

HOUSE BILL NO. 582

INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING COMMERCIAL PET BREEDERS; REQUIRING  
5 LICENSURE AND REGULAR INSPECTION OF COMMERCIAL PET BREEDER FACILITIES; REQUIRING THE  
6 BOARD OF VETERINARY MEDICINE TO ADOPT RULES GOVERNING LICENSURE AND INSPECTION AND  
7 TO ADMINISTER LICENSURE AND INSPECTION; REQUIRING THE ADOPTED RULES TO INCLUDE  
8 FACILITY AND CARE STANDARDS, INSPECTION PROCEDURES, AND DESIGNATION OF INSPECTORS;  
9 REQUIRING SUSPENSION OF A LICENSE UPON FAILURE TO CORRECT IDENTIFIED DEFICIENCIES  
10 WITHIN A CERTAIN TIME PERIOD; PROVIDING PENALTIES; PROVIDING AN APPROPRIATION; AND  
11 PROVIDING A DELAYED EFFECTIVE DATE."

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

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15 NEW SECTION. **Section 1. Montana Commercial Pet Breeders Act.** [Sections 1 through 5] may be  
16 cited as the "Montana Commercial Pet Breeders Act".

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18 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], the following definitions  
19 apply:

- 20 (1) "Cat" means a mammal that is wholly or partly of the species *Felis catus*.  
21 (2) "Commercial pet breeder" means an individual, entity, association, trust, or corporation that is  
22 engaged in the business of breeding dogs or cats and that:  
23 (a) owns, keeps, or harbors eight or more intact female dogs or cats for the primary purpose of breeding  
24 and selling their offspring; or  
25 (b) sells, exchanges, leases, or transfers or offers to sell, exchange, lease, or transfer 31 or more dogs  
26 in a 12-month period beginning January 1 of each year.  
27 (3) "Dog" means a mammal that is wholly or partly of the species *Canis familiaris*.  
28 (4) "Facility" means the premises used by one or more licensed breeders for keeping, housing, or  
29 breeding dogs or cats. The term includes all buildings, property, and confinement areas in a single location used  
30 to conduct breeding activities.

1 (5) "Intact" means an animal 9 months of age or older that is capable of reproduction.

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3 **NEW SECTION. Section 3. Commercial pet breeder licensing and inspection -- rulemaking.** (1)

4 A commercial pet breeder shall obtain a business license from the board under the provisions of this section to  
5 engage in the business of breeding, selling, exchanging, leasing, or transferring dogs or cats.

6 (2) In order for a commercial pet breeder to obtain a business license, the commercial pet breeder's  
7 facility must be subject to an initial inspection, an inspection during the first full year of licensure, and an  
8 inspection at least once a year after the first full year. A license is subject to renewal at the end of each calendar  
9 year.

10 (3) The board shall adopt rules governing:

11 (a) facility and animal care standards that the board considers necessary for ensuring the proper care  
12 of dogs and cats;

13 (b) inspection procedures, including procedures for suspending a license and reinstating a license as  
14 provided in subsection (5);

15 (c) license fees;

16 (d) designation of authorized inspectors, who may include licensed veterinarians, retired veterinarians,  
17 and other individuals considered by the board to be qualified inspectors;

18 (e) issuance of the business license; and

19 (f) other processes or procedures the board considers necessary for implementing the provisions of  
20 [sections 1 through 5].

21 (4) All licensing and inspection fees must be paid by the commercial pet breeder.

22 (5) (a) A commercial pet breeder whose facility fails an inspection shall correct all deficiencies identified  
23 in the inspection within 60 days of the inspection. The board shall suspend the license of a commercial pet  
24 breeder who fails to correct the deficiencies within the 60-day time period.

25 (b) The board may reinstate a license that has been suspended upon completion of an inspection that  
26 demonstrates the commercial pet breeder's correction of the deficiencies and compliance with facility and animal  
27 care standards.

28 (6) The board may accept gifts, grants, and donations for the costs of establishing and administering this  
29 section. Gifts, grants, and donations received for this purpose must be deposited in the commercial pet breeder  
30 state special revenue account established in [section 5].

1 (7) The board may establish and appoint an advisory council to make recommendations to the board  
2 on rules required under this section and on the administration and enforcement of [section 4] and this section.

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4 **NEW SECTION. Section 4. Penalties.** (1) A person who violates a provision of [section 3] or a rule  
5 adopted by the board pursuant to [section 3] is subject to a civil penalty. The board may assess a civil penalty  
6 of \$5,000 for the violation and an additional \$100 for each animal involved in the violation.

7 (2) Seizure of a dog from a licensed commercial pet breeder related to a violation of a provision of  
8 [section 3] or a rule adopted by the board pursuant to [section 3] must be governed by the procedures established  
9 in 27-1-434.

10 (3) All civil penalties collected under this section must be deposited in the commercial pet breeder state  
11 special revenue account established in [section 5].

12 (4) If a commercial pet breeder fails to pay a civil penalty assessed under this section, the amount due  
13 is a lien on the commercial pet breeder's facility.

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15 **NEW SECTION. Section 5. Commercial pet breeder state special revenue account.** (1) There is  
16 a commercial pet breeder state special revenue account in the state special revenue fund established in  
17 17-2-102. The purpose of the account is to offset the costs incurred by the board for commercial pet breeder  
18 licensing and inspection. There must be paid into the account revenue from license fees, inspection fees,  
19 penalties collected under [section 4], and gifts, grants, and donations received under [section 3(6)].

20 (2) Expenses incurred in the administration and enforcement of [sections 1 through 5] must be paid from  
21 the account.

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23 **NEW SECTION. Section 6. Appropriation.** There is appropriated \$25,000 from the general fund to the  
24 board for the biennium beginning July 1, 2017, for the purposes of implementing the provisions of [section 3].

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26 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified  
27 as an integral part of Title 37, chapter 18, and the provisions of Title 37, chapter 18, apply to [sections 1 through  
28 5].

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30 **NEW SECTION. Section 8. Effective date.** [This act] is effective January 1, 2018.

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