF  
10 REGISTRATION FEES; APPROPRIATING MONEY FOR EACH YEAR OF THE BIENNIUM FROM THE  
11 SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF LIVESTOCK; AND PROVIDING AN EFFECTIVE  
12 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. Short title.** [Sections 1 through 5] may be cited as the "Montana  
17 Commercial Pet Protection Act".

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19 NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 5] is to ensure that  
20 commercial pets that are bred, sold, exchanged, or made available for adoption in Montana are healthy and do  
21 not enter commerce with diseases or injuries that cause suffering to the animals and that are financially and  
22 emotionally expensive to purchasers and persons adopting the animals.

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24 NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 5], the following definitions  
25 apply:

26 (1) "Commercial dog breeding facility" means the premises used by one or more commercial dog  
27 breeders for keeping, housing, or breeding dogs. The term includes all buildings, property, and confinement areas  
28 in a single location used to conduct the commercial dog breeding business.

29 (2) "Commercial dog breeder" means any individual, entity, association, trust, or corporation that  
30 possesses 11 or more intact female dogs for the purpose of breeding or dealing in breeding dogs for direct or

1 indirect sale or for exchange in return for consideration.

2 (3) "Intact female dog" means a female dog that is 9 months of age or older and that is not spayed.

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4 **NEW SECTION. Section 4. Dog breeding facilities subject to inspection -- rulemaking --**  
5 **inspection report.** The department shall adopt rules governing inspection, recordkeeping, registration, licensing,  
6 and standards of care for commercial dog breeding facilities. In developing the rules, the department shall  
7 consider appropriate conditions specific to a dog's breed and shall consider any model animal care standards  
8 approved by the American veterinary medical association. The rules must include:

9 (1) standards for animal housing facilities, including size, construction material, proper drainage,  
10 sanitation, requirements for indoor and outdoor access, special provisions for animals with nursing litters,  
11 protection from weather, ventilation, temperature control, lighting, and any other housing standards that the  
12 department considers appropriate for ensuring the proper care of animals;

13 (2) standards for feeding, watering, and bedding;

14 (3) standards for animal health, including adequate proof of all regular and necessary veterinary care  
15 and, if an animal exhibits signs of poor health, adequate proof that veterinary care was provided;

16 (4) standards for the breeding of dogs;

17 (5) procedures that the department will follow to implement facility registration and inspection required  
18 under [section 5];

19 (6) criteria for what constitutes a credible complaint that would result in an inspection as provided in  
20 [section 5];

21 (7) procedures for issuance, denial, suspension, or revocation of a facility license; and

22 (8) any other standards or procedures considered to be necessary by the department.

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24 **NEW SECTION. Section 5. Dog breeding facilities subject to registration and inspection -- fees**  
25 **-- inspection report -- penalty for noncompliance.** (1)(a) The owner or operator of a commercial dog breeding  
26 facility shall annually register with the department and provide the name of the facility, its address and contact  
27 information, and any other information required by the department on a form furnished by the department. The  
28 owner or operator of a dog breeding facility with fewer than 11 intact female dogs may register with the  
29 department.

30 (b) (i) The department shall collect registration fees for commercial dog breeding facilities as follows:

- 1 (A) 1 to 10 intact female dogs, \$125;  
2 (B) 11 to 20 intact female dogs, \$200;  
3 (C) 21 to 50 intact female dogs, \$350;  
4 (D) 51 to 100 intact female dogs, \$500;  
5 (E) 101 or more intact female dogs, \$650;

6 (ii) All fees must be deposited in the account provided for in [section 6].

7 (2) (a) A facility required to be registered under subsection (1) or a facility that is voluntarily registered  
8 is subject to inspection by the state veterinarian appointed pursuant to 81-1-301 or the state veterinarian's  
9 designee as provided in this section.

10 (b) The state veterinarian or the state veterinarian's designee shall provide a report of findings to the  
11 facility within 1 month of the inspection. The report must contain a statement regarding whether the facility has  
12 passed the inspection and, if it has not passed, remedies that must be applied.

13 (3) (a) The department shall issue a certificate of passage of inspection and a license to operate to  
14 facilities that meet the prescribed standards and post the names of all facilities that have passed the inspection  
15 on the department's website.

16 (b) A facility that receives a certificate of passage of inspection shall display the certificate in a prominent  
17 place.

18 (4) After passing an initial inspection, a facility must be inspected for renewal of licensure every 2 years  
19 and must be inspected upon receipt of a credible complaint as provided in the rules adopted pursuant to [section  
20 4].

21 (5) (a) The owner or operator of a facility who fails to register as required in subsection (1) may not sell,  
22 exchange, or make available for adoption any animals until registration is completed.

23 (b) A facility that fails to meet the prescribed standards must be reinspected within 30 days, and animals  
24 may not be sold, transferred, exchanged, or made available for adoption until the prescribed standards are met,  
25 except that the facility may transfer without remuneration animals to other facilities or public animal control  
26 entities.

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28 **NEW SECTION. Section 6. Commercial pet protection state special revenue account.** There is a  
29 commercial pet protection state special revenue account to be administered by the department. The purpose of  
30 the account is to offset the costs incurred by the department for commercial dog breeding facility inspections and

1 reporting. Money collected pursuant to [section 5] must be deposited into the account. Interest earnings from the  
2 account must be deposited into the account.

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4 **NEW SECTION. Section 7. Appropriation.** (1) Subject to subsection (2), there is appropriated \$62,000  
5 for the fiscal year beginning July 1, 2013, and \$62,000 for the fiscal year beginning July 1, 2014, from the state  
6 special revenue account created in [section 6] to the department for the purposes provided in [sections 1 through  
7 5].

8 (2) Of the amount appropriated in subsection (1), \$85,000 must be used to pay for a veterinarian to  
9 administer and authorize certifications and for an inspector and compliance officer to carry out the provisions of  
10 [section 5].

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12 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 5] are intended to be codified  
13 as an integral part of Title 81, and the provisions of Title 81 apply to [sections 1 through 5].

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15 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2013.

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