



Golden Retriever

POLICY ANALYSIS

BREEDER LAWS AND REGULATIONS

Prepared by: Government Relations Department
American Kennel Club®
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AKC CHAMPIONS RESPONSIBLE BREEDERS

Since its founding in 1884, the American Kennel Club® (AKC®) has been dedicated to the well-being of dogs. We support and value the responsible owners and breeders who dedicate their lives to breeding and raising our cherished pets and beloved working dogs. We recognize responsible breeders as an important asset and educational resource in their communities, and advocate for their recognition accordingly.

AKC believes that breeding programs should be undertaken responsibly for the purpose of preserving breed characteristics and producing healthy, well-socialized purebred puppies. Responsible breeders are expected to give careful consideration to health issues, temperament, and genetic screening, as well as to the individual care and placement of puppies in responsible homes. AKC supports and promotes these and other responsible breeding practices through breeder education programs, and commends those who offer similar guidance.

We strongly support scrupulous enforcement of both the federal Animal Welfare Act (AWA), and reasonable state and local regulations governing the humane care of animals. We further believe that the United States Department of Agriculture (USDA), which enforces the AWA, and other enforcement agencies should be given appropriate resources to achieve regulatory compliance. AKC works to ensure that anyone—regardless of the number of dogs they own—who treats a dog negligently or cruelly is held responsible for such actions.

The American Kennel Club's Investigations and Inspections Department conducts thousands of kennel inspections each year. When AKC inspectors find kennels that do not meet our minimum care and conditions requirements, they educate and encourage those breeders to raise their standards or face suspension of their AKC privileges. Proper authorities are also alerted to any cases of animal neglect.

AKC strongly opposes the breeding of dogs by those who do so without regard for the dogs' welfare.



Irish Setter



German Shepherd Dog

WHAT LAWMAKERS FACE

There are two issues on which all dog lovers agree. First, dogs deserve a life in a safe, caring, and healthy environment. Second, those who treat dogs in a negligent or cruel manner should be held accountable.

Every profession—from accountants and lawyers to doctors and teachers—has a few “bad apples” that tarnish the reputation of an otherwise respectable profession. Unfortunately, dog breeding is no exception. Thankfully, these few irresponsible breeders comprise a very small minority of an otherwise unique and special profession. There is no debate that those who are found to breed or treat dogs in a cruel or irresponsible manner must be punished under the law. However, the term “irresponsible” must be carefully defined.

CALLS FOR OWNERSHIP LIMITS MAKE ASSUMPTIONS WITHOUT SUBSTANTIATION

An unfortunate but common trend is to equate the term “irresponsible” with the number of dogs (particularly females) someone owns. This assumption is promoted by individuals or groups with little knowledge or expertise in animal husbandry, genetics, or best practices in animal care. Immediately following sensationalized media reports of large-scale cruelty or negligence cases, it is common for such groups to demand new laws that would impose numerical limits on the number of dogs a person may own, or that would prohibit or significantly limit breeder kennels altogether.

Keeping multiple dogs and maintaining proper care and conditions demonstrates a commitment to quality care and genetic diversity.

In reality, the number of animals owned has never correlated with the level of care. Simply reducing the number of animals a person or business may own will not automatically make them a better or more humane owner. There is no magic number that will suddenly make someone a better dog owner or breeder. Arbitrary numerical ownership caps completely miss the underlying issue—owner responsibility.

Many agriculture groups have partnered with AKC throughout the United States to fight legislation that places an arbitrary cap on animal ownership. They know that historically as well as today, the great kennels—like the great horse farms or cattle ranches—have maintained and provided excellent care to large numbers of animals. Just as there are excellent owners of 100 dogs, there are negligent owners of one dog.

Animal ownership limits are extremely difficult for communities to enforce. Limits can force caring, responsible owners to relinquish dogs to a local shelter simply to comply with an arbitrary ownership cap. These dogs are then housed or euthanized at great expense to local taxpayers.

Additionally, limits on the number of dogs a responsible breeder may own has the potential to cause long-term damage to a breed. Ownership limits restrict breed populations and also the access that responsible breeders need to ensure the genetic diversity necessary for the future health and well-being of their breed.

EFFORTS TO LOWER THE OWNERSHIP THRESHOLD THAT DEFINES A BREEDER AS COMMERCIAL HARMS SMALL HOBBY BREEDERS, EXPAND STATES' BURDEN

Generally, laws do not regulate hobbies. Small-scale hobby breeders, however, would be subject to licensing and regulation if many efforts at lowering the possession thresholds for qualifications as a licensed "commercial" breeder are successful.

As their name implies, hobby breeders keep and breed dogs as a hobby, not for commercial purposes. The ranks of today's hobby breeders are filled with those who have dedicated decades of their lives to the preservation of a particular breed of dog; and while they may compete with their dogs in AKC events, their ultimate goal is producing successive generations of healthy, capable dogs that preserve and reflect their beloved breed's look and type. Many hobby breeders conduct their activities solely out of their homes and rarely make a profit.



German Shorthaired Pointer

Currently, both federal and state laws reflect the policy that hobby breeders have de minimis impacts on commerce. Some establish a minimum number of breeding female dogs that a breeder must have in their possession, along with actually selling puppies from those females, as a threshold for qualification as a commercial breeder. Others exempt hobby breeders altogether. This allows hobbyists, including conformation show breeders to sporting dog breeders, to continue pursuing their vocations with their dogs, while ensuring commercial actors are licensed and regulated appropriately.

Anti-breeder/Animal extremist groups have clear goals for legislation and public policy: Either stop purposeful dog breeding altogether, or make the oversight burden on regulated entities so significant that it deter their activities. One means to their ends is the continued push for the enactment of new federal and state laws that would lower the animal ownership thresholds that qualify a breeder as commercial, and remove exemptions for certain breeder types, such as conformation and sporting dog breeders. AKC believes expanding the number of regulated breeders would not only unnecessarily burden a large number of hobby breeders with both exorbitant licensing fees and commercial operations regulations, but would also result in significantly higher costs for full regulatory enforcement.

In addition to numerous state and local laws and regulations, USDA has regularly strengthened the federal standards for humane care and treatment of dogs and other animals owned by those subject to the AWA. AKC supports the strong enforcement of the AWA, as well as an increase in the personnel and capacity of USDA to enforce the AWA.

DEMANDS FOR HARSHER BREEDER LAWS DENY HIGH COMPLIANCE RATES WITH CURRENT LAWS

In 2021, USDA APHIS found 96% of inspected licensees and registrants to be in substantial compliance with the Animal Welfare Act. Similar compliance rates are found in state breeder regulatory programs with inspection requirements.

High compliance rates do not deter extreme anti-breeder groups from advocating for new schemes that would outlaw, limit, or dissuade the breeding of dogs. Many recent proposals would include requiring warrantless inspections of breeders' private homes without probable cause, as well as impractical and arbitrary one-size-fits all standards of care that are not in the best interest of all dogs. Not only do such provisions violate the rights of responsible, law-abiding citizens, they are also ineffective and unenforceable—and in some cases may even harm dogs.

MANDATORY SPAY/NEUTER LAWS ARE INEFFECTIVE, INEFFICIENT, AND HARMFUL

Mandatory spay/neuter (MSN) laws are sometimes considered by state and local governments in response to animal control concerns in the community. Proponents believe that mandatory spaying and neutering pets will reduce the number of animals at the local shelters and strays roaming in neighborhoods. However, these laws punish responsible breeders and have not proven an effective solution to animal control concerns.

MSN is Ineffective

Mandatory spay/neuter laws have not proven effective in reducing shelter populations.ⁱ In fact, some shelters have seen an increase as owners choose to leave their dogs at a shelter if they are unable to pay the costs associated with having their dog spayed or neutered. Moreover, many national research organizations have reported that the majority of unwanted dogs in the United States come from irresponsible owners who are unwilling to train, socialize, or care for their dogs.ⁱⁱ Imposing a mandatory spay/neuter law will not resolve the issue of irresponsible ownership.

MSN is Costly to the Community

Mandatory spay/neuter laws greatly increase the work load of animal control offices, many of which are already strained financially.ⁱⁱⁱ Animal control offices also find they are euthanizing more animals at the taxpayer's expense, because some owners choose to leave their animals at the shelter rather than comply with the law. A mandatory spay/neuter law also communicates the message that the municipality is not "dog friendly" and sends a strong message that AKC events, which generate a significant amount of revenue for the local economy, are not welcome in the community.

MSN is Unfair to Responsible Dog Owners

Mandatory spay/neuter laws target all dog owners, regardless of their level of responsibility or the behavior of their animals. In addition, these laws would restrict the rights of numerous responsible breeders who breed and raise purebred dogs for the purpose of breed show competitions. These breeders make a serious commitment to their animals and to ensuring the future health, welfare, and even the existence of their individual breeds. AKC believes the decision to spay/neuter is best left to responsible owners in consultation with their veterinarian.

Juvenile Spay/Neuter May Be Harmful to the Health of Pets

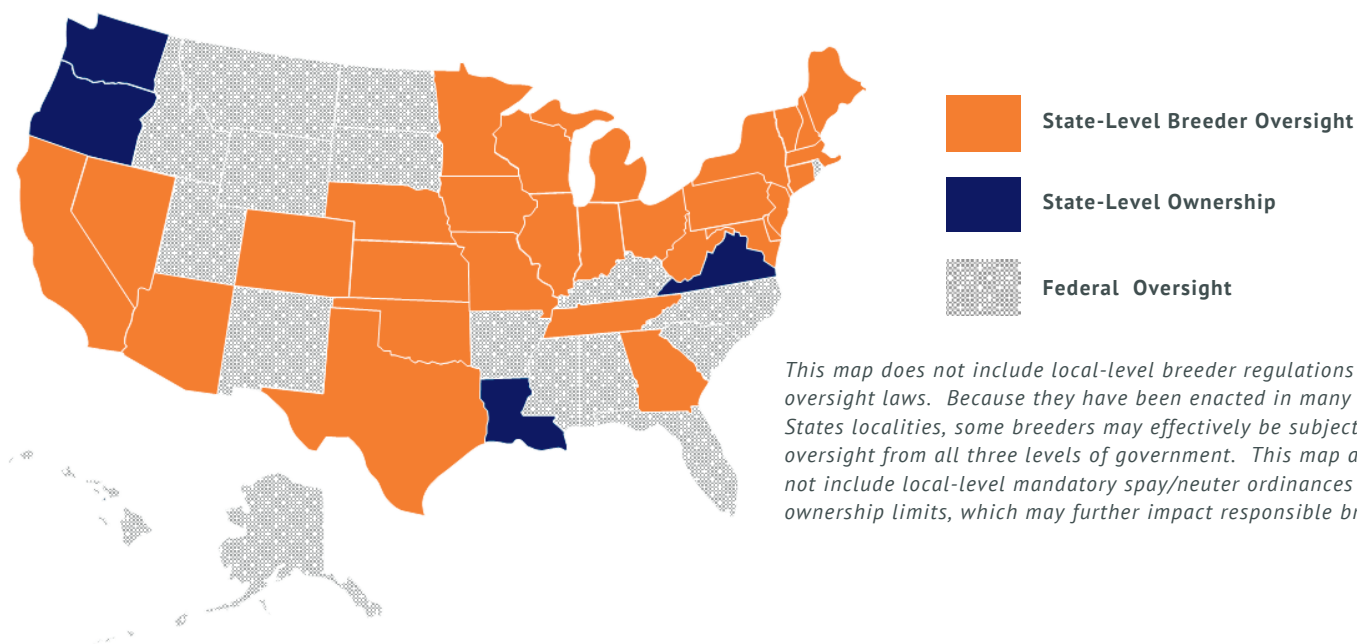
For decades, spaying and neutering prior to sexual maturity became the default recommendation of the veterinary profession to address pet overpopulation in the United States. However, veterinary health research is increasingly indicating that the timing of spay and neuter in dogs, particularly before sexual maturity has been reached, significantly affects the risk of a dog developing serious health problems.

Read a [Selection of Studies Demonstrating Negative Impacts of Juvenile and Mandatory Spay/Neuter](#).

AKC urges lawmakers to consider the impacts that spay/neuter mandates have on canine health, and to ensure that animal control laws, whether existing or under consideration, do not lead to injurious unintended consequences.

ENFORCING CURRENT LAWS MATTERS

When tragic stories of animal cruelty and irresponsible breeding come to light, they almost always result in charges under existing law being brought against the individual or business responsible. Thankfully, each of the 50 states, as well as the United States Code, classify animal cruelty as felonies and provide penalties for the negligent treatment of animals. Additionally, dog breeders in the United States may be subject to the federal Animal Welfare Act, and reside in 33 states are subject to state-level breeder oversight and/or ownership limit laws.



The problem is not an absence of laws, but rather a lack of enforcement or the resources to properly enforce existing laws. Many states and local communities simply do not have the manpower they need to enforce existing laws. A “quick fix” of adding new laws will not change or improve a lack of enforcement and may only divert resources from other critical operations. The real solution is clear: Enforce the laws against negligence and cruelty that are already on the books.

AKC'S POSITION STATEMENTS

Purebred Dog Breeding

The American Kennel Club is dedicated to preserving the future of purebred dogs. AKC honors purebred dog breeders whose commitment, vision, and high standards have developed, sustain, and continue to advance purebred dogs as unequaled family and working companions. Purebred dogs exhibit consistency in size, appearance, temperament, and instincts. This enables prospective owners to choose a puppy that fits their particular lifestyle and increases the likelihood of a long, successful lifetime in that home. AKC is proud to advocate for purebred dogs, breeding for type and function, the sport of purebred dogs, and for breeders who are committed to the health and wellbeing of dogs and preserving their unique breeds.

The Advantages of Purebred Dogs

Responsible breeders breed dogs with desired characteristics, abilities, and instincts. The offspring of their breeding programs are predictable in appearance, temperament, and instinct. Purebred dogs are true to type when bred.

The American Kennel Club currently recognizes and includes more than 200 breeds in its stud book, and various dog registries throughout the world recognize more than 400 breeds. Some of the breeds are of relatively recent origin, while other breeds have existed since civilization began.

The choice of a purebred dog permits the prospective dog owner to select the desired size, appearance, disposition, and instincts, with assurance that a puppy purchased from a responsible breeder will possess those defined characteristics.

Proper Care and Humane Treatment of Dogs

Dog owners bear a special responsibility to their canine companions to provide proper care and humane treatment at all times. Proper care and humane treatment include an adequate and nutritious diet, clean water, clean living conditions, regular veterinary care, kind and responsive human companionship, and training in appropriate behavior. AKC believes that dogs should not be kept in circumstances or numbers where these needs cannot be adequately fulfilled.

Breeding Regulations and Restrictions

The American Kennel Club strongly supports and actively promotes a wide range of programs to educate the public about responsible purebred breeding practices and the responsibilities of dog ownership. AKC supports reasonable and enforceable laws that protect the welfare and health of dogs and do not restrict the rights of breeders and owners who meet their responsibilities. AKC opposes the concept of breeding permits, breeding bans or mandatory spay/neuter of purebred dogs, specifically those based on the number of dogs owned or maintained. AKC expects responsible dog owners and breeders to know, understand and obey laws that apply to them.

Enforcement of the Animal Welfare Act

The federal Animal Welfare Act enforced by the U.S. Department of Agriculture (USDA) is intended to regulate wholesale breeders, dealers, and caretakers of dogs. USDA has regularly strengthened the standards for humane care and treatment of dogs and other animals by persons regulated under the Act. The American Kennel Club supports increasing the number of USDA enforcement personnel dealing with wholesale dog operations and strong enforcement of the requirements of the Animal Welfare Act.

CONTRIBUTIONS OF RESPONSIBLE DOG BREEDERS

BREEDERS ARE VALUABLE TO PUPPY BUYERS AND THE COMMUNITY

One of the most effective ways to ensure that dogs are placed in safe, loving environments is to support responsible dog breeders. Local communities should consider responsible breeders an asset, as they are in a unique position to mentor new dog owners and provide advice and detailed information about the dogs they own and sell.

Responsible breeders are experts in their breed and know the pedigree of the dogs they sell. They can also tell potential buyers about the temperament, health, and other characteristics unique to the puppy they are considering. Many breeders devote their entire lives to developing a line or pedigree of dogs that meet specific temperament, performance, and health standards. Many also breed dogs for specific purposes, such as hunting, search and rescue, therapy, and assistance for people with disabilities.

When responsible breeders sell a puppy, they ensure these dogs are placed in good homes by implementing a screening process for potential buyers and following up after the purchase. Breeders often take dogs back if they are not in an ideal situation and place them in new homes, as in the case of “Bo”, the Portuguese Water Dog that joined the Obama family while in the White House.

Most of the AKC national breed parent clubs have rescue programs for their breeds. Parent club rescues are often comprised of AKC breeder volunteers who are breed experts and work with local animal control officers or individual owners to ensure dogs are not abandoned in shelters, but rather placed in safe, loving environments.

Being a responsible dog breeder is truly a labor of love that comes with a significant price tag. Responsible dog breeders breed because they love their chosen breed(s) and are willing to dedicate their lives and resources to raising quality dogs.



Papillon

Responsible Breeders Seek to Advance/Improve their Breeds

Dog breeders are continuously searching for new information, strategies, and tools they can use to produce healthier dogs. It is an endless and constantly evolving pursuit. Breeders want to produce dogs that are sound in mind and body. They want to breed dogs that are true to type and able to do the job they were bred to do. They want their dogs to bring joy to the families who take them into their homes.

Today's dog breeders live at a time when substantial resources are available to help them. There are phenotypic, diagnostic, and genotypic tests, canine health databases to record test results, and foundations dedicated to improving canine health. Working in partnership with breeders and other stakeholders, these groups stand ready to share their extensive resources, launch and oversee scientific studies, and offer genetic counseling and expert referrals when appropriate. All of these tools can be utilized to help breeders select toward healthier dogs and away from genetic diseases.



Recognizing the need for canine-specific health research, in 1995 AKC launched the Canine Health Foundation (AKC CHF) with a one-million-dollar donation. Since that time, AKC CHF has provided over \$67.5 million for more than 1,100 research and education grants, resulting in more than 950 peer-reviewed publications of study results.^{iv}

By working with AKC CHF and Orthopedic Foundation for Animals (OFA), AKC national “parent” breed clubs have been able to offer guidance to their members about the genetic screenings that are appropriate for dogs of their breed. AKC CHF and OFA worked together to establish the Canine Health Information Center (CHIC)^v, an open data base that publishes the testing results of dogs that meet all parent club required protocols. The CHIC open database is available for breeders to see and use to make informed breeding decisions.

CHIC has also established a DNA bank for all breeds to make DNA samples available to researchers with qualifying grants and studies as well as to breeders and owners when new genetic tests become available.

The close relationship and collaboration between the AKC and the individual AKC parent breed clubs, OFA, and the AKC CHF has conveyed a priceless benefit to American dog breeders, producing and maintaining resources that earlier breeders could only dream of.



Successful collaborations are numerous across many breeds. For example, the Golden Retriever Foundations' Lifetime Study, which was launched in 2012, is gathering information on more than 3,000 Golden Retrievers, throughout their lives, to identify the nutritional, environmental, lifestyle, and genetic risk factors for cancer^{vi} and other major diseases. According to the Morris Animal Foundation, which is managing the study, at least 10 research teams across the world had data and samples shared with them, and an online platform was launched in 2019 that shares study data with other interested scientists worldwide. This work provides the foundation for prospective studies to increase the understanding of disease correlations not just in Golden Retrievers but in all dogs, and is the most extensive investigation of its kind ever undertaken in veterinary medicine.



Golden Retriever

Another study^{vii} supported by AKC CHF and the Center for Companion Animal Health at the University of California-Davis analyzed data from the computerized hospital record system of the Veterinary Medical Teaching Hospital at UC-Davis on gonadally intact and spayed/neutered female and male Golden Retrievers between one and eight years of age. It was the first study of the effects of neutering on an array of joint disorders and cancers in the same breed of dog, using a single database and examining the variables of sex and early and late neutering versus leaving the dogs gonadally intact. Of five diseases analyzed (hip dysplasia, cranial cruciate ligament tear, lymphosarcoma, hemangiosarcoma, and mast cell tumors), the disease rates in males and/or females were found to be significantly increased when neutering was performed early. When a disease occurred in intact dogs, the occurrence was typically one-fourth to one-half that of early- and/or late-neutered dogs. These findings allow breeders to better advise owners if and when to spay/neuter their dogs, and to understand and balance potential health impacts.

BREEDERS HELP AMERICA'S DEFENSES

Homegrown terrorism and mass shootings have sadly become everyday news in the United States. As a result, the demand for explosives detection dogs as a deterrent against such crimes is on the increase with one major problem: there are not enough U.S.-bred detection dogs to meet the growing need.

Approximately 80-to-90% of the explosives detection dogs in the U.S.—whether they work in law enforcement, private security, or government—are sourced from overseas. Sourcing for this crucial national security resource is not secure, because other countries also face their own terrorism threats, pandemics, or geopolitical disturbances that reduce the number of dogs available for U.S. national security and public safety. Increasingly, the U.S. must rely on high-quality, American-bred, -raised, and -trained dogs to protect our national and public security.

AKC Detection Dog Task Force



AKC'S Detection Dog Task Force (DDTF) was established in 2016 to help address this issue and encourage the breeding and development of homegrown hero dogs that can achieve the rigorous standards necessary to be explosives detection dogs. The DDTF works with experts from academia, government/public policy, military, policing, training, and breeding to create multi-pronged solutions to help address the shortage of U.S. detection dogs.

Specifically, the Task Force:

- Through its AKC Patriotic Puppy Program, provides assistance to breeders and puppy raisers in an effort to increase the supply of explosive detection dogs.
- Champions legislative reform that incentivizes domestic breeders to produce dogs for detection work.
- Advocates for improved government transparency about sources, training, and standards for detection dogs.
- Holds the AKC National Detection Dog Conference, which brings together stakeholders and educates breeders and trainers for these highly-trained dogs.

We invite you to learn more about these programs at <http://www.akc.org/edc> or contact detectiondog@akc.org.

ADDRESSING BREEDER HARASSMENT

AKC has become aware of instances of animal extremist having targeted individual dog breeders with harassment, slander, or retaliation, as related to an individual's participation in the political process, including testifying at legislative hearings or working on legislation. AKC's Task Force on Anti-Breeder Harassment and Retaliation tracks cases of breeder harassment, conveys information to potential future targets; and provides resources to help those who suspect they are being targeted, along with tips on how to avoid becoming a target in the first place.



AKC PROGRAMS PROTECT ANIMAL WELFARE WHILE SUPPORTING RESPONSIBLE DOG BREEDERS

AKC'S CARE AND CONDITIONS OF DOGS POLICY PUTS CARE STANDARDS INTO PRACTICE

The American Kennel Club's Care and Conditions of Dogs Policy reflects AKC's values in promoting the responsible ownership and maintenance of dogs. These guidelines are meant as a basis for helping individuals ensure that appropriate care practices are performed and housing facilities are maintained in a safe, humane, and responsible manner.

The guidelines are not intended to be all-inclusive or definitive, but rather are intended to serve as a basic working outline that can be expanded and refined as needed while lending uniform application of this policy. In addition to guidelines set forth in this policy, AKC expects individuals who register their dogs with AKC to comply with all applicable federal, state, and local laws and regulations regarding the ownership and maintenance of dogs.

Care of Dogs

- Dogs should have access on a daily basis to play and exercise.
- Dogs must have access to fresh water as appropriate.
- Dogs must have access to fresh food provided at appropriate intervals to maintain a healthy weight.
- Appropriate health care, including routine and preventative care, must be provided for all dogs.
- Dogs should be provided with daily positive human contact and socialization.
- Each dog should have its overall (general) health and behavior assessed daily. Any deviation in health condition must be addressed expeditiously and appropriately.
- Dogs should be kept free from internal and external parasites.
- Dogs should be afforded regular grooming to ensure health and comfort.
- When euthanasia is necessary, it must always be performed humanely.

Kennels and Housing

- The primary enclosure must be large enough so the dog(s) can sit, stand, lie down, or turn around comfortably, with no overcrowding.
- The primary enclosure shall be constructed and maintained so that dogs are securely confined and does not cause injury to the dogs.
- Protection from adverse or extreme weather conditions must be provided.
- While flooring that provides solid footing is preferred, if wire/slatted flooring is used as flooring of a primary enclosure, it should be comprised of a material featuring a protective coating, be of an appropriate size to prevent injury (especially to feet), and must be kept in good repair. If wire/slatted flooring is used, a solid platform of sufficient size should be provided to allow the dog(s) to attain solid footing and to offer a space for resting.
- Facilities must provide a regular lighting cycle for the dogs.
- Bedding material made available to dogs should be clean and not pose a risk to the dogs.

Operations

- As relevant, a sufficient number of staff must be provided to carry out appropriate levels of care and conditions for the number of dogs kept.
- Facility and primary enclosures should be clean, free from debris and odor, and feces should be picked up and disposed of as frequently as necessary so as not to pose a threat to the health of the dog(s).
- Each kennel should maintain an emergency preparedness plan adequate for the type of facility owned and breed(s) of dogs maintained therein.

The above is in addition to the policy adopted by the AKC Board in July 1990 AKC to notify federal, state, or local agencies of unsanitary and/or unhealthy conditions found by AKC Inspectors during inspection of kennels; that USDA APHIS will be notified when such conditions prevail at kennels regulated by that department under the provisions of the U.S. Animal Welfare Act; and that other state/local governmental or humane agencies will be notified when such conditions are observed at kennels not regulated by federal law.

In instances when dog(s) are found in conditions that place them in immediate danger, the inspector will immediately notify agencies with jurisdiction regarding the danger to the dogs.

During the course of an inspection, if an AKC Inspector determines that an individual is not maintaining his/her dogs or facility in a manner that is compliant with the AKC's Care and Conditions of Dogs Policy, the individual's AKC privileges may be placed on temporary referral. The individual will be notified, in writing, of specific deficiencies and what steps need to be taken to come into compliance with the Care and Conditions of Dogs Policy. The individual shall be given 45 days to correct deficiencies and request a re-inspection. In cases where deficiencies are not corrected or reinspections are not requested, AKC may proceed with disciplinary action leading to suspension of all AKC privileges.



Irish Wolfhound

AKC KENNEL INSPECTIONS HELP ENSURE PROPER CARE

The American Kennel Club is the only all-breed dog registry in the United States with an ongoing routine kennel inspection program. AKC has a dedicated team of experts who visit kennels to educate breeders who register with AKC, while ensuring the proper care and conditions of dogs and verify that breeders are maintaining accurate records for their dogs. The AKC Kennel Inspections Program is a successful tool in promoting responsible dog ownership and breeding. The AKC's Care and Conditions of Dogs policy, along with recordkeeping and identification requirements, is the cornerstone of AKC's Inspections program and makes clear that AKC will not tolerate substandard treatment of dogs.

The Numbers

Since 2000, the AKC has conducted approximately 80,000 inspections throughout the United States. AKC's inspection protocol applies equally to all breeders who register their dogs with the AKC.

Purpose of Inspection

AKC conducts inspections of breeders who register litters with AKC to ensure that care and conditions of the dogs and the facility in which they are housed are in compliance with AKC's extensive Care and Conditions of Dogs Policy and to review records in order to maintain the integrity of its registry. As a private organization AKC cannot conduct inspections of breeders who do not use our services.

During an inspection, the care and conditions of dogs and the facility in which they are housed are examined. This includes ensuring that dogs have access to adequate food and water, are in good physical condition, and have access to daily exercise. Dogs must also be supplied with daily positive human contact and socialization. AKC also makes certain that the facility is constructed in such a way as to maintain the safety of the dogs, and that it is clean and of a sufficient size so that overcrowding does not exist.

The registrant's individual dog ownership records, breeding records, and litter records are also reviewed to make certain that the registration applications that have been received from the breeder are properly supported. DNA samples may also be taken to check parentage of the dogs on site and ensure the integrity of the AKC registry.



Education

AKC's Executive Field Staff educate registrants about AKC's Care and Conditions of Dogs Policy, its record-keeping and dog identification requirements, and other AKC programs.

If the inspection determines that the breeder needs to make improvements to their recordkeeping and dog identification practices, the breeder is provided with information and recommendations on how to make improvements so they can achieve compliance

AKC BELIEVES THE USE OF “TEACHABLE MOMENTS” DURING INSPECTIONS HELPS ENSURE COMPLIANCE WITH AKC AND PUBLIC POLICY REGULATIONS AND PROMOTES REGULATORY AND ENFORCEMENT EFFICIENCY.

Enforcement

If an individual fails to consent to an inspection or fails to correct areas identified as needing improvement during an inspection, AKC will suspend the individual’s ability to use AKC registration services and/or compete in AKC events. Typically, a suspension also includes a fine. AKC privileges will only be reinstated after an inspection is conducted to confirm that the breeder is in compliance with AKC’s rules and policies. If unsanitary and/or unhealthy conditions are found during the inspection, proper federal, state, and local agencies will be notified. Anyone convicted of animal cruelty may not use AKC’s services.

AKC SUPPORTS REASONABLE BREEDER LAWS AND REGULATIONS

Breeder and owner responsibility cannot be defined by establishing arbitrary ownership limits or unenforceable breeding requirements. Instead, responsibility should be defined by the quality of care given to animals. This is why the American Kennel Club works with dog owners, breeders, and community leaders throughout the country to educate the public about responsible dog ownership.

Responsibility should be defined by the quality of care given to animals.

AKC also encourages responsible breeding practices by supporting educational symposia for breeders and competitive dog shows and other events where top breeders showcase and compete with the best of their breeding programs. The AKC Canine Health Foundation has allocated millions of dollars to peer-review research studies that help dogs live longer, healthier lives.

Organizations that support draconian anti-dog and anti-breeder legislation often paint AKC as opposed to all laws that regulate breeders. That is simply not true. AKC has a long history of supporting reasonable and enforceable laws that protect the welfare and health of dogs and do not restrict the rights of breeders and owners who meet their responsibilities. Through educational programs and enforcement of existing laws, those who harm animals can be appropriately punished while responsible breeders who devote their lives to their dogs are recognized as part of the solution, not the problem.

For instance, in early 2012, AKC had significant concerns with the initial versions of Minnesota legislation that attempted to create commercial breeder oversight laws. The initial draft was too expansive and would have also impacted hobby breeders. However, over the course of the following couple of years, AKC worked with sponsors and stakeholders alike to create a fairer oversight program. AKC did not oppose the final version of the legislation, which was enacted in 2014.

In cases when legislative fixes are needed, AKC is pleased to assist in bringing community leaders and responsible breeders together to create positive, effective solutions. For example, over several legislative sessions Ohio lawmakers sought to close loopholes and clarify breeding and care standards for dogs. AKC worked with responsible dog owners, breeders, and key legislators and enforcement authorities to identify the real issues. Together, in 2018 this group finally succeeded in creating a strong, clear law that provided reasonable guidelines and enforcement provisions.^{viii}

So far in 2023, AKC has worked to challenge breeder bills that are onerous and overly-expansive. They include legislation in Texas that would cut in half the^{ix} current threshold for classification as a commercial breeder; and bills in Florida that would with little exception require anyone in possession of one sexually-intact female dog six months of age or older to register with, and be inspected by, the state.

A BRIEF HISTORY OF RECENT BREEDER OVERSIGHT LAWS

Over the last generation, state-level breeder regulation schemes have been promoted by and advocated for by a variety of animal rights/protectionist groups across the country. As these far-reaching programs became popular legislative proposals in the years that followed, sponsoring legislators and their professional staffs claimed that many hundreds of dog breeders who met certain ownership thresholds would be subject to proposed new regulatory systems, and that license/inspection fees and fines would ensure program solvency. Their sources for that information? The very same animal rights/protectionist groups that pushed for enactment of the legislation.



Skye Terrier

Time has proven those claims to be flawed. Several states have publicly confronted the shortfalls of their breeder regulatory programs.

Tennessee

Tennessee's experience serves as a bellwether. The Tennessee Commercial Breeder Act was passed in 2009 and went into effect January 1, 2010.^{xi} The act licensed, regulated, and required inspection of commercial dog and cat breeders. It considered a commercial breeder to be a person who possessed or maintained 20 or more unsterilized adult female dogs or cats for the purpose of selling the offspring as companion animals.

This law, which included an automatic sunset provision, was enacted based on fiscal projections that it would generate more than \$1 million dollars annually from licensing revenue received from an estimated 500 licensed breeders.^{xii} The actual number of licensed breeders as of fiscal year 2011-2012 was 20; actual licensing revenue was \$70,200; and the increased cost to taxpayers to administer the program was \$365,600.^{xiii} Despite legislation that sought to remove its sunset provision, the law was allowed to sunset in 2014. Subsequent and ongoing annual efforts to recreate the Tennessee program have failed in that state's General Assembly.

Wisconsin

The fiscal integrity of Wisconsin's law that regulates dog breeders and sellers, which was also enacted in 2009, was of such concern that the state's Department of Agriculture, Trade, and Consumer Protection (DATCP) had to undergo additional rulemaking in an effort to address the program's history of insolvency.

Wisconsin's law requires dog breeders selling 25 or more dogs a year, from more than three litters they have bred, to be licensed and regulated.^{xiv} In July 2020, DATCP reported that the dog seller program's fiscal year 2019 costs were \$338,600, while revenues rose only to \$181,200.^{xv} With a tradition of such cost overruns, DATCP determined that it was not able to reduce its program expenditures to revenues without failing to meet the program requirements that had been set by the state's legislature. It responded by proposing fee increases to ensure recovery of annual program costs and would gradually eliminate the current and projected deficit over five years. The final rule included a 100% increase in license fees for shelters and animal control facilities, a 120% license fee increase for all other entities (including breeders), and a 167% increase in reinspection fees. Breeder license fees under Wisconsin's law now range from \$550 to a staggering \$2,200.^{xvi}

Texas

Proposed in 2009 and enacted in 2011, Texas' Dog or Cat Breeders Law regulates those who (1) possess 11 or more adult intact female animals and (2) who engage in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration and (3) who sell or exchange, or offer to sell or exchange, not fewer than 20 animals in a calendar year.^{xvii} The law was designed to be enforced by the Texas Department of Licensing and Regulation (TDLR), which created its Licensed Breeders Program to carry out the law. The Licensed Breeders Program was designed to be funded through program-generated revenues (i.e., license fees and fines), similar to Tennessee's and Wisconsin's laws.

In June 2020, the Texas Sunset Advisory Commission recommended that the Licensed Breeders Program be eliminated as not necessary to protect the public.^{xviii} In its findings, the Commission implied that the law was fundamentally flawed due to significant statutory exemptions and unenforceable requirements that undermined both the program's goals and the agency's efforts. Moreover, it found that program revenues failed to cover the administration of the program; and despite disproportionately high administrative costs, Texans primarily relied on other legal protections that predated the state's program. Nevertheless, as noted above, anti-breeder activists have pushed for a 2023 expansion of Texas' troubled law.

Do you Know the Difference Between Animal Rights and Animal Welfare?

Animal Welfare is pro-animal ownership. It recognizes the human-animal bond, recognizes the value of quality animal care and purposeful breeding, and supports advancing science to ensure the health and wellbeing of animals.

Animal Rights is a radical philosophy that posits that humans should not use or own animals in any way, even as companions. It seeks to ultimately make that grim agenda a reality through 12 goals that were originally outlined in 1987:^{XIX}

1. Abolish by law all animal research.
2. Outlaw the use of animals for cosmetic and product testing, classroom demonstration and in weapons development.
3. Vegetarian meals should be made available at all public institutions, including schools.
4. Eliminate all animal agriculture.
5. No herbicides, pesticides, or other agricultural chemicals. Outlaw predator control.
6. Transfer enforcement of animal welfare legislation away from the Department of Agriculture.
7. Eliminate fur ranching and the use of furs.
8. Prohibit hunting, trapping, and fishing.
9. End the international trade in wildlife goods.
10. Stop any further breeding of companion animals, including purebred dogs and cats. Spaying and neutering should be subsidized by state and municipal governments. Abolish commerce in animals for the pet trade.
11. End the use of animals in entertainment and sports.
12. Prohibit the genetic manipulation of species.

These goals continue to be a framework for the animal rights movement's advocacy efforts today, which threaten all types of animal ownership, including pet ownership, animal-based research, and food.



Labrador Retriever

CURRENT BREEDER LAWS AND REGULATIONS

COMPONENTS OF REASONABLE BREEDER LAWS/REGULATIONS:

- No mandatory spay/neuter laws.
- No arbitrary quantitative ownership limits.
- Clearly defined regulated class based on possession and commercial sales thresholds. No regulation of hobbyists.
- Proper funding for enforcement of current laws.
- Fair license fees.
- Reasonable inspection procedures.
- Pre-citation opportunities to remedy non-compliances not related to animal welfare.
- Performance-based care and conditions standards.

FEDERAL LAW - ANIMAL WELFARE ACT

Originally enacted in 1966, the federal Animal Welfare Act (7 U.S.C. § 2131, et seq.) governs the humane treatment of dogs bred for purposes of sale. Those who fall under the scope of the AWA must be licensed by the United States Department of Agriculture's Animal and Plant Health Inspection Service. APHIS enforces the AWA and its regulations, which include licensing requirements for certain breeders, minimum standards of care that must be maintained by those breeders, and inspections of their facilities. APHIS also pursues enforcement for violators of the AWA.

Any individual who maintains more than four breeding females of numerous species (including dogs, cats, rabbits, hamsters, and other companion animals) and sells one sight-unseen is subject to licensing as an animal dealer.

Regulations established under the AWA set standards for the humane care and treatment for certain animals that are exhibited to the public, sold for use as pets, used in research, or transported commercially. Facilities using regulated animals for regulated purposes must provide their animals with adequate housing, sanitation, nutrition, water, and veterinary care, and they must protect their animals from extreme weather and temperatures. The regulations also establish specific requirements that must be met prior to the importation of dogs for resale (transfer).



Bulldog

USDA inspectors located throughout the United States perform two major types of inspections: pre-license inspections and unannounced compliance inspections. In addition to routine inspections, inspectors follow up on complaints from the public regarding regulated facilities, including reports that facilities are conducting regulated activity without a USDA license or registration. Inspectors are classified as veterinary medical officers (VMOs) or Animal Care inspectors (ACIs). All VMOs have graduated from a veterinary medical college, and many have been private-practice veterinarians prior to joining USDA's Animal Care division. ACIs have education in the biological sciences and/or extensive experience in the care and handling of animals. USDA Animal Care also employs veterinarians who specialize in the care of particular animal species as well as those with a specific area of animal expertise such as research or transportation.

Inspectors use the AWA standards and regulations as the baseline by which they assess a facility's level of care provided to animals. If a facility is meeting the federal standards, USDA knows the animals there are receiving humane care and treatment. Conversely, when inspectors identify items that are not in compliance with the federal standards, USDA Animal Care holds those facilities responsible for properly addressing and correcting those items within a set timeframe. If the noncompliance is not corrected, or if it is of a serious enough nature, USDA has the option to pursue appropriate regulatory compliance and enforcement actions.



Whippet



Entlebucher Mountain Dog

APHIS' Investigative and Enforcement Services (IES) personnel investigate alleged violations when licensees or registrants have not taken corrective measures to come into compliance with the AWA, individuals and/or businesses are conducting regulated activity without a license or without being registered with USDA, or the noncompliance presents (or presented) a direct risk to the health and well-being of the animals involved. Investigations may lead to the issuance of a regulatory compliance or enforcement action.

AM I SUBJECT TO FEDERAL LICENSING FOR DOG BREEDERS?

The USDA's "retail pet store" rule impacts whether many individual dog breeders are subject to USDA licensing. Concerned dog breeders often ask: *What does it mean for me?*

- If you have more than 4 "breeding females" and you sell pets sight unseen, you may be subject to USDA licensing and regulations. The "and" is important! Please also note that "breeding females" includes several species of pets—not just dogs.
- AKC remains concerned that the term "breeding female"—the foundation for a key part of the regulation—lacks a clear definition. This makes it difficult for breeders to determine whether they would be subject to licensing and regulation. A safe assumption is to consider a "breeding female" to be a female capable of reproduction, even though many unsterilized dogs may never be bred.
- You DO NOT have to be USDA licensed if ANY ONE of these exemptions applies:
 - If you maintain 4 or fewer "breeding females" on your premises, regardless of how you sell their offspring, you do not have to be USDA licensed.
 - If you always sell pets to new owners in face-to-face transactions, you do not have to be USDA licensed, no matter how many breeding females you have. "Face-to-face" means the buyer physically sees the animal prior to taking custody. Photos, videos, or virtual meetings, do not count as face-to-face.
 - If you breed and sell puppies for purposes other than as pets (for example, as breeding stock, hunting dogs, service dogs, or for the preservation of bloodlines), you may not have to be USDA licensed. This may be an option if you are heavily involved in breed-based activities or working to preserve a rare breed and are not marketing your dogs as pets.
 - However, this exemption may not apply if puppies/dogs are sold for these purposes AND as pets. Contact APHIS for more information on these exemptions
- This is a federal rule that applies to all US breeders and pet sellers. It does not replace or eliminate any state, county, or local laws or regulations.



Cairn Terrier

[Click here to read the federal Animal Welfare Act](#), or [click here to read AWA regulations](#).



AM I SUBJECT TO USDA LICENSING FOR DOG BREEDERS?

The USDA Retail Pet Store rule exempts certain dog breeders from USDA licensing and identifies which breeders may be subject to USDA licensing. Answer the questions below to determine whether you meet the most common conditions requiring a USDA license.



Do you breed and sell dogs, cats, hamsters, other small mammals (or any combination of these) as pets?

If you are selling a dog solely as a breeding prospect, to maintain bloodlines, or for hunting, working, or security, you may be exempt. If you are selling the dog as a pet, you are likely not exempt. It is important that the seller be able to clearly demonstrate their intent in selling the dog at the time of sale. If you sell animals for a combination of purposes, contact USDA for more information.

YES

NO



Do you require all buyers to physically observe the animal before taking possession of it?

Face-to-face transactions are those in which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking possession of it. Buyers include certain agents/proxies. Sales may take place at any location agreed upon by the seller and the buyer.

NO

YES



Do you maintain more than four "breeding females" on your premises?

USDA has not defined "breeding female" in writing; this is currently determined on a case-by-case basis. "Breeding female" appears to mean female animals with the capacity to breed. Females that an APHIS inspector decides cannot breed due to age, infirmity, illness, or other issues are not included. All breeding females on a premises will be considered, regardless of ownership.

**For informational purposes only. This is designed as a guide to the most common circumstances for breeders. Other exemptions and requirements exist. If you are uncertain about your status, contact USDA/APHIS to discuss your specific case.*

YES, YOU MAY NEED TO BE LICENSED BY THE USDA!
For more information, visit <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare>

You may be EXEMPT from the new USDA/APHIS rule.
You are expected to remain knowledgeable of all applicable laws and regulations dealing with the keeping and maintenance of dogs, and to comply with them as required.

STATE-LEVEL BREEDER LAWS/REGULATIONS

Every state has enacted laws that prohibit any cruel treatment of animals. Many states have also enacted commercial breeder regulation programs. Residents who meet their state's definition are required to comply with applicable laws and regulations, which may include licensing, inspections, care and conditions, recordkeeping, and advertising requirements. Please note that Oregon, Virginia, and Washington limit the maximum number of dogs a breeder may possess to 50 at one time, while Louisiana limits the number to 75.

These states do not have commercial breeder laws: Alabama, Alaska, Arkansas, District of Columbia, Florida, Georgia, Hawaii, Idaho, Kentucky, Mississippi, Montana, New Jersey, New Mexico, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, and Wyoming.

Typically, commercial breeder laws do not apply to hobby breeders.

[Click here to read a summary of state breeder and cruelty laws.](#)



Bearded Collie

REFERENCES

- i. https://www.theriogenology.org/resource/resmgr/Docs/spay-neuter_basis.pdf. (Accessed May 26, 2022.)
- ii. *Id.* See also Salman MD, Hutchison J, Ruch-Gallie R, et al. Behavioral reasons for relinquishment of dogs and cats to 12 shelters. *J Appl Anim Welf Sci* 2000;3:93-106.
- iii. American Kennel Club, *Issue Analysis: Why Mandatory Spay/Neuter Laws are Ineffective*. https://images.akc.org/pdf/canine_legislation/MSN_Article.pdf. (Accessed May 26, 2022.)
- iv. <https://www.akcchf.org/research/our-impact/>. (Accessed May 4, 2023)
- v. <https://www.ofa.org/about/chic-program>. (Accessed May 26, 2022.)
- vi. <https://www.morrisanimalfoundation.org/golden-retriever-lifetime-study>.
- vii. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0055937>.
- viii. OH HB 506 (2018).
- ix. Texas House Bill 274, available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB274>. (Accessed March 10, 2023.) Texas House Bill 2238, available at <https://capitol.texas.gov/Search/DocViewer.aspx?ID=88RHB022381B&QueryText=%22HB+2238%22&DocType=B>. (Accessed March 10, 2023.) Texas Senate Bill 876, available at <https://capitol.texas.gov/Search/DocViewer.aspx?ID=88RSB008761B&QueryText=%22SB+876%22&DocType=B>. (Accessed March 10, 2023.)
- x. Florida House Bill 1581, available at https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h1581_.docx&DocumentType=Bill&BillNumber=1581&Session=2023. (Accessed March 10, 2023.) Florida Senate Bill 1492, available at <https://www.flsenate.gov/Session/Bill/2023/1492/BillText/Filed/PDF>. (Accessed March 10, 2023.)
- xi. H.B. 386 of 2009, available at <http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB0386&ga=106>. (Accessed August 17, 2020.)
- xii. Tennessee General Assembly Fiscal Review Committee, *Corrected Fiscal Note SB 258 – HB 386, April 17, 2009*; available at <http://www.capitol.tn.gov/Bills/106/Fiscal/SB0258.pdf>. (Accessed August 17, 2020.)
- xiii. Fiscal Review Committee Staff, *Comparison of Actual and Estimated Fiscal Note Impacts, pages 8-11, September 18, 2012*, available at <http://www.capitol.tn.gov/Archives/Joint/committees/fiscalreview/archives/107ga/reports/2012%20Public%20Chapter%20Review.pdf>. (Accessed August 18, 2020.)
- xiv. The law also applies to dog breeding facilities, in-state and out-of-state dog dealers, non-profit animal shelters and rescues, and animal control facilities. See https://datcp.wi.gov/Pages/Programs_Services/DogBreedersSellersLaw.aspx#:~:text=The%20law%20also%20prohibits%20selling,who%20buy%20or%20adopt%20them. (Accessed August 18, 2020.)
- xv. Wisconsin Department of Agriculture, Trade and Consumer Protection, *Statement of Scope. July 1, 2020*. See http://docs.legis.wisconsin.gov/code/register/2020/775A2/register/ss/ss_093_20/ss_093_20. (Accessed August 18, 2020.)
- xvi. See https://docs.legis.wisconsin.gov/code/register/2022/796a3/register/cr/cr_21_061_rule_text/cr_21_061_rule_text/_60?down=1 (Accessed May 19, 2022.)
- xvii. Tx. Occupations Code § 802.002 (2011).
- xviii. https://www.sunset.texas.gov/public/uploads/files/reports/Texas%20Department%20of%20Licensing%20and%20Regulation%20Staff%20Report_6-4-20.pdf.
- xix. Bartlett, Kim. *The Politics of Animal Liberation. Animals' Agenda, 1987*; referenced at <http://petdefense.wordpress.com/2011/12/24/ar-the-12-steps-of-animal-rights/>. (Accessed April 25, 2023)



Lhasa Apso

The American Kennel Club strongly supports and actively promotes a wide range of programs to educate the public about responsible breeding practices and the responsibilities of dog ownership.

AKC welcomes the opportunity to work with lawmakers to establish reasonable and enforceable laws that protect the welfare and health of dogs and that do not restrict the rights of breeders and owners who meet their responsibilities.

For more information or to speak with a member of the AKC Government Relations staff, call 919-816-3720 or email doglaw@akc.org.



APPENDIX A:

FEDERAL ANIMAL WELFARE ACTⁱ

7. U.S.C. §§ 2131-2159 (As of May 1, 2022.)

(General and dog-specific sections reproduced here for informational purposes only. Before relying on any portion of the Animal Welfare Act as it appears here, reference should be made to the official United States Code.)

§ 2131 - Congressional statement of policy

The Congress finds that animals and activities which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of animals and activities as provided in this chapter is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce, in order –

- (1) to ensure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;
- (2) to assure the humane treatment of animals during transportation in commerce; and
- (3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this chapter, the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use.

For a full history of all of the Animal Welfare Act amendments, please visit: http://www.aphis.usda.gov/animal_welfare/downloads/awa/awa.pdf.

§ 2132 - Definitions

In this chapter:

- (a) The term “**person**” includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.
- (b) The term “**Secretary**” means the Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture.
- (c) The term “**commerce**” means trade, traffic, transportation, or other commerce –
 - (1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia;
 - (2) which affects trade, traffic, transportation, or other commerce described in paragraph (1).
- (d) The term “**State**” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

(e) The term “**research facility**” means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments:

Provided, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this chapter.

(f) The term “**dealer**” means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes. Such term does not include a retail pet store (other than a retail pet store which sells any animals to a research facility, an exhibitor, or another dealer).

(g) The term “**animal**” means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes (1) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research, (2) horses not used for research purposes, and (3) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes.

(h) The term “**exhibitor**” means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.

(i) The term “**intermediate handler**” means any person including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce.

(j) The term “**carrier**” means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire.

(k) The term “**Federal agency**” means an Executive agency as such term is defined in section 105 of title 5, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing, involving the use of animals.

(l) The term “**Federal award for the conduct of research, experimentation, or testing, involving the use of animals**” means any mechanism (including a grant, award, loan, contract, or cooperative agreement) under which Federal funds are provided to support the conduct of such research.

(m) The term “**quorum**” means a majority of the Committee members.

(n) The term “**Committee**” means the Institutional Animal Committee established under section 2143(b) of this title.

(o) The term “Federal research facility” means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation.

§ 2133 - Licensing of dealers and exhibitors

The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to 2153 of this title: *Provided*, That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 2143 of this title: *Provided, however*, That a dealer or exhibitor shall not be required to obtain a license as a dealer or exhibitor under this chapter if the size of the business is determined by the Secretary to be de minimis. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this chapter upon such persons’ complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this chapter and the regulations promulgated by the Secretary hereunder.

§ 2134 - Valid license for dealers and exhibitors required

No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce, to or from another dealer or exhibitor under this chapter any animals, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

§ 2135 - Time period for disposal of dogs or cats by dealers or exhibitors

No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary: *Provided*, That operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

§ 2136 - Registration of research facilities, handlers, carriers and unlicensed exhibitors

Every research facility, every intermediate handler, every carrier, and every exhibitor not licensed under section 2133 of this title shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

§ 2137 - Purchase of dogs or cats by research facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

It shall be unlawful for any research facility to purchase any dog or cat from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

§ 2138 - Purchase of dogs or cats by United States Government facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

No department, agency, or instrumentality of the United States which uses animals for research or experimentation or exhibition shall purchase or otherwise acquire any dog or cat for such purposes from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

§ 2139 - Principal-agent relationship established

When construing or enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 2133 of this title, or an operator of an auction sale subject to section 2142 of this title, or an intermediate handler, or a carrier, within the scope of his employment or office, shall be deemed the

act, omission, or failure of such research facility, dealer, exhibitor, licensee, operator of an auction sale, intermediate handler, or carrier, as well as of such person.

§ 2140 - Recordkeeping by dealers, exhibitors, research facilities, intermediate handlers, and carriers

Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. At the request of the Secretary, any regulatory agency of the Federal Government which requires records to be maintained by intermediate handlers and carriers with respect to the transportation, receiving, handling, and delivery of animals on forms prescribed by the agency, shall require there to be included in such forms, and intermediate handlers and carriers shall include in such forms, such information as the Secretary may require for the effective administration of this chapter. Such information shall be retained for such reasonable period of time as the Secretary may prescribe. If regulatory agencies of the Federal Government do not prescribe requirements for any such forms, intermediate handlers and carriers shall make and retain for such reasonable period as the Secretary may prescribe such records with respect to the transportation, receiving, handling, and delivery of animals as the Secretary may prescribe. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

§ 2141 - Marking and identification of animals

All animals delivered for transportation, transported, purchased, or sold, in commerce, by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe: *Provided*, That only live dogs and cats need be so marked or identified by a research facility.

§ 2142 - Humane standards and recordkeeping requirements at auction sales

The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, in commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, in commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 2153 of this title.

§ 2143 - Standards and certification process for humane handling, care, treatment, and transportation of animals

(a) Promulgation of standards, rules, regulations, and orders; requirements; research facilities; State authority

(1) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors.

(2) The standards described in paragraph (1) shall include minimum requirements –

(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and

(B) for exercise of dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the Secretary, and for a physical environment adequate to promote the psychological well-being of primates.

(3) In addition to the requirements under paragraph (2), the standards described in paragraph (1) shall, with respect to animals in research facilities, include requirements – *[Omitted]*

....

(4) The Secretary shall also promulgate standards to govern the transportation in commerce, and the handling, care, and treatment in connection therewith, by intermediate handlers, air carriers, or other carriers, of animals consigned by any dealer, research facility, exhibitor,

operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government, for transportation in commerce. The Secretary shall have authority to promulgate such rules and regulations as he determines necessary to assure humane treatment of animals in the course of their transportation in commerce including requirements such as those with respect to containers, feed, water, rest, ventilation, temperature, and handling.

(5) In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated.

(6)

(A) Nothing in this chapter –

(i) except as provided in paragraphs¹ (7) of this subsection, shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility as determined by such research facility;

...

(8) Paragraph (1) shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary under paragraph (1).

[(b) - (e) regard research facilities - *Omitted*]

(f) Veterinary certificate; contents; exceptions

No dogs or cats, or additional kinds or classes of animals designated by regulation of the Secretary, shall be delivered by any dealer, research facility, exhibitor, operator of an auction sale, or department, agency, or instrumentality of the United States or of any State or local government, to any intermediate handler or carrier for transportation in commerce, or received by any such handler or carrier for such transportation from any such person, department, agency, or instrumentality, unless the animal is accompanied by a certificate issued by a veterinarian licensed to practice veterinary medicine, certifying that he inspected the animal on a specified date, which shall not be more than ten days before such delivery, and, when so inspected, the animal appeared free of any infectious disease or physical abnormality which would endanger the animal or animals or other animals or endanger public health: *Provided*, however, That the Secretary may by regulation provide exceptions to this certification requirement, under such conditions as he may prescribe in the regulations, for animals shipped to research facilities for purposes of research, testing or experimentation requiring animals not eligible for such certification. Such certificates received by the intermediate handlers and the carriers shall be retained by them, as provided by regulations of the Secretary, in accordance with section 2140 of this title.

(g) Age of animals delivered to registered research facilities; power of Secretary to designate additional classes of animals and age limits *Omitted*

...

(h) Prohibition of C.O.D. arrangements for transportation of animals in commerce; exceptions

No intermediate handler or carrier involved in the transportation of any animal in commerce shall participate in any arrangement or engage in any practice under which the cost of such animal or the cost of the transportation of such animal is to be paid and collected upon delivery of the animal to the consignee, unless the consignor guarantees in writing the payment of transportation charges for any animal not claimed within a period of 48 hours after notice to the consignee of arrival of the animal, including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for all out-of-pocket expenses incurred for the care, feeding, and storage of such animals.

§ 2144 - Humane standards for animals by United States Government facilities

Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards and other requirements promulgated by the Secretary under sections 2143(a),(f),(g) and (h) of this title. Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under sections 2143(a), (f), (g), and (h) of this title.

§ 2145 - Consultation and cooperation with Federal, State, and local governmental bodies by Secretary of Agriculture

(a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research, experimentation or exhibition, or administration of statutes regulating the transportation in commerce or handling in connection therewith of any animals when establishing standards pursuant to section 2143 of this title and in carrying out the purposes of this chapter. The Secretary shall consult with the Secretary of Health and Human Services prior to issuance of regulations. Before promulgating any standard governing the air transportation and handling in connection therewith, of animals, the Secretary shall consult with the Secretary of Transportation who shall have the authority to disapprove any such standard if he notifies the Secretary, within 30 days after such consultation, that changes in its provisions are necessary in the interest of flight safety. The Surface Transportation Board, the Secretary of Transportation, and the Federal Maritime Commission, to the extent of their respective lawful authorities, shall take such action as is appropriate to implement any standard established by the Secretary with respect to a person subject to regulation by it. (b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in carrying out the purposes of this chapter and of any State, local, or municipal legislation or ordinance on the same subject.

§ 2146 - Administration and enforcement by Secretary**(a) Investigations and inspections**

The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale subject to section 2142 of this title, has violated or is violating any provision of this chapter or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 2140 of this title of any such dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale. The Secretary shall inspect each research facility at least once each year and, in the case of deficiencies or deviations from the standards promulgated under this chapter, shall conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this chapter or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, (4) such animal is held by an operator of an auction sale, or (5) such animal is held by an intermediate handler or a carrier.

(b) Penalties for interfering with official duties

Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance AWA of his official duties under this chapter shall be punished as provided under sections 1111 and 1114 of title 18.

(c) Procedures

For the efficient administration and enforcement of this chapter and the regulations and standards promulgated under this chapter, the provisions (including penalties) of sections 46, 48, 49 and 50 of title 15 (except paragraph (c) through (h) of section 46 and the last paragraph of section 49 of title 15), and the provisions of Title II of the Organized Crime Control Act of 1970, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this chapter and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this chapter in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 49 and 50 of title 15 on the district courts of the United States may be exercised for the purposes of this chapter by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, except as provided in section 2149(c) of this title.

§ 2147 - Inspection by legally constituted law enforcement agencies

The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

§ 2148 - Importation of live dogs

(a) Definitions

In this section:

(1) Importer

The term “**importer**” means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

(2) Resale

The term “**resale**” includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration. 18 Animal Welfare Act, USDA § 2149

(b) Requirements

(1) In general

Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog –

- (A) is in good health;
- (B) has received all necessary vaccinations; and
- (C) is at least 6 months of age, if imported for resale.

(2) Exception

- (A) In general

The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for –

- (i) research purposes; or
- (ii) veterinary treatment.

(B) Lawful importation into Hawaii

Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

(c) Implementation and regulations

The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

(d) Enforcement

An importer that fails to comply with this section shall –

- (1) be subject to penalties under section 2149 of this title; and
- (2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.

§ 2149 - Violations by licensees

(a) Temporary license suspension; notice and hearing; revocation

If the Secretary has reason to believe that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 2142 of this title, has violated or is violating any provision of this chapter, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may suspend such person's license temporarily, but not to exceed 21 days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred.

(b) Civil penalties for violation of any section, etc.; separate offenses; notice and hearing; appeal; considerations in assessing penalty; compromise of penalty; civil action by Attorney General for failure to pay penalty; district court jurisdiction; failure to obey cease and desist order

Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 2142 of this title, that violates any provision of this chapter, or any rule, regulation, or standard promulgated by the Secretary thereunder, may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation, and the Secretary may also make an order that such person shall cease and desist from continuing such violation. Each violation and each day during which a violation continues shall be a separate offense. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing with respect to the alleged violation, and the order of the Secretary assessing a penalty and making a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States Court of Appeals. The Secretary shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person involved, the gravity of the violation, the person's good faith, and the history of previous violations. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which such person is found or resides or transacts business, to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. Any person who knowingly fails to obey a cease and desist order made by the Secretary under

this section shall be subject to a civil penalty of \$1,500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

(c) Appeal of final order by aggrieved person; limitations; exclusive jurisdiction of United States Courts of Appeals

Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 2142 of this title, aggrieved by a final order of the Secretary issued pursuant to this section may, within 60 days after entry of such an order, seek review of such order in the appropriate United States Court of Appeals in accordance with the provisions of sections 2341, 2343 through 2350 of title 28, and such court shall have exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order.

(d) Criminal penalties for violation; initial prosecution brought before United States magistrate judges; conduct of prosecution by attorneys of United States Department of Agriculture

Any dealer, exhibitor, or operator of an auction sale subject to section 2142 of this title, who knowingly violates any provision of this chapter shall, on conviction thereof, be subject to imprisonment for not more than 1 year, or a fine of not more than \$2,500, or both. Prosecution of such violations shall, to the maximum extent practicable, be brought initially before United States magistrate judges as provided in section 636 of title 28, and sections 3401 and 3402 of title 18, and, with the consent of the Attorney General, may be conducted, at both trial and upon appeal to district court, by attorneys of the United States Department of Agriculture.

§ 2150 - Repealed

§ 2151 - Rules and regulations

The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this chapter.

§ 2152 - Separability

If any provision of this chapter or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this chapter and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

§ 2153 - Fees and authorization of appropriations

The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide: Provided, That there is authorized to be appropriated to the Secretary of Agriculture for enforcement by the Department of Agriculture of the provisions of section 2156 of this title an amount not to exceed \$100,000 for the transition quarter ending September 30, 1976, and not to exceed \$400,000 for each fiscal year thereafter.

§ 2154 - Effective dates

The regulations referred to in sections 2140 and 2143 of this title shall be prescribed by the Secretary as soon as reasonable but not later than six months from August 24, 1966. Additions and amendments thereto may be AWA 21 § 2155 9 CFR AWA (1-1-2020 Edition) AWA prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this chapter and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this chapter and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 2143 of this title provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time. Notwithstanding the other provisions of this section, compliance by intermediate

handlers, and carriers, and other persons with those provisions of this chapter, as amended by the Animal Welfare Act Amendments of 1976, and those regulations promulgated thereunder, which relate to actions of intermediate handlers and carriers, shall commence 90 days after promulgation of regulations under section 2143 of this title, as amended, with respect to intermediate handlers and carriers, and such regulations shall be promulgated no later than 9 months after April 22, 1976; and compliance by dealers, exhibitors, operators of auction sales, and research facilities with other provisions of this chapter, as so amended, and the regulations thereunder, shall commence upon the expiration of 90 days after April 22, 1976: Provided, however, That compliance by all persons with subsections (b), (c), and (d) of section 2143 and with section 2156 of this title, as so amended, shall commence upon the expiration of said ninety-day period. In all other respects, said amendments shall become effective on April 22, 1976.

§ 2155 – [Omitted]

§ 2156 - Animal fighting venture prohibition

(a) Sponsoring or exhibiting an animal in, attending, or causing an individual who has not attained the age of 16 to attend an animal fighting venture

(1) In general Sponsoring or Exhibiting

Except as provided in paragraph (3), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture.

(2) Attending or causing an individual who has not attained the age of 16 to attend – It shall be unlawful for any person to – knowingly attend an animal fighting venture; or knowingly cause an individual who has not attained the age of 16 to attend an animal fighting venture.

(3) Special rule for certain States

With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.

(b) Buying, selling, delivering, possessing, training, or transporting animals for participation in animal fighting venture

It shall be unlawful for any person to knowingly sell, buy, possess, train, transport, deliver, or receive any animal for purposes of having the animal participate in an animal fighting venture.

(c) Use of Postal Service or other interstate instrumentality for promoting or furthering animal fighting venture

It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech for purposes of advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture, promoting² or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States.

(d) Violation of State law

Notwithstanding the provisions of subsection (c) of this section, the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

(e) Buying, selling, delivering, or transporting sharp instruments for use in animal fighting venture

It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

(f) Investigation of violations by Secretary; assistance by other Federal agencies; issuance of search warrant; forfeiture; costs recoverable in forfeiture or civil action

The Secretary or any other person authorized by him shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section, and the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, or other law enforcement agencies of the United States, and State and local governmental agencies, in the conduct of such investigations, under cooperative agreements with such agencies. A warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate judge within the district wherein the animal sought is located. Any United States marshal or any person authorized under this section to conduct investigations may apply for and execute any such warrant, and any animal seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this subsection. Necessary care including veterinary treatment shall be provided while the animals are so held in custody. Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals (1) if he appears in such forfeiture proceeding, or (2) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

(g) Definitions

In this section –

- (1) the term “**animal fighting venture**” means any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment, except that the term “animal fighting venture” shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal;
- (2) the term “**instrumentality of interstate commerce**” means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;
- (3) the term “**State**” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;
- (4) the term “**animal**” means any live bird, or any live mammal, except man.

(h) Relationship to other provisions

The conduct by any person of any activity prohibited by this section shall not render such person subject to the other sections of this chapter as a dealer, exhibitor, or otherwise.

(i) Conflict with State law

(1) In general

The provisions of this chapter shall not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this chapter or any rule, regulation, or standard hereunder.

(2) [Omitted]

(j) Criminal penalties

The criminal penalties for violations of subsection (a), (b), (c), or (e) are provided in section 49 of title 18.

...
§ 2158 - Protection of pets

(a) Holding period

(1) Requirement

In the case of each dog or cat acquired by an entity described in paragraph (2), such entity shall hold and care for such dog or cat for a period of not less than five days to enable such dog or cat to be recovered by its original owner or adopted by other individuals before such entity sells such dog or cat to a dealer.

(2) Entities described

An entity subject to paragraph (1) is –

- (A) each State, county, or city owned and operated pound or shelter;
- (B) each private entity established for the purpose of caring for animals, such as a humane society, or other organization that is under contract with a State, county, or city that operates as a pound or shelter and that releases animals on a voluntary basis; and
- (C) each research facility licensed by the Department of Agriculture.

(b) Certification

(1) In general

A dealer may not sell, provide, or make available to any individual or entity a random source dog or cat unless such dealer provides the recipient with a valid certification that meets the requirements of paragraph (2) and indicates compliance with subsection (a) of this section.

(2) Requirements

A valid certification shall contain –

- (A) the name, address, and Department of Agriculture license or registration number (if such number exists) of the dealer;
- (B) the name, address, Department of Agriculture license or registration number (if such number exists), and the signature of the recipient of the dog or cat;
- (C) a description of the dog or cat being provided that shall include
 - (i) the species and breed or type of such;
 - (ii) the sex of such;

(iii) the date of birth (if known) of such;

(iv) the color and any distinctive marking of such; and

(v) any other information that the Secretary by regulation shall determine to be appropriate;

(D) the name and address of the person, pound, or shelter from which the dog or cat was purchased or otherwise acquired by the dealer, and an assurance that such person, pound, or shelter was notified that such dog or cat may be used for research or educational purposes;

(E) the date of the purchase or acquisition referred to in subparagraph (D);

(F) a statement by the pound or shelter (if the dealer acquired the dog or cat from such) that it satisfied the requirements of subsection (a) of this section; and

(G) any other information that the Secretary of Agriculture by regulation shall determine appropriate.

(3) Records

The original certification required under paragraph (1) shall accompany the shipment of a dog or cat to be sold, provided, or otherwise made available by the dealer, and shall be kept and maintained by the research facility for a period of at least one year for enforcement purposes. The dealer shall retain one copy of the certification provided under this paragraph for a period of at least one year for enforcement purposes.

(4) Transfers

In instances where one research facility transfers animals to another research facility a copy of the certificate must accompany such transfer.

(5) Modification

Certification requirements may be modified to reflect technological advances in identification techniques, such as microchip technology, if the Secretary determines that adequate information such as described in this section, will be collected, transferred, and maintained through such technology.

(c) Enforcement

(1) In general

Dealers who fail to act according to the requirements of this section or who include false information in the certification required under subsection (b) of this section, shall be subject to the penalties provided for under section 2149 of this title.

(2) Subsequent violations

Any dealer who violates this section more than one time shall be subject to a fine of \$5,000 per dog or cat acquired or sold in violation of this section.

(3) Permanent revocations

Any dealer who violates this section three or more times shall have such dealers license permanently revoked.

(d) Regulation

Not later than 180 days after November 28, 1990, the Secretary shall promulgate regulations to carry out this section.

§ 2159 - Authority to apply for injunctions**(a) Request**

Whenever the Secretary has reason to believe that any dealer, carrier, exhibitor, or intermediate handler is dealing in stolen animals, or is placing the health of any animal in serious danger in violation of this chapter or the regulations or standards promulgated thereunder, the Secretary shall notify the Attorney General, who may apply to the United States district court in which such dealer, carrier, exhibitor, or intermediate handler resides or conducts business for a temporary restraining order or injunction to prevent any such person from operating in violation of this chapter or the regulations and standards prescribed under this chapter.

(b) Issuance

The court shall, upon a proper showing, issue a temporary restraining order or injunction under subsection (a) of this section without bond. Such injunction or order shall remain in effect until a complaint pursuant to section 2149 of this title is issued and dismissed by the Secretary or until an order to cease and desist made thereon by the Secretary has become final and effective or is set aside on appellate review. Attorneys of the Department of Agriculture may, with the approval of the Attorney General, appear in the United States district court representing the Secretary in any action brought under this section.

ⁱ 7. U.S.C. §§ 2131-2159 (As of May 1, 2022.)

APPENDIX B:

OVERVIEW OF FEDERAL ANIMAL WELFARE REGULATIONS

Regulations that carry out the Animal Welfare Act are found in Chapter 1 of Title 9 of the Code of Federal Regulations and are numerous. In addition to general regulations for all USDA licensees and registrants, there are specific regulations for the humane handling, care, treatment, and transportation of dogs, which are reproduced here for informational purposes only. Before relying on any portion of the Animal Welfare Regulations as it appears here, reference should be made to the official Code of Federal Regulations.

Code of Federal Regulations

Title 9 - Animals and Animal Products

Chapter 1 - Animal and Plant Health Inspection Service, Department of Agriculture

Subchapter A - Animal Welfare

Part 1 - Definition of Terms

§1.1 Definitions.¹

For the purposes of this subchapter, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also signify the plural and the masculine form shall also signify the feminine. Words undefined in the following paragraphs shall have the meaning attributed to them in general usage as reflected by definitions in a standard dictionary.

Act means the Act of August 24, 1966 (Pub. L. 89-544), (commonly known as the Laboratory Animal Welfare Act), as amended by the Act of December 24, 1970 (Pub. L. 91-579), (the Animal Welfare Act of 1970), the Act of April 22, 1976 (Pub. L. 94-279), (the Animal Welfare Act of 1976), and the Act of December 23, 1985 (Pub. L. 99-198), (the Food Security Act of 1985), and as it may be subsequently amended.

Activity means, for purposes of part 2, subpart C of this subchapter, those elements of research, testing, or teaching procedures that involve the care and use of animals.

Administrative unit means the organizational or management unit at the departmental level of a research facility.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Ambient temperature means the air temperature surrounding the animal.

Animal means any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research; horses not used for research purposes; and other farm animals, such as, but not limited to, livestock or poultry used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes.

Animal act means any performance of animals where such animals are trained to perform some behavior or action or are part of a show, performance, or exhibition.

APHIS official means any person employed by the Department who is authorized to perform a function under the Act and the regulations in 9 CFR parts 1, 2, and 3.

Attending veterinarian means a person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education, or has a certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, or has received equivalent formal education as determined by the Administrator; has received training and/or experience in the care and management of the species being attended; and who has direct or delegated authority for activities involving animals at a facility subject to the jurisdiction of the Secretary.

Buffer area means that area in a primary enclosure for a swim-with-the-dolphin program that is off-limits to members of the public and that directly abuts the interactive area.

Business hours means a reasonable number of hours between 7 a.m. and 7 p.m. each week of the year, during which inspections by APHIS may be made.

Business year means the 12-month period during which business is conducted, and may be either on a calendar or fiscal-year basis.

Carrier means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire.

Cat means any live or dead cat (*Felis catus*) or any cat-hybrid cross.

Class "A" licensee (breeder) means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.

Class "B" licensee means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§ 1.1), and whose business includes the purchase and/or resale of any animal. This term includes brokers, and operators of an auction sale, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce. Such individuals do not usually take actual physical possession or control of the animals, and do not usually hold animals in any facilities. A class "B" licensee may also exhibit animals as a minor part of the business.

Class "C" licensee (exhibitor) means a person subject to the licensing requirements under part 2 and meeting the definition of an "exhibitor" (§ 1.1), and whose business involves the showing or displaying of animals to the public. A class "C" licensee may buy and sell animals as a minor part of the business in order to maintain or add to his animal collection.

Commerce means trade, traffic, transportation, or other commerce:

- (1) Between a place in a State and any place outside of such State, including any foreign country, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia; or
- (2) Which affects the commerce described in this part.

Committee means the Institutional Animal Care and Use Committee (IACUC) established under section 13(b) of the Act. It shall consist of at least three (3) members, one of whom is the attending veterinarian of the research facility and one of whom is not affiliated in any way with the facility other than as a member of the committee, however, if the research facility has more than one Doctor of Veterinary Medicine (DVM), another DVM with delegated program responsibility may serve. The research facility shall establish the Committee for the purpose of evaluating the care, treatment, housing, and use of animals, and for certifying compliance with the Act by the research facility.

Dealer means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: Any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or use as a pet; or any dog at the wholesale level for hunting, security, or breeding purposes.

This term does not include: A retail pet store, as defined in this section; and any retail outlet where dogs are sold for hunting, breeding, or security purposes.

Department means the U.S. Department of Agriculture.

Deputy Administrator means the Deputy Administrator for Animal Care (AC) or any other official of AC to whom authority has been delegated to act in his stead.

Dog means any live or dead dog (*Canis familiaris*) or any dog-hybrid cross.

Dwarf hamster means any species of hamster such as the Chinese and Armenian species whose adult body size is substantially less than that attained by the Syrian or Golden species of hamsters.

Endangered species means those species defined in the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and as it may be subsequently amended.

Euthanasia means the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death

Exhibitor means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary. This term includes carnivals, circuses, animal acts, zoos, and educational exhibits, exhibiting such animals whether operated for profit or not. This term excludes retail pet stores, horse and dog races, an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, field trials, coursing events, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.

Exotic animal means any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

Farm animal means any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

Federal agency means an Executive agency as such term is defined in section 105 of title 5, United States Code, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing involving the use of animals.

Federal award means any mechanism (including a grant, award, loan, contract, or cooperative agreement) under which Federal funds are used to support the conduct of research, experimentation, or testing, involving the use of animals. The permit system established under the authorities of the Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act, are not considered to be Federal awards under the Animal Welfare Act.

Federal research facility means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation.

Field study means a study conducted on free-living wild animals in their natural habitat. However, this term excludes any study that involves an invasive procedure, harms, or materially alters the behavior of an animal under study.

Handling means petting, feeding, watering, cleaning, manipulating, loading, crating, shifting, transferring, immobilizing, restraining, treating, training, working and moving, or any similar activity with respect to any animal.

Housing facility means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

Hybrid cross means an animal resulting from the crossbreeding between two different species or types of animals. Crosses between wild animal species, such as lions and tigers, are considered to be wild animals. Crosses between wild animal species and domestic animals, such as dogs and wolves or buffalo and domestic cattle, are considered to be domestic animals.

Impervious surface means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material.

Indoor housing facility means any structure or building with environmental controls housing or intended to house animals and meeting the following three requirements:

- (1) It must be capable of controlling the temperature within the building or structure within the limits set forth for that species of animal, of maintaining humidity levels of 30 to 70 percent and of rapidly eliminating odors from within the building; and
- (2) It must be an enclosure created by the continuous connection of a roof, floor, and walls (a shed or barn set on top of the ground does not have a continuous connection between the walls and the ground unless a foundation and floor are provided); and
- (3) It must have at least one door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material such as glass or hard plastic).

Interactive area means that area in a primary enclosure for a swim-with-the-dolphin program where an interactive session takes place.

Interactive session means a swim-with-the-dolphin program session where members of the public enter a primary enclosure to interact with cetaceans.

Intermediate handler means any person, including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier), who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce.

Inspector means any person employed by the Department who is authorized to perform a function under the Act and the regulations in 9 CFR parts 1, 2, and 3.

Institutional official means the individual at a research facility who is authorized to legally commit on behalf of the research facility that the requirements of 9 CFR parts 1, 2, and 3 will be met.

Isolation in regard to marine mammals means the physical separation of animals to prevent contact and a separate, noncommon, water circulation and filtration system for the isolated animals.

Licensed veterinarian means a person who has graduated from an accredited school of veterinary medicine or has received equivalent formal education as determined by the Administrator, and who has a valid license to practice veterinary medicine in some State.

Licensee means any person licensed according to the provisions of the Act and the regulations in part 2 of this subchapter.

Major operative procedure means any surgical intervention that penetrates and exposes a body cavity or any procedure which produces permanent impairment of physical or physiological functions.

Minimum horizontal dimension (MHD) means the diameter of a circular pool of water, or in the case of a square, rectangle, oblong, or other shape pool, the diameter of the largest circle that can be inserted within the confines of such a pool of water.

Mobile or traveling housing facility means a transporting vehicle such as a truck, trailer, or railway car, used to house animals while traveling for exhibition or public education purposes.

Nonconditioned animals means animals which have not been subjected to special care and treatment for sufficient time to stabilize, and where necessary, to improve their health.

Nonhuman primate means any nonhuman member of the highest order of mammals including prosimians, monkeys, and apes.

Operator of an auction sale means any person who is engaged in operating an auction at which animals are purchased or sold in commerce.

Outdoor housing facility means any structure, building, land, or premise, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the regulations, and in which temperatures cannot be controlled within set limits.

Painful procedure as applied to any animal means any procedure that would reasonably be expected to cause more than slight or momentary pain or distress in a human being to which that procedure was applied, that is, pain in excess of that caused by injections or other minor procedures.

Paralytic drug means a drug which causes partial or complete loss of muscle contraction and which has no anesthetic or analgesic properties, so that the animal cannot move, but is completely aware of its surroundings and can feel pain.

Person means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

Pet animal means any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, and hamsters. This term excludes exotic animals and wild animals.

Positive physical contact means petting, stroking, or other touching, which is beneficial to the well-being of the animal.

Pound or shelter means a facility that accepts and/or seizes animals for the purpose of caring for them, placing them through adoption, or carrying out law enforcement, whether or not the facility is operated for profit.

Primary conveyance means the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train.

Primary enclosure means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.

Principal investigator means an employee of a research facility, or other person associated with a research facility, responsible for a proposal to conduct research and for the design and implementation of research involving animals.

Quorum means a majority of the Committee members.

Random source means dogs and cats obtained from animal pounds or shelters, auction sales, or from any person who did not breed and raise them on his or her premises.

Registrant means any research facility, carrier, intermediate handler, or exhibitor not required to be licensed under section 3 of the Act, registered pursuant to the provisions of the Act and the regulations in part 2 of this subchapter.

Research facility means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that

(1) purchases or transports live animals in commerce, or

(2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Administrator may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Administrator) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Administrator, any such exemption does not vitiate the purpose of the Act.

Retail pet store means a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase, and where only the following animals

are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domesticated ferrets, domesticated farm-type animals, birds, and coldblooded species. Such definition excludes -

- (1) Establishments or persons who deal in dogs used for hunting, security, or breeding purposes;
- (2) Establishments or persons exhibiting, selling, or offering to exhibit or sell any wild or exotic or other nonpet species of warm blooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;
- (3) Any establishment or person selling warm blooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes;
- (4) Any establishment wholesaling any animals (except birds, rats, and mice); and
- (5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

Sanctuary area means that area in a primary enclosure for a swim-with-the-dolphin program that is off-limits to the public and that directly abuts the buffer area.

Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

Secretary means the Secretary of Agriculture of the United States or his representative who shall be an employee of the Department.

Sheltered housing facility means a housing facility which provides the animals with shelter; protection from the elements; and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building.

Standards means the requirements with respect to the humane housing, exhibition, handling, care, treatment, temperature, and transportation of animals by dealers, exhibitors research facilities, carriers, intermediate handlers, and operators of auction sales as set forth in part 3 of this subchapter.

State means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

Study area means any building room, area, enclosure, or other containment outside of a core facility or centrally designated or managed area in which animals are housed for more than 12 hours.

Swim-with-the-dolphin (SWTD) program means any human-cetacean interactive program in which a member of the public enters the primary enclosure in which an SWTD designated cetacean is housed to interact with the animal. This interaction includes, but such inclusions are not limited to, wading, swimming, snorkeling, or scuba diving in the enclosure. This interaction excludes, but such exclusions are not limited to, feeding and petting pools, and the participation of any member(s) of the public audience as a minor segment of an educational presentation or performance of a show.

Transporting device means an interim vehicle or device, other than man, used to transport an animal between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler.

Transporting vehicle means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals.

Weaned means that an animal has become accustomed to take solid food and has so done, without nursing, for a period of at least 5 days.

Wild animal means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf.

Wild state means living in its original, natural condition; not domesticated.

Zoo means any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

Part 2 - Regulations

Subpart A - Licensing

§ 2.1 Requirements and application.ⁱⁱ

(a)

(1) No person shall operate as a dealer, exhibitor, or operator of an auction sale, without a valid license, except persons who are exempt from the licensing requirements under paragraph (a)(3) of this section. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the Deputy Administrator. The applicant shall provide the information requested on the application form, including, but not limited to:

(i) The name of the person applying for the license;

(ii) A valid mailing address through which the applicant can be reached at all times;

(iii) Valid addresses for all locations, facilities, premises, or sites where animals, animal facilities, equipment, and records are held, kept, or maintained;

(iv) The anticipated maximum number of animals on hand at any one time during the period of licensure;

(v) The anticipated type of animals described in paragraph (b)(2)(ii) of this section to be owned, held, maintained, sold, or exhibited, including those animals leased, during the period of licensure;

(vi) If the person is seeking a license as an exhibitor, whether the person intends to exhibit any animal at any location other than the person's location(s) listed pursuant to paragraph (a)(1)(iii) of this section; and

(vii) Disclosure of any plea of *nolo contendere* (no contest) or finding of violation of Federal, State, or local laws or regulations pertaining to animal cruelty or the transportation, ownership, neglect, or welfare of animals.

(2) The completed application form, along with a \$120 license fee, shall be submitted to the appropriate Animal Care office.

(3) The following persons are exempt from the licensing requirements under section 2 or section 3 of the Act:

(i) Retail pet stores as defined in part 1 of this subchapter;

(ii) Any person who sells or negotiates the sale or purchase of any animal except wild or exotic animals, dogs, or cats, and who derives no more than \$500 gross income from the sale of such animals during any calendar year and is not otherwise required to obtain a license;

(iii) Any person who maintains a total of four or fewer breeding female pet animals as defined in part 1 of this subchapter, small exotic or wild mammals (such as hedgehogs, degus, spiny mice, prairie dogs, flying squirrels, jerboas, domesticated ferrets, chinchillas, and gerbils), and/or domesticated farm-type animals (such as cows, goats, pigs, sheep, llamas, and alpacas) and sells only the offspring of these animals, which were born and raised on his or her premises, for pets or exhibition, and is not otherwise required to obtain a license. This exemption does not extend to any person residing in a household that collectively maintains a total of more than four of these breeding female animals, regardless of ownership, or to any person maintaining such breeding female animals on premises on which more than four of these breeding female animals are maintained, or to any person acting in concert with others where they collectively maintain a total of more than four of these breeding female animals, regardless of ownership;

(iv) Any person who sells fewer than 25 dogs and/or cats per year, which were born and raised on his or her premises, for research, teaching, or testing purposes or to any research facility and is not otherwise required to obtain a license. This exemption does not extend to any person residing in a household that collectively sells 25 or more dogs and/or cats, regardless of ownership, nor to any person acting in concert with others where they collectively sell 25 or more dogs and/or cats, regardless of ownership. The sale of any dog or cat not born and raised on the premises for research purposes requires a license;

(v) Any person who arranges for transportation or transports animals solely for the purpose of breeding, exhibiting in purebred shows, boarding (not in association with commercial transportation), grooming, or medical treatment, and is not otherwise required to obtain a license;

(vi) Any person who buys, sells, transports, or negotiates the sale, purchase, or transportation of any animals used only for the purposes of food or fiber (including fur);

(vii) Any person who maintains a total of eight or fewer pet animals as defined in part 1 of this subchapter, small exotic or wild mammals (such as hedgehogs, degus, spiny mice, prairie dogs, flying squirrels, jerboas, domesticated ferrets, chinchillas, and gerbils), and/or domesticated farm-type animals (such as cows, goats, pigs, sheep, llamas, and alpacas) for exhibition, and is not otherwise required to obtain a license. This exemption does not extend to any person acting in concert with others where they collectively maintain a total of more than eight of these animals for exhibition, regardless of possession and/or ownership;

(viii) Any person who buys animals solely for his or her own use or enjoyment and does not sell or exhibit animals, or is not otherwise required to obtain a license;

(b)

(1) No person shall have more than one license. Licenses are issued to specific persons, and are issued for specific activities, types and numbers of animals, and approved sites. A new license must be obtained upon change of ownership, location, activities, or animals. A licensee shall notify Animal Care no fewer than 90 days and obtain a new license before any change in the name, address, substantial control or ownership of his business or operation, locations, activities, and number or type of animals described in paragraph (b)(2) of this section. Any person who is subject to the regulations in this subchapter and who intends to exhibit any animal at any location other than the person's approved site must provide that information on their application form in accordance with paragraph (a) of this section and submit written itineraries in accordance with § 2.126.

(2) Licenses authorize a specific number and specific type(s) of animals, as follows:

(i) Licenses authorize increments of 50 animals on hand at any single point in time during the period of licensure. A licensee must obtain a new license before any change resulting in more than the authorized number of animals on hand at any single point in time during the period of licensure.

(ii) Licenses authorize the use of animals subject to subparts A through F in part 3 of this subchapter, except that, for animals subject to subparts D and F, licenses must specifically authorize the use of each of the following groups of animals: Group 5 (baboons and nonbrachiating species larger than 33 pounds) and Group 6 (great apes over 55 pounds and brachiating species) nonhuman primates; exotic and wild felids (including but not limited to lions, tigers, leopards, cheetahs, jaguars, cougars, lynx, servals, bobcats, and caracals, and any hybrid cross thereof); hyenas and/or exotic and wild canids (including but not limited to wolves, coyotes, foxes, and jackals); bears; and mega-herbivores (including but not limited to elephants, rhinoceroses, hippopotamuses, and giraffes). A licensee must obtain a new license before using any animal beyond those types or numbers of animals authorized under the existing license.

(c) A license will be issued to any applicant, except as provided in §§ 2.9 through 2.11, when:

(1) The applicant has met the requirements of this section and §§ 2.2 and 2.3; and

(2) The applicant has paid a \$120 license fee to the appropriate Animal Care office. The applicant may pay the fee by certified check, cashier's check, personal check, money order, or credit card. An applicant whose check is returned by a bank will be charged a fee of \$20 for each returned check. If an applicant's check is returned, subsequent fees must be paid by certified check, cashier's check, money order, or credit card.

(d) The failure of any person to comply with any provision of the Act, or any of the provisions of the regulations or standards in this subchapter, shall constitute grounds for denial of a license or for its suspension or revocation by the Secretary, as provided in the Act.

§ 2.2 Acknowledgement of regulations and standards.ⁱⁱⁱ

Animal Care will supply a copy of the Act and the regulations and standards in this subchapter to an applicant upon request. Signing the application form is an acknowledgement that the applicant has reviewed the Act and the regulations and standards and agrees to comply with them.

§ 2.3 Demonstration of compliance with standards and regulations.^{iv}

(a) Each applicant for a license must demonstrate that his or her location(s) and any animals, facilities, vehicles, equipment, or other locations used or intended for use in the business comply with the Act and the regulations and standards set forth in parts 2 and 3 of this subchapter. Each applicant must make his or her animals, locations, facilities, vehicles, equipment, and records available for inspection during business hours and at other times mutually agreeable to the applicant and APHIS, to ascertain the applicant's compliance with the Act and the regulations and standards.

(b) Each applicant for a license must be inspected by APHIS and demonstrate compliance with the Act and the regulations and standards, as required in paragraph (a) of this section, before APHIS will issue a license. If the first inspection reveals that the applicant's animals, premises, facilities, vehicles, equipment, locations, or records do not meet the applicable requirements of this subchapter, APHIS will advise the applicant of existing deficiencies and the corrective measures that must be completed to come into compliance with the regulations and standards. An applicant who fails the first inspection may request up to two more inspections by APHIS to demonstrate his or her compliance with the Act and the regulations and standards. The applicant must request the second inspection, and if applicable, the third inspection, within 60 days following the first inspection.

(c) Any applicant who fails the third and final prelicense inspection may appeal all or part of the inspection findings to the Deputy Administrator. To appeal, the applicant must send a written statement contesting the inspection finding(s) and include any documentation or other information in support of the appeal. To receive consideration, the appeal must be received by the Deputy Administrator within 7 days of the date the applicant received the third prelicense inspection report. Within 7 days of receiving a timely appeal, the Deputy Administrator will issue a written response to notify the applicant whether APHIS will issue a license or deny the application.

(d) If an applicant fails inspection or fails to request reinspections within the 60-day period, or fails to submit a timely appeal of the third prelicense inspection report as described in paragraph (c) of this section, the applicant cannot reapply for a license for a period of 6 months from the date of the failed third inspection or the expiration of the time to request a third inspection. No license will be issued until the applicant pays the license fee and demonstrates upon inspection that the animals, premises, facilities, vehicles, equipment, locations, and records are in compliance with all applicable requirements in the Act and the regulations and standards in this subchapter.

§ 2.4 Non-interference with APHIS officials.

A licensee or applicant for an initial license shall not interfere with, threaten, abuse (including verbally abuse), or harass any APHIS official in the course of carrying out his or her duties.

§ 2.5 Duration of license and termination of license.^v

(a) A license issued under this part shall be valid and effective for 3 years unless:

- (1) The license has been revoked or suspended pursuant to section 19 of the Act or terminated pursuant to § 2.12.
 - (2) The license is voluntarily terminated upon request of the licensee, in writing, to the Deputy Administrator.
 - (3) The license has expired, except that:
 - (i) The Deputy Administrator may issue a temporary license, which automatically expires after 120 days, to an applicant whose immediately preceding 3-year license has expired, if:
 - (A) The applicant submits the appropriate application form before the expiration date of a preceding license; and
 - (B) The applicant had no noncompliances with the Act and the regulations and standards in parts 2 and 3 of this subchapter documented in any inspection report during the preceding period of licensure.
 - (ii) For expedited hearings occurring under § 2.11(b)(2), a license will remain valid and effective until the administrative law judge issues his or her initial decision. Should the administrative law judge's initial decision affirm the denial of the license application, the applicant's license shall terminate immediately.
 - (4) There will not be a refund of the license fee if a license is denied, or terminated, suspended, or revoked prior to its expiration date.
- (b) Any person who seeks the reinstatement of a license that has expired or been terminated must follow the procedure applicable to new applicants for a license set forth in § 2.1.
- (c) A license which is invalid under this part shall be surrendered to the Deputy Administrator. If the license cannot be found, the licensee shall provide a written statement so stating to the Deputy Administrator.

§§ 2.6 - 2.8 [Reserved]

§ 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the activity upon which the order of suspension or revocation was based will not be licensed, or registered as a carrier, intermediate handler, dealer, exhibitor, or research facility, within the period during which the order of suspension or revocation is in effect.

§ 2.10 Licensees whose licenses have been suspended or revoked.^{vi}

- (a) Any person whose license or registration has been suspended for any reason shall not be licensed, or registered, in his or her own name or in any other manner, within the period during which the order of suspension is in effect. No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed or registered during that period. Any person whose license has been suspended for any reason may apply to the Deputy Administrator, in writing, for reinstatement of his or her license or registration.
- (b) Any person whose license has been revoked shall not be licensed or registered, in his or her own name or in any other manner, and no partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed or registered.
- (c) Any person whose license has been suspended or revoked shall not buy, sell, transport, exhibit, or deliver for transportation, any animal during the period of suspension or revocation, under any circumstances, whether on his or her behalf or on the behalf of another licensee or registrant.

§ 2.11 Denial of license application.^{vi}

- (a) A license will not be issued to any applicant who:

- (1) Has not complied with the requirements of §§ 2.1 through 2.4 and has not paid the fees indicated in § 2.1;
- (2) Is not in compliance with the Act or any of the regulations or standards in this subchapter;
- (3) Has had a license revoked or whose license is suspended, as set forth in § 2.1(d);
- (4) Was an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the activity upon which the order of suspension or revocation was based, as set forth in § 2.9;
- (5) Has pled nolo contendere (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to animal cruelty within 3 years of application, or after 3 years if the Administrator determines that the circumstances render the applicant unfit to be licensed;
- (6) Is or would be operating in violation or circumvention of any Federal, State, or local laws; or
- (7) Has made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies, or has pled nolo contendere (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act.

(b)

- (1) An applicant whose initial license application has been denied may request a hearing in accordance with the applicable rules of practice in 7 CFR part 1 for the purpose of showing why the application for license should not be denied. The denial of an initial license application shall remain in effect until the final decision has been rendered. Should the license denial be upheld, the applicant may again apply for a license 1 year from the date of the final order denying the application, unless the order provides otherwise.
- (2) An applicant who submitted a timely appeal of a third prelicense inspection as described in § 2.3(c), and whose appeal results in the denial of the license application, may request an expedited hearing if the applicant held a valid license when he or she submitted the license application that has been denied and the Deputy Administrator received such license application no fewer than 90 days prior to the expiration of the valid license. If the applicant meets the criteria in this paragraph (b)(2), and notwithstanding the timeframes of the proceedings set forth in the applicable rules of practice (7 CFR 1.130 through 1.151):
 - (i) The applicant must submit the request for an expedited hearing within 30 days of receiving notice from the Deputy Administrator that the license application has been denied;
 - (ii) The administrative law judge shall set the expedited hearing so that it occurs within 30 days of receiving a timely request for expedited hearing as described in paragraph (b)(2)(i) of this section; and
 - (iii) The administrative law judge must issue an initial decision no later than 30 days after the expedited hearing.
 - (iv) The applicant's license will remain valid until the administrative law judge issues his or her initial decision. Should the administrative law judge's initial decision affirm the denial of the license application, the applicant's license shall terminate immediately.

(c) No partnership, firm, corporation, or other legal entity in which a person whose license application has been denied has a substantial interest, financial or otherwise, will be licensed within 1 year of the license denial.

(d) No license will be issued under circumstances that the Administrator determines would circumvent any order, stipulation, or settlement agreement suspending, revoking, terminating, or denying a license or disqualifying a person from engaging in activities under the Act.

§ 2.12 Termination of a license.

A license may be terminated at any time for any reason that a license application may be denied pursuant to § 2.11 after a hearing in accordance with the applicable rules of practice in 7 CFR part 1.

§ 2.13 Appeal of inspection report.

Except as otherwise provided in § 2.3(c), any licensee or registrant may appeal all or part of the inspection findings in an inspection report to the Deputy Administrator. To appeal, the licensee or registrant must send a written statement contesting the inspection finding(s) and include any documentation or other information in support of the appeal. To receive consideration, the appeal must be received by the Deputy Administrator within 21 days of the date the licensee or registrant received the inspection report that is the subject of the appeal.

Subpart B - Registration (for carriers, intermediate handlers, and exhibitors) - *[Omitted]*

Subpart C - Research Facilities - *[Omitted]*

Subpart D - Attending Veterinarian and Adequate Veterinary Care**§ 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).**

(a) Each dealer or exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section.

(1) Each dealer and exhibitor shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the dealer or exhibitor; and

(2) Each dealer and exhibitor shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

(3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(4) Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and

(5) Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

Subpart E - Identification of Animals**§ 2.50 Time and method of identification.**

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows:

(1) All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in § 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

(2) Live puppies or kittens, less than 16 weeks of age, shall be identified by:

(i) An official tag as described in § 2.51;

(ii) A distinctive and legible tattoo marking approved by the Administrator; or

(iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to § 2.51.

(b) A class "B" dealer shall identify all live dogs and cats under his or her control or on his or her premises as follows:

(1) When live dogs or cats are held, purchased, or otherwise acquired, they shall be immediately identified:

(i) By affixing to the animal's neck an official tag as set forth in § 2.51 by means of a collar made of material generally acceptable to pet owners as a means of identifying their pet dogs or cats; or

(ii) By a distinctive and legible tattoo marking approved by the Administrator.

(2) If any live dog or cat is already identified by an official tag or tattoo which has been applied by another dealer or exhibitor, the dealer or exhibitor who purchases or otherwise acquires the animal may continue identifying the dog or cat by the previous identification number, or may replace the previous tag with his own official tag or approved tattoo. In either case, the class B dealer or class C exhibitor shall correctly list all old and new official tag numbers or tattoos in his or her records of purchase which shall be maintained in accordance with §§ 2.75 and 2.77. Any new official tag or tattoo number shall be used on all records of any subsequent sales by the dealer or exhibitor, of any dog or cat.

(3) Live puppies or kittens less than 16 weeks of age, shall be identified by:

(i) An official tag as described in § 2.51;

(ii) A distinctive and legible tattoo marking approved by the Administrator; or

(iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to § 2.51.

(4) When any dealer has made a reasonable effort to affix an official tag to a cat, as set forth in paragraphs (a) and (b) of this section, and has been unable to do so, or when the cat exhibits serious distress from the attachment of a collar and tag, the dealer shall attach the collar and tag to the door of the primary enclosure containing the cat and take measures adequate to maintain the identity of the cat in relation to the tag. Each primary enclosure shall contain no more than one weaned cat without an affixed collar and official tag, unless the cats are identified by a distinctive and legible tattoo or plastic type collar approved by the Administrator.

(c) A class "C" exhibitor shall identify all live dogs and cats under his or her control or on his or her premises, whether held, purchased, or otherwise acquired:

(1) As set forth in paragraph (b)(1) or (b)(3) of this section, or

(2) By identifying each dog or cat with:

(i) An official USDA sequentially numbered tag that is kept on the door of the animal's cage or run;

(ii) A record book containing each animal's tag number, a written description of each animal, the data required by § 2.75(a), and a clear photograph of each animal; and

(iii) A duplicate tag that accompanies each dog or cat whenever it leaves the compound or premises.

(d) Unweaned puppies or kittens need not be individually identified as required by paragraphs (a) and (b) of this section while they are maintained as a litter with their dam in the same primary enclosure, provided the dam has been individually identified.

(e)

(1) All animals, except dogs and cats, delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of by any dealer or exhibitor shall be identified by the dealer or exhibitor at the time of delivery for transportation, purchase, sale, acquisition or disposal, as provided for in this paragraph and in records maintained as required in §§ 2.75 and 2.77.

(2) When one or more animals, other than dogs or cats, are confined in a primary enclosure, the animal(s) shall be identified by:

(i) A label attached to the primary enclosure which shall bear a description of the animals in the primary enclosure, including:

(A) The number of animals;

(B) The species of the animals;

(C) Any distinctive physical features of the animals; and

(D) Any identifying marks, tattoos, or tags attached to the animals;

(ii) Marking the primary enclosure with a painted or stenciled number which shall be recorded in the records of the dealer or exhibitor together with:

(A) A description of the animal(s);

(B) The species of the animal(s); and

(C) Any distinctive physical features of the animal(s); or

(iii) A tag or tattoo applied to each animal in the primary enclosure by the dealer or exhibitor which individually identifies each animal by description or number.

(3) When any animal, other than a dog or cat, is not confined in a primary enclosure, it shall be identified on a record, as required by § 2.75, which shall accompany the animal at the time it is delivered for transportation, transported, purchased, or sold, and shall be kept and maintained by the dealer or exhibitor as part of his or her records.

§ 2.51 - From of official tag.

(a) The official tag shall be made of a durable alloy such as brass, bronze, or steel, or of a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used. The tag shall be one of the following shapes:

(1) Circular in shape and not less than 1¼ inches in diameter, or

(2) Oblong and flat in shape, not less than 2 inches by ¾ inch and riveted to an acceptable collar.

(b) Each tag shall have the following information embossed or stamped on so that it is easily readable:

(1) The letters "USDA";

(2) Numbers identifying the State and dealer, exhibitor, or research facility (e.g., 39-AB); and

(3) Numbers identifying the animal (e.g., 82488).

(c) Official tags shall be serially numbered. No individual dealer or exhibitor shall use any identification tag number more than once within a 5-year period.

§ 2.52 - How to obtain tags.^{viii}

Dealers or exhibitors may obtain, at their own expense, official tags from commercial tag manufacturers.⁴ At the time the dealer or exhibitor is issued a license or is registered, the Department will assign identification letters and numbers and inform them of the identification letters and numbers to be used on the official tags.

§ 2.53 - Use of tags.

Official tags obtained by a dealer, exhibitor, or research facility, shall be applied to dogs or cats in the manner set forth in § 2.50 and in as close to consecutive numerical order as possible. No tag number shall be used to identify more than one animal. No number shall be repeated within a 5-year period.

§ 2.54 - Lost tags.

Each dealer or exhibitor shall be held accountable for all official tags acquired. In the event an official tag is lost from a dog or cat while in the possession of a dealer or exhibitor, the dealer or exhibitor shall make a diligent effort to locate and reapply the tag to the proper animal. If the lost tag is not located, the dealer or exhibitor shall affix another official tag to the animal in the manner prescribed in § 2.50, and record the tag number on the official records.

§ 2.55 - Removal and disposal of tags.

(a) Where a dog or cat to which is affixed or which is identified by an official tag is euthanized, or dies from other causes, the dealer or exhibitor shall remove and retain the tag for the required period, as set forth in paragraph (b) of this section.

(b) All official tags removed and retained by a dealer or exhibitor shall be held until called for by an APHIS official or for a period of 1 year.

(c) When official tags are removed from animals for disposal, the tags must be disposed of so as to preclude their reuse for animal identification. No animal identification number shall be used within any 5-year period following its previous use.

Subpart F - Stolen Animals

§ 2.60 - Prohibition on the purchase, sale, use, or transportation of stolen animals.

No person shall buy, sell, exhibit, use for research, transports, or offer for transportation, any stolen animal.

Subpart G - Records

§ 2.75 - Records; Dealers and exhibitors.^{ix}

(a)

(1) Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise

disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

- (i) The name and address of the person from whom a dog or cat was purchased or otherwise acquired whether or not the person is required to be licensed or registered under the Act;
- (ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;
- (iii) The vehicle license number and State, and the driver's license number (or photographic identification card for non-drivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;
- (iv) The name and address of the person to whom a dog or cat was sold or given and that person's license or registration number if he or she is licensed or registered under the Act;
- (v) The date a dog or cat was acquired or disposed of, including by euthanasia;
- (vi) The official USDA tag number or tattoo assigned to a dog or cat under §§ 2.50 and 2.54;
- (vii) A description of each dog or cat which shall include:
 - (A) The species and breed or type;
 - (B) The sex;
 - (C) The date of birth or approximate age; and
 - (D) The color and any distinctive markings;
- (viii) The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;
- (ix) The date and method of disposition of a dog or cat, e.g., sale, death, euthanasia, or donation.

(2) Each dealer and exhibitor shall use Record of Acquisition and Dogs and Cats on Hand (APHIS Form 7005) and Record of Disposition of Dogs and Cats (APHIS Form 7006) to make, keep, and maintain the information required by paragraph (a)(1) of this section: Provided, that if a dealer or exhibitor who uses a computerized recordkeeping system believes that APHIS Form 7005 and APHIS Form 7006 are unsuitable for him or her to make, keep, and maintain the information required by paragraph (a)(1) of this section, the dealer or exhibitor may request a variance from the requirement to use APHIS Form 7005 and APHIS Form 7006.

- (i) The request for a variance must consist of a written statement describing why APHIS Form 7005 and APHIS Form 7006 are unsuitable for the dealer or exhibitor to make, keep, and maintain the information required by paragraph (a)(1) of this section, and a description of the computerized recordkeeping system the person would use in lieu of APHIS Form 7005 and APHIS Form 7006 to make, keep, and maintain the information required by paragraph (a)(1) of this section. APHIS will advise the person as to the disposition of his or her request for a variance from the requirement to use APHIS Form 7005 and APHIS Form 7006.
- (ii) A dealer or exhibitor whose request for a variance has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the request for a variance should not be denied. The denial of the variance shall remain in effect until the final legal decision has been rendered.

(3) The USDA Interstate and International Certificate of Health Examination for Small Animals (APHIS Form 7001) may be used by dealers and exhibitors to make, keep, and maintain the information required by § 2.78.

(4) One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (a)(1) of

this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a dealer or exhibitor: Provided, however, that, except as provided in § 2.133(b) of this part for dealers, information that indicates the source and date of acquisition of a dog or cat need not appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraph (a)(1) of this section shall be retained by the dealer or exhibitor.

(b)

(1) Every dealer other than operators of auction sales and brokers to whom animals are consigned, and exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, leased, or otherwise in his or her possession or under his or her control, or which is transported, sold, euthanized, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

(i) The name and address of the person from whom the animals were purchased or otherwise acquired;

(ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;

(iii) The vehicle license number and State, and the driver's license number (or photographic identification card for nondrivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;

(iv) The name and address of the person to whom an animal was sold or given; (v) The date of purchase, acquisition, sale, or disposal of the animal(s);

(vi) The species of the animal(s); and (vii) The number of animals in the shipment.

(2) Record of Animals on Hand (other than dogs and cats) (APHIS Form 7019) and Record of Acquisition, Disposition, or Transport of Animals (other than dogs and cats) (APHIS Form 7020) are forms which may be used by dealers and exhibitors to keep and maintain the information required by paragraph (b)(1) of this section concerning animals other than dogs and cats except as provided in § 2.78.

(3) One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal(s) other than a dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal other than a dog or cat sold or otherwise disposed of by a dealer or exhibitor; *Provided, however,* That information which indicates the source and date of acquisition of any animal other than a dog or cat need not appear on the copy of the record accompanying the shipment. The dealer or exhibitor shall retain one copy of the record containing the information required by paragraph (b) (1) of this section.

§ 2.76 - Records: Operators of auction sales and brokers. -- *[Omitted]*

§ 2.77 - Records: Carriers and intermediate handlers. -- *[Omitted]*

§ 2.78 - Health certification and identification.^x

(a) No dealer, exhibitor, operator of an auction sale, broker, or department, agency, or instrumentality of the United States or of any State or local government shall deliver to any intermediate handler or carrier for transportation, in commerce, or shall transport in commerce any dog, cat, or nonhuman primate unless the dog, cat, or nonhuman primate is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate shall state that:

(1) The licensed veterinarian inspected the dog, cat, or nonhuman primate on a specified date which shall not be more than 10 days prior to the delivery of the dog, cat, or nonhuman primate for transportation; and

(2) when so inspected, the dog, cat, or nonhuman primate appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger public health.

(b) The Secretary may provide exceptions to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for certification. Requests should be addressed to the Animal and Plant Health Inspection Service, Animal Care, 4700 River Road, Unit 84, Riverdale, Maryland 20737-1234.

(c) No intermediate handler or carrier to whom any live dog, cat, or nonhuman primate is delivered for transportation by any dealer, research facility, exhibitor, broker, operator of an auction sale, or department, agency, or instrumentality of the United States or any State or local government shall receive a live dog, cat, or nonhuman primate for transportation, in commerce, unless and until it is accompanied by a health certificate issued by a licensed veterinarian in accordance with paragraph (a) of this section, or an exemption issued by the Secretary in accordance with paragraph (b) of this section.

(d) The U.S. Interstate and International Certificate of Health Examination for Small Animals (APHIS Form 7001) may be used for health certification by a licensed veterinarian as required by this section.

§ 2.79 - C.O.D. shipments. -- [Omitted]

§ 2.80 - Records, disposition.

(a) No dealer, exhibitor, broker, operator of an auction sale, carrier, or intermediate handler shall, for a period of 1 year, destroy or dispose of, without the consent in writing of the Administrator, any books, records, documents, or other papers required to be kept and maintained under this part.

(b) Unless otherwise specified, the records required to be kept and maintained under this part shall be held for 1 year after an animal is euthanized or disposed of and for any period in excess of one year as necessary to comply with any applicable Federal, State, or local law. Whenever the Administrator notifies a dealer, exhibitor, broker, operator of an auction sale, carrier, or intermediate handler in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, the dealer, exhibitor, broker, operator of an auction sale, carrier, or intermediate handler shall hold those records until their disposition is authorized by the Administrator.

Subpart H - Compliance With Standards and Holding Period

§2.100 - Compliance with standards.

(a) Each dealer, exhibitor, operator of an auction sale, and intermediate handler shall comply in all respects with the regulations set forth in part 2 and the standards set forth in part 3 of this subchapter for the humane handling, care, treatment, housing, and transportation of animals.

(b) Each carrier shall comply in all respects with the regulations in part 2 and the standards in part 3 of this subchapter setting forth the conditions and requirements for the humane transportation of animals in commerce and their handling, care, and treatment in connection therewith.

§ 2.101 - Holding period.

(a) Any live dog or cat acquired by a dealer⁵ or exhibitor shall be held by him or her, under his or her supervision and control, for a period of not less than 5 full days, not including the day of acquisition, after acquiring the animal, excluding time in transit: Provided, however:

(1) That any live dog or cat acquired by a dealer or exhibitor from any private or contract animal pound or shelter shall be held by that dealer or exhibitor under his or her supervision and control for a period of not less than 10 full days, not including the day of acquisition, after acquiring the animal, excluding time in transit;

(2) Live dogs or cats which have completed a 5-day holding period with another dealer or exhibitor, or a 10-day holding period with another dealer or exhibitor if obtained from a private or contract shelter or pound, may be sold or otherwise disposed of by subsequent dealers or exhibitors after a minimum holding period of 24 hours by each subsequent dealer or exhibitor excluding time in transit;

(3) Any dog or cat suffering from disease, emaciation, or injury may be destroyed by euthanasia prior to the completion of the holding period required by this section; and

(4) Any live dog or cat, 120 days of age or less, that was obtained from the person that bred and raised such dog or cat, may be exempted from the 5-day holding requirement and may be disposed of by dealers or exhibitors after a minimum holding period of 24 hours, excluding time in transit. Each subsequent dealer or exhibitor must also hold each such dog or cat for a 24-hour period excluding time in transit.

(b) During the period in which any dog or cat is being held as required by this section, the dog or cat shall be unloaded from any means of conveyance in which it was received, for food, water, and rest, and shall be handled, cared for, and treated in accordance with the standards set forth in part 3, subpart A, of this subchapter and § 2.131.

§ 2.102 - Holding facility.^{xi}

(a) If any dealer or exhibitor obtains the prior approval of the Deputy Administrator, he may arrange to have another person hold animals for the required period provided for in paragraph (a) of § 2.101: *Provided*, That:

(1) The other person agrees in writing to comply with the regulations in part 2 and the standards in part 3 of this subchapter and to allow inspection of his premises by an APHIS official during business hours; and

(2) The animals remain under the total control and responsibility of the dealer or exhibitor.

(3) Approval will not be given for a dealer or exhibitor holding a license as set forth in § 2.1 to have animals held for purposes of this section by another licensed dealer or exhibitor. APHIS Form 7009 shall be used for approval.

(4) The other person or premises must either be directly included in the dealer's or exhibitor's contingency plan required under § 2.134 or must develop its own contingency plan in accordance with § 2.134.

(b) If any intermediate handler obtains prior approval of the Deputy Administrator, it may arrange to have another person hold animals: *Provided*, That:

(1) The other person agrees in writing to comply with the regulations in part 2 and the standards in part 3 of this subchapter and to allow inspection of the premises by an APHIS official during business hours; and

(2) The animals remain under the total control and responsibility of the research facility or intermediate handler.

(3) The other person or premises must either be directly included in the intermediate handler's contingency plan required under § 2.134 or must develop its own contingency plan in accordance with § 2.134.

Subpart I - Miscellaneous

§ 2.125 - Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, intermediate handlers, and carriers.

Each dealer, exhibitor, operator of an auction sale, intermediate handler, and carrier shall furnish to any APHIS official any information concerning the business of the dealer, exhibitor, operator of an auction sale, intermediate handler or carrier which the APHIS official may request in connection with the enforcement of the provisions of the Act, the regulations and the standards in this subchapter. The information shall be furnished within a reasonable time and as may be specified in the request for information.

§ 2.126 - Access and inspection of records and property; submission of itineraries.^{xii}

(a) Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow APHIS officials:

- (1) To enter its place of business;
- (2) To examine records required to be kept by the Act and the regulations in this part;
- (3) To make copies of the records;
- (4) To inspect and photograph the facilities, property and animals, as the APHIS officials consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter; and
- (5) To document, by the taking of photographs and other means, conditions and areas of noncompliance.

(b) The use of a room, table, or other facilities necessary for the proper examination of the records and inspection of the property or animals must be extended to APHIS officials by the dealer, exhibitor, intermediate handler or carrier, and a responsible adult shall be made available to accompany APHIS officials during the inspection process.

(c) Any person who is subject to the Animal Welfare regulations and who intends to exhibit any animal at any location other than the person's approved site (including, but not limited to, circuses, traveling educational exhibits, animal acts, and petting zoos), except for travel that does not extend overnight, shall submit a written itinerary to the Deputy Administrator. The itinerary shall be received by the Deputy Administrator no fewer than 2 days in advance of any travel and shall contain complete and accurate information concerning the whereabouts of any animal intended for exhibition at any location other than the person's approved site. If the exhibitor accepts an engagement for which travel will begin with less than 48 hours' notice, the exhibitor shall immediately contact the Deputy Administrator in writing with the required information. APHIS expects such situations to occur infrequently, and exhibitors who repeatedly provide less than 48 hours' notice will, after notice by APHIS, be subject to increased scrutiny under the Act.

(1) The itinerary shall include the following:

- (i) The name of the person who intends to exhibit the animal and transport the animal for exhibition purposes, including any business name and current Act license or registration number and, in the event that any animal is leased, borrowed, loaned, or under some similar arrangement, the name of the person who owns such animal;
- (ii) The name, identification number or identifying characteristics, species (common or scientific name), sex and age of each animal; and
- (iii) The names, dates, and locations (with addresses) where the animals will travel, be housed, and be exhibited, including all anticipated dates and locations (with addresses) for any stops and layovers that allow or require removal of the animals from the transport enclosures. Unanticipated delays of such length shall be reported to the Deputy Administrator the next APHIS business day. APHIS Regional offices are available each weekday, except on Federal holidays, from 8 a.m. to 5 p.m.

(2) The itinerary shall be revised as necessary, and the Deputy Administrator shall be notified of any changes. If initial notification of a change due to an emergency is made by a means other than email or facsimile, it shall be followed by written documentation at the earliest possible time. For changes that occur after normal APHIS business hours, the change shall be conveyed to the Deputy Administrator no later than the following APHIS business day. APHIS Regional offices are available each weekday, except on Federal holidays, from 8 a.m. to 5 p.m.

§ 2.127 - Publication of lists of person subject to the provisions of this part.^{xiii}

APHIS will publish on its website lists of persons licensed or registered in accordance with the provisions of this part. The lists may also be obtained upon request from the Deputy Administrator.

§ 2.128 - Inspection for missing animals.

Each dealer, exhibitor, intermediate handler and carrier shall allow, upon request and during business hours, police or officers of other law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter his or her place of business to inspect animals and records for the purpose of seeking animals that are missing, under the following conditions:

- (a) The police or other law officer shall furnish to the dealer, exhibitor, intermediate handler or carrier a written description of the missing animal and the name and address of its owner before making a search.
- (b) The police or other law officer shall abide by all security measures required by the dealer, exhibitor, intermediate handler or carrier to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

§ 2.129 - Confiscation and destruction of animals.^{xiv}

- (a) If an animal being held by a dealer, exhibitor, intermediate handler, or by a carrier is found by an APHIS official to be suffering as a result of the failure of the dealer, exhibitor, intermediate handler, or carrier to comply with any provision of the regulations or the standards set forth in this subchapter, the APHIS official shall make a reasonable effort to notify the dealer, exhibitor, intermediate handler, or carrier of the condition of the animal(s) and request that the condition be corrected and that adequate care be given to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the dealer, exhibitor, intermediate handler, or carrier refuses to comply with this request, the APHIS official may confiscate the animal(s) for care, treatment, or disposal as indicated in paragraph (b) of this section, if, in the opinion of the Administrator, the circumstances indicate the animal's health is in danger.
- (b) In the event that the APHIS official is unable to locate or notify the dealer, exhibitor, intermediate handler, or carrier as required in this section, the APHIS official shall contact a local police or other law officer to accompany him to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering. If in the opinion of the Administrator, the condition of the animal(s) cannot be corrected by this temporary care, the APHIS official shall confiscate the animals.
- (c) Confiscated animals may be:
 - (1) Placed, by sale or donation, with other licensees or registrants that comply with the standards and regulations and can provide proper care; or
 - (2) Placed with persons or facilities that can offer a level of care equal to or exceeding the standards and regulations, as determined by APHIS, even if the persons or facilities are not licensed by or registered with APHIS; or
 - (3) Euthanized.
- (d) The dealer, exhibitor, intermediate handler, or carrier from whom the animals were confiscated must bear all costs incurred in performing the placement or euthanasia activities authorized by this section.

§ 2.130 - Minimum age requirements.

No dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation, in commerce, or shall be transported in commerce by any person, except to a registered research facility, unless such dog or cat is at least eight (8) weeks of age and has been weaned.

§ 2.131 - Handling of animals.^{xv}

- (a) All licensees who maintain wild or exotic animals must demonstrate adequate experience and knowledge of the species they maintain.
- (b)
 - (1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.
 - (2)

(i) Physical abuse shall not be used to train, work, or otherwise handle animals.

(ii) Deprivation of food or water shall not be used to train, work, or otherwise handle animals; *Provided, however,* That the short-term withholding of food or water from animals by exhibitors is allowed by these regulations as long as each of the animals affected receives its full dietary and nutrition requirements each day.

(c)

(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

(2) Performing animals shall be allowed a rest period between performances at least equal to the time for one performance.

(3) Young or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.

(4) Drugs, such as tranquilizers, shall not be used to facilitate, allow, or provide for public handling of the animals.

(d)

(1) Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

(2) A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.

(3) During public exhibition, dangerous animals such as lions, tigers, wolves, bears, or elephants must be under the direct control and supervision of a knowledgeable and experienced animal handler.

(4) If public feeding of animals is allowed, the food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.

(e) When climatic conditions present a threat to an animal's health or well-being, appropriate measures must be taken to alleviate the impact of those conditions. An animal may never be subjected to any combination of temperature, humidity, and time that is detrimental to the animal's health or well-being, taking into consideration such factors as the animal's age, species, breed, overall health status, and acclimation.

§ 2.132 - Procurement of dogs, cats, and other animals; dealers.^{xvi}

(a) A class "B" dealer may obtain live random source dogs and cats only from:

(1) Other dealers who are licensed under the Act and in accordance with the regulations in part 2;

(2) State, county, or city owned and operated animal pounds or shelters; and

(3) A legal entity organized and operated under the laws of the State in which it is located as an animal pound or shelter, such as a humane shelter or contract pound.

(b) No person shall obtain live dogs, cats, or other animals by use of false pretenses, misrepresentation, or deception.

(c) Any dealer, exhibitor, research facility, carrier, or intermediate handler who also operates a private or contract animal pound or shelter shall comply with the following:

(1) The animal pound or shelter shall be located on premises that are physically separated from the licensed or registered facility. The animal housing facility of the pound or shelter shall not be adjacent to the licensed or registered facility.

(2) Accurate and complete records shall be separately maintained by the licensee or registrant and by the pound or shelter. The records shall be in accordance with §§ 2.75 and 2.76, unless the animals are lost or stray. If the animals are lost or stray, the pound or shelter records shall provide:

- (i) An accurate description of the animal;
- (ii) How, where, from whom, and when the dog or cat was obtained;
- (iii) How long the dog or cat was held by the pound or shelter before being transferred to the dealer; and
- (iv) The date the dog or cat was transferred to the dealer.

(3) Any dealer who obtains or acquires a live dog or cat from a private or contract pound or shelter, including a pound or shelter he or she operates, shall hold the dog or cat for a period of at least 10 full days, not including the day of acquisition, excluding time in transit, after acquiring the animal, and otherwise in accordance with § 2.101.

(d) No dealer or exhibitor shall knowingly obtain any dog, cat, or other animal from any person who is required to be licensed but who does not hold a current, valid, and unsuspended license. No dealer or exhibitor shall knowingly obtain any dog or cat from any person who is not licensed, other than a pound or shelter, without obtaining a certification that the animals were born and raised on that person's premises and, if the animals are for research purposes, that the person has sold fewer than 25 dogs and/or cats that year, or, if the animals are for use as pets, that the person does not maintain more than four breeding female dogs and/or cats.

§ 2.133 - Certification for random source dogs and cats.^{xvii}

(a) Each of the entities listed in paragraphs (a)(1) through (a)(3) of this section that acquire any live dog or cat shall, before selling or providing the live dog or cat to a dealer, hold and care for the dog or cat for a period of not less than 5 full days after acquiring the animal, not including the date of acquisition and excluding time in transit. This holding period shall include at least one Saturday. The provisions of this paragraph apply to:

- (1) Each pound or shelter owned and operated by a State, county, or city;
- (2) Each private pound or shelter established for the purpose of caring for animals, such as a humane society, or other organization that is under contract with a State, county, or city, that operates as a pound or shelter, and that releases animals on a voluntary basis; and
- (3) Each research facility licensed by USDA as a dealer.

(b) A dealer shall not sell, provide, or make available to any person a live random source dog or cat unless the dealer provides the recipient of the dog or cat with certification that contains the following information:

- (1) The name, address, USDA license number, and signature of the dealer;
- (2) The name, address, USDA license or registration number, if such number exists, and signature of the recipient of the dog or cat;
- (3) A description of each dog or cat being sold, provided, or made available that shall include:
 - (i) The species and breed or type (for mixed breeds, estimate the two dominant breeds or types);
 - (ii) The sex;
 - (iii) The date of birth or, if unknown, then the approximate age;
 - (iv) The color and any distinctive markings; and
 - (v) The Official USDA-approved identification number of the animal. However, if the certification is attached to a certificate provided by a prior dealer which contains the required description, then only the official identification numbers are required;

- (4) The name and address of the person, pound, or shelter from which the dog or cat was acquired by the dealer, and an assurance that the person, pound, or shelter was notified that the cat or dog might be used for research or educational purposes;
- (5) The date the dealer acquired the dog or cat from the person, pound, or shelter referred to in paragraph (b)(4) of this section; and
- (6) If the dealer acquired the dog or cat from a pound or shelter, a signed statement by the pound or shelter that it met the requirements of paragraph (a) of this section. This statement must at least describe the animals by their official USDA identification numbers. It may be incorporated within the certification if the dealer makes the certification at the time that the animals are acquired from the pound or shelter or it may be made separately and attached to the certification later. If made separately, it must include the same information describing each animal as is required in the certification. A photocopy of the statement will be regarded as a duplicate original.

(c) The original certification required under paragraph (b) of this section shall accompany the shipment of a live dog or cat to be sold, provided, or otherwise made available by the dealer.

(d) A dealer who acquires a live dog or cat from another dealer must obtain from that dealer the certification required by paragraph (b) of this section and must attach that certification (including any previously attached certification) to the certification which he or she provides pursuant to paragraph (b) of this section (a photocopy of the original certification will be deemed a duplicate original if the dealer does not dispose of all of the dogs or cats in a single transaction).

(e) A dealer who completes, provides, or receives a certification required under paragraph (b) of this section shall keep, maintain, and make available for APHIS inspection a copy of the certification for at least 1 year following disposition.

(f) A research facility which acquires any live random source dog or cat from a dealer must obtain the certification required under paragraph (b) of this section and shall keep, maintain, and make available for APHIS inspection the original for at least 3 years following disposition.

(g) In instances where a research facility transfers ownership of a live random source dog or cat acquired from a dealer to another research facility, a copy of the certification required by paragraph (b) of this section must accompany the dog or cat transferred. The research facility to which the dog or cat is transferred shall keep, maintain, and make available for APHIS inspection the copy of the certification for at least 3 years following disposition.

§ 2.134 - Contingency planning.^{xviii}

(a) Dealers, exhibitors, intermediate handlers, and carriers must develop, document, and follow an appropriate plan to provide for the humane handling, treatment, transportation, housing, and care of their animals in the event of an emergency or disaster (one which could reasonably be anticipated and expected to be detrimental to the good health and well-being of the animals in their possession). Such contingency plans must:

- (1) Identify situations the licensee or registrant might experience that would trigger the need for the measures identified in a contingency plan to be put into action including, but not limited to, emergencies such as electrical outages, faulty HVAC systems, fires, mechanical breakdowns, and animal escapes, as well as natural disasters most likely to be experienced;
- (2) Outline specific tasks required to be carried out in response to the identified emergencies or disasters including, but not limited to, detailed animal evacuation instructions or shelter-in-place instructions and provisions for providing backup sources of food and water as well as sanitation, ventilation, bedding, veterinary care, etc.;
- (3) Identify a chain of command and who (by name or by position title) will be responsible for fulfilling these tasks; and
- (4) Address how response and recovery will be handled in terms of materials, resources, and training needed.

(b) For current licensees and registrants, the contingency plan must be in place by July 29, 2013. For new dealers, exhibitors, intermediate handlers, and carriers licensed or registered after this date, the contingency plan must be in place prior to conducting regulated activities. The plan must be reviewed by the dealer, exhibitor, intermediate handler, or carrier on at least an annual basis to ensure that it adequately addresses the criteria listed in paragraph (a) of this section. Each licensee and registrant must maintain documentation of their annual reviews, including documenting any

amendments or changes made to their plan since the previous year's review, such as changes made as a result of recently predicted, but historically unforeseen, circumstances (e.g., weather extremes). Contingency plans, as well as all annual review documentation and training records, must be made available to APHIS upon request. Traveling entities must carry a copy of their contingency plan with them at all times and make it available for APHIS inspection while in travel status. Dealers, exhibitors, intermediate handlers, and carriers maintaining or otherwise handling marine mammals in captivity must also comply with the requirements of § 3.101(b) of this subchapter.

(c) Dealers, exhibitors, intermediate handlers, and carriers must provide and document participation in and successful completion of training for personnel regarding their roles and responsibilities as outlined in the plan. For current licensees and registrants, training of dealer, exhibitor, intermediate handler, and carrier personnel must be completed by September 27, 2013. For new dealers, exhibitors, intermediate handlers, or carriers licensed or registered after July 29, 2013, training of personnel must be completed within 60 days of the dealer, exhibitor, intermediate handler, or carrier putting their contingency plan in place. Employees hired 30 days or more before their contingency plan is put in place must also be trained by that date. For employees hired less than 30 days before that date or after that date, training must be conducted within 30 days of their start date. Any changes to the plan as a result of the annual review must be communicated to employees through training which must be conducted within 30 days of making the changes.

Subpart J - Importation of Live Dogs

§ 2.150 - Import Permit.

(a) No person shall import a live dog from any part of the world into the States for purposes of resale unless the dog is accompanied by an import permit issued by APHIS and is imported into the States within 30 days after the proposed date of arrival stated in the import permit.

(b) An application for an import permit must be submitted to the Animal and Plant Health Inspection Service, Animal Care, 4700 River Road Unit 84, Riverdale, MD 20737-1234 or through Animal Care's Web site (http://www.aphis.usda.gov/animal_welfare/). Application forms for import permits may be obtained from Animal Care at the address listed above.

(c) The completed application must include the following information:

- (1) The name and address of the person intending to export the dog(s) to the States;
- (2) The name and address of the person intending to import the dog(s) into the States;
- (3) The number of dogs to be imported and the breed, sex, age, color, markings, and other identifying information of each dog;
- (4) The purpose of the importation;
- (5) The port of embarkation and the mode of transportation;
- (6) The port of entry in the States;
- (7) The proposed date of arrival in the States; and
- (8) The name and address of the person to whom the dog(s) will be delivered in the States and, if the dog(s) is or are imported for resale for research purposes, the USDA registration number of the research facility where the dog will be used for research, tests, or experiments.

(d) After receipt and review of the application by APHIS, an import permit indicating the applicable conditions for importation under this subpart may be issued for the importation of the dog(s) described in the application if such dog(s) appears to be eligible to be imported. Even though an import permit has been issued for the importation of a dog, the dog may only be imported if all applicable requirements of this subpart and any other applicable regulations of this subchapter and any other statute or regulation of any State or of the United States are met.

§ 2.151 Certifications.

(a) Required certificates. Except as provided in paragraph (b) of this section, no person shall import a live dog from any part of the world into the States for purposes of resale unless the following conditions are met:

(1) Health certificate. Each dog is accompanied by an original health certificate issued in English by a licensed veterinarian with a valid license to practice veterinary medicine in the country of export that:

- (i) Specifies the name and address of the person intending to import the dog into the States;
- (ii) Identifies the dog on the basis of breed, sex, age, color, markings, and other identifying information;
- (iii) States that the dog is at least 6 months of age;
- (iv) States that the dog was vaccinated, not more than 12 months before the date of arrival at the U.S. port, for distemper, hepatitis, leptospirosis, parvovirus, and parainfluenza virus (DHLPP) at a frequency that provides continuous protection of the dog from those diseases and is in accordance with currently accepted practices as cited in veterinary medicine reference guides;
- (v) States that the dog is in good health (i.e., free of any infectious disease or physical abnormality which would endanger the dog or other animals or endanger public health, including, but not limited to, parasitic infection, emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea); and
- (vi) Bears the signature and the license number of the veterinarian issuing the certificate.

(2) Rabies vaccination certificate. Each dog is accompanied by a valid rabies vaccination certificate that was issued in English by a licensed veterinarian with a valid license to practice veterinary medicine in the country of export for the dog not less than 3 months of age at the time of vaccination that:

- (i) Specifies the name and address of the person intending to import the dog into the States;
- (ii) Identifies the dog on the basis of breed, sex, age, color markings and other identifying information;
- (iii) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog at a U.S. port;
- (iv) Specifies a date of expiration of the vaccination which is after the date of arrival of the dog at a U.S. port. If no date of expiration is specified, then the date of vaccination shall be no more than 12 months before the date of arrival at a U.S. port; and
- (v) Bears the signature and the license number of the veterinarian issuing the certificate.

(b) Exceptions.

(1) Research. The provisions of paragraphs (a)(1)(iii), (a)(1)(iv), (a)(1)(v), and/or (a)(2) of this section do not apply to any person who imports a live dog from any part of the world into the States for resale for use in research, tests, or experiments at a research facility, provided that: Such person submits satisfactory evidence to Animal Care at the time of his or her application for an import permit that the specific provision(s) would interfere with the dog's use in such research, tests, or experiments in accordance with a research proposal and the proposal has been approved by the research facility IACUC.

(2) Veterinary care. The provisions of paragraphs (a)(1)(iii) through (a)(1)(v) and (a)(2) of this section do not apply to any person who imports a live dog from any part of the world into the States for veterinary treatment by a licensed veterinarian and subsequent resale, provided that:

- (i) The original health certificate required in paragraph (a)(1) of this section states that the dog is in need of veterinary treatment that cannot be obtained in the country of export and states the name and address of the licensed veterinarian in the States who intends to provide the dog such veterinary treatment; and

(ii) The person who imports the dog completes a veterinary treatment agreement with Animal Care at the time of application for an import permit and confines the animal until the conditions specified in the agreement are met. Such conditions may include determinations by the licensed veterinarian in the United States that the dog is in good health, has been adequately vaccinated against DHLPP and rabies, and is at least six months of age. The person importing the dog shall bear the expense of veterinary treatment and confinement.

(3) *Dogs imported into Hawaii from the British Isles, Australia, Guam, or New Zealand.* The provisions of paragraph (a)(1)(iii) of this section do not apply to any person who lawfully imports a live dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii, provided that the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

§ 2.152 Notification of arrival.

Upon the arrival of a dog at the port of first arrival in the States, the person intending to import the dog, or his or her agent, must present the import permit and any applicable certifications and veterinary treatment agreement required by this subpart to the collector of customs for use at that port.

§ 2.153 Dogs refused entry.

Any dog refused entry into the States for noncompliance with the requirements of this subpart or the Act may be removed from the States or may be seized and the person intending to import the dog shall provide for the care (including appropriate veterinary care), forfeiture, and adoption of the dog, at his or her expense.

Part 3 - Standards

Subpart A - Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

§ 3.1 - Housing facilities, general.

(a) *Structure; construction.* Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

(b) *Condition and site.* Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices and research needs. Housing facilities other than those maintained by research facilities and Federal research facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(c) *Surfaces.*

(1) **General requirements.** The surfaces of housing facilities – including houses, dens, and other furniture-type fixtures and objects within the facility – must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

- (i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and
- (ii) Be free of jagged edges or sharp points that might injure the animals.

(2) **Maintenance and replacement of surfaces.** All surfaces must be maintained on a regular basis. Surfaces of housing facilities – including houses, dens, and other furniture-type fixtures and objects within the facility – that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

(3) Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with § 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in § 3.11(b)(3) for primary enclosures.

(d) Water and electric power. The housing facility must have reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this subpart. The housing facility must provide adequate running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(e) Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leakproof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances that are toxic to the dogs or cats but are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(f) Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks. Housing facilities must be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation. Standing puddles of water in animal enclosures must be drained or mopped up so that the animals stay dry. Trash containers in housing facilities and in food storage and food preparation areas must be leak-proof and must have tightly fitted lids on them at all times. Dead animals, animal parts, and animal waste must not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(g) Washrooms and sinks. Washing facilities such as washrooms, basins, sinks, or showers must be provided for animal caretakers and must be readily accessible.

§ 3.2 - Indoor housing facilities.^{xb}

(a) Heating, cooling, and temperature. Indoor housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. When dogs or cats are present, the ambient temperature in the facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats, except as approved by the attending veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Ventilation. Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is 85 °F (29.5 °C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(c) **Lighting.** Indoor housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Animal areas must be provided a regular be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light.

(d) **Interior surfaces.** The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

§ 3.3 - Sheltered housing facilities.**

(a) **Heating, cooling, and temperature.** The sheltered part of sheltered housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the sheltered part of the facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs or cats, except as approved by the attending veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) **Ventilation.** The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 °F (29.5 °C) or higher.

(c) **Lighting.** Sheltered housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light.

(d) **Shelter from the elements.** Dogs and cats must be provided with adequate shelter from the elements at all times to protect their health and well-being. The shelter structures must be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(e) **Surfaces.**

(1) The following areas in sheltered housing facilities must be impervious to moisture:

(i) Indoor floor areas in contact with the animals;

(ii) Outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material such as wire, wood, metal, or concrete; and

(iii) All walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may consist of compacted earth, absorbent bedding, sand, gravel, or grass.

§ 3.4 - Outdoor housing facilities.

(a) Restrictions.

(1) The following categories of dogs or cats must not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

- (i) Dogs or cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;
- (ii) Breeds of dogs or cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates); and
- (iii) Sick, infirm, aged or young dogs or cats.

(2) When their acclimation status is unknown, dogs and cats must not be kept in outdoor facilities when the ambient temperature is less than 50 °F (10 °C).

(b) Shelter from the elements. Outdoor facilities for dogs or cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats must contain a roof, four sides, and a floor, and must:

- (1) Provide the dogs and cats with adequate protection and shelter from the cold and heat;
- (2) Provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
- (3) Be provided with a wind break and rain break at the entrance; and
- (4) Contain clean, dry, bedding material if the ambient temperature is below 50 °F (10 °C). Additional clean, dry bedding is required when the temperature is 35 °F (1.7 °C) or lower.

(c) Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities – including houses, dens, etc. – that cannot be readily cleaned and sanitized must be replaced when worn or soiled.

§ 3.5 - Mobile or traveling housing facilities.^{xxi}

(a) Heating, cooling, and temperature. Mobile or traveling housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the mobile or traveling housing facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not exceed 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Ventilation. Mobile or traveling housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for the health and well-being of the animals, and to minimize odors, drafts, ammonia levels, moisture condensation, and exhaust fumes. Ventilation must be provided by means of windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning, must be provided when the ambient temperature within the animal housing area is 85 °F (29.5 °C) or higher.

(c) **Lighting.** Mobile or traveling housing facilities for dogs and cats must be lighted well enough to permit proper cleaning and inspection of the facility, and observation of the dogs and cats. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals.

§ 3.6 - Primary enclosures.^{xxii}

Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) **General requirements.**

- (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.
- (2) Primary enclosures must be constructed and maintained so that they:
 - (i) Have no sharp points or edges that could injure the dogs and cats;
 - (ii) Protect the dogs and cats from injury;
 - (iii) Contain the dogs and cats securely;
 - (iv) Keep other animals from entering the enclosure;
 - (v) Enable the dogs and cats to remain dry and clean;
 - (vi) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats;
 - (vii) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;
 - (viii) Provide all the dogs and cats with easy and convenient access to clean food and water;
 - (ix) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with § 3.11(b) of this subpart, or be replaceable when worn or soiled;
 - (x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;
 - (xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and
 - (xii) If the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

(b) Additional requirements for cats. *[Omitted]*

(c) **Additional requirements for dogs.**

(1) **Space.**

- (i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its

tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) × (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

(ii) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator.

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: *Provided* That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

(2) Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult non-conditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

(3) Dogs in mobile or traveling shows or acts. Dogs that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of § 3.15 other than the marking requirements in § 3.15(a)(6). When the show or act is not traveling, the dogs must be placed in primary enclosures that meet the minimum requirements of this section.

(4) Prohibited means of primary enclosure. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(d) Innovative primary enclosures not precisely meeting the floor area and height requirements provided in paragraphs (b)(1) and (c)(1) of this section, but that provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior, may be used at research facilities when approved by the Committee, and by dealers and exhibitors when approved by the Administrator.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.7 - Compatible grouping.

Dogs and cats that are housed in the same primary enclosure must be compatible, with the following restrictions:

(a) Females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;

(b) Any dog or cat exhibiting a vicious or overly aggressive disposition must be housed separately;

(c) Puppies or kittens 4 months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies;

(d) Dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and

(e) Dogs and cats that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

§ 3.8 - Exercise for dogs.

Dealers, exhibitors, and research facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise. The plan must be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding Federal agency. The plan, at a minimum, must comply with each of the following:

(a) Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any dealer, exhibitor, or research facility, including Federal research facilities, must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated by § 3.6(c)(1) of this subpart.

(b) Dogs housed in groups. Dogs over 12 weeks of age housed, held, or maintained in groups by any dealer, exhibitor, or research facility, including Federal research facilities, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:

- (1) Housing in compatible groups is not in accordance with a research proposal and the proposal has been approved by the research facility Committee;
- (2) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dog(s); or
- (3) Any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The frequency, method, and duration of the opportunity for exercise shall be determined by the attending veterinarian and, at research facilities, in consultation with and approval by the Committee.

(2) Dealers, exhibitors, and research facilities, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.

(3) The opportunity for exercise may be provided in a number of ways, such as:

- (i) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of § 3.6(c)(1) of this subpart;
- (ii) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by § 3.6(c)(1) of this subpart;
- (iii) Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or
- (iv) Other similar activities.

(4) Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

(d) Exemptions.

(1) If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the dealer, exhibitor, or research facility may be exempted from meeting the requirements of this section for those dogs. Such exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed at least every 30 days by the attending veterinarian.

(2) A research facility may be exempted from the requirements of this section if the principal investigator determines for scientific reasons set forth in the research proposal that it is inappropriate for certain dogs to exercise. Such exemption must be documented in the Committee-approved proposal and must be reviewed at appropriate intervals as determined by the Committee, but not less than annually.

(3) Records of any exemptions must be maintained and made available to USDA officials or any pertinent funding Federal agency upon request.

§ 3.9 - Feeding.

(a) Dogs and cats must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

(b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with § 3.11(b) of this subpart. Sanitization is achieved by using one of the methods described in § 3.11(b)(3) of this subpart. If the food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with § 3.11(b) of this subpart. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

§ 3.10 -Watering.

(a) Potable water must be continuously available to the dogs, unless restricted by the attending veterinarian or excepted as provided in § 3.17(a).

(b) If potable water is not continuously available to the cats, it must be offered to the cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by the attending veterinarian.

(c) Water receptacles must be kept clean and sanitized in accordance with § 3.11(b) and before being used to water a different dog or cat or a different social grouping of dogs or cats.

§ 3.11 - Cleaning, sanitization, housekeeping, and pest control.^{xxiii}

(a) *Cleaning of primary enclosures.* Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pests, insects and odors.

(b) *Sanitization of primary enclosures and food and water receptacles.*

(1) Used primary enclosures and food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another dog or cat, or social grouping of dogs or cats.

(2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:

(i) Live steam under pressure;

(ii) Washing with hot water (at least 180 °F (82.2 °C)) and soap or detergent, as with a mechanical cage washer; or

(iii) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.

(4) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in paragraph (b)(3) of this section, such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) **Housekeeping for premises.** Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) **Pest control.** An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

§ 3.12 - Employees.

Each person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) maintaining dogs and cats must have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide for husbandry and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

§ 3.13 - Veterinary care for dogs.

(a) Each dealer, exhibitor, and research facility must follow an appropriate program of veterinary care for dogs that is developed, documented in writing, and signed by the attending veterinarian. Dealers, exhibitors, and research facilities must keep and maintain the written program and make it available for APHIS inspection. The written program of veterinary care must address the requirements for adequate veterinary care for every dealer and exhibitor in § 2.40 of this subchapter and every research facility in § 2.33 of this subchapter, and must also include:

- (1) Regularly scheduled visits, not less than once every 12 months, by the attending veterinarian to all premises where animals are kept, to assess and ensure the adequacy of veterinary care and other aspects of animal care and use;
- (2) A complete physical examination from head to tail of each dog by the attending veterinarian not less than once every 12 months;
- (3) Vaccinations for contagious and/or deadly diseases of dogs (including rabies, parvovirus and distemper) and sampling and treatment of parasites and other pests (including fleas, worms, coccidia, giardia, and heartworm) in accordance with a schedule approved by the attending veterinarian, unless otherwise required by a research protocol approved by the Committee at research facilities; and
- (4) Preventative care and treatment to ensure healthy and unmatted hair coats, properly trimmed nails, and clean and healthy eyes, ears, skin, and teeth, unless otherwise required by a research protocol approved by the Committee at research facilities.

(b) Dealers, exhibitors, and research facilities must keep copies of medical records for dogs and make the records available for APHIS inspection. These records must include:

- (1) The identity of the animal, including identifying marks, tattoos, or tags on the animal and the animal's breed, sex, and age; *Provided*, however, that routine husbandry, such as vaccinations, preventive medical procedures, or treatments, performed on all animals in a group (or herd), may be kept on a single record;

- (2) If a problem is identified (such as a disease, injury, or illness), the date and a description of the problem, examination findings, test results, plan for treatment and care, and treatment procedures performed, when appropriate;
- (3) The names of all vaccines and treatments administered and the dates of administration; and
- (4) The dates and findings/results of all screening, routine, or other required or recommended test or examination.

(c) Medical records for dogs shall be kept for the following periods:

- (1) The medical records for dogs shall be kept and maintained by the research facility for the duration of the research activity and for an additional 3 years after the dog is euthanized or disposed of, and for any period in excess of 3 years as necessary to comply with any applicable Federal, State, or local law.
- (2) The medical records for dogs shall be kept and maintained by the dealer or exhibitor for at least 1 year after the dog is euthanized or disposed of and for any period in excess of 1 year as necessary to comply with any applicable Federal, State, or local law.
- (3) Whenever the Administrator notifies a research facility, dealer, or exhibitor in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, the research facility, dealer, or exhibitor shall hold those records until their disposition is authorized by the Administrator.

TRANSPORTATION STANDARDS

3.14 - Consignments to carriers and intermediate handlers.

- (a) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce more than 4 hours before the scheduled departure time of the primary conveyance on which the animal is to be transported. However, a carrier or intermediate handler may agree with anyone consigning a dog or cat to extend this time by up to 2 hours.
- (b) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless they are provided with the name, address, and telephone number of the consignee.
- (c) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless the consignor certifies in writing to the carrier or intermediate handler that the dog or cat was offered food and water during the 4 hours before delivery to the carrier or intermediate handler. The certification must be securely attached to the outside of the primary enclosure in a manner that makes it easily noticed and read. Instructions for no food or water are not acceptable unless directed by the attending veterinarian. Instructions must be in compliance with § 3.17. The certification must include the following information for each dog and cat:
 - (1) The consignor's name and address;
 - (2) The tag number or tattoo assigned to each dog or cat under §§ 2.38 and 2.50 of this chapter;
 - (3) The time and date the animal was last fed and watered and the specific instructions for the next feeding(s) and watering(s) for a 24-hour period; and
 - (4) The consignor's signature and the date and time the certification was signed.
- (d) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce in a primary enclosure unless the primary enclosure meets the requirements of § 3.15. A carrier or intermediate handler must not accept a dog or cat for transport if the primary enclosure is obviously defective or damaged and cannot reasonably be expected to safely and comfortably contain the dog or cat without causing suffering or injury.

(e) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless their animal holding area meets the minimum temperature requirements provided in §§ 3.19 and 3.20 or unless the consignor provides them with a certificate signed by a veterinarian and dated no more than 10 days before delivery of the animal to the carrier or intermediate handler for transport in commerce, certifying that the animal is acclimated to temperatures lower than those required in §§ 3.19 and 3.20.

Even if the carrier or intermediate handler receives this certification, the temperatures the dog or cat is exposed to while in a terminal facility must not be lower than 45 °F (2.2 °C) for more than 4 consecutive hours when dogs or cats are present, as set forth in § 3.19, nor lower than 45 °F (2.2 °C) for more than 45 minutes, as set forth in § 3.20, when moving dogs or cats to or from terminal facilities or primary conveyances. A copy of the certification must accompany the dog or cat to its destination and must include the following information:

- (1) The consignor's name and address;
- (2) The tag number or tattoo assigned to each dog or cat under §§ 2.38 and 2.50 of this chapter;
- (3) A statement by a veterinarian, dated no more than 10 days before delivery, that to the best of his or her knowledge, each of the dogs or cats contained in the primary enclosure is acclimated to air temperatures lower than 50 °F (10 °C); but not lower than a minimum temperature, specified on a certificate, that the attending veterinarian has determined is based on generally accepted temperature standards for the age, condition, and breed of the dog or cat; and
- (4) The signature of the veterinarian and the date the certification was signed.

(f) When a primary enclosure containing a dog or cat has arrived at the animal holding area at a terminal facility after transport, the carrier or intermediate handler must attempt to notify the consignee upon arrival and at least once in every 6-hour period thereafter. The time, date, and method of all attempted notifications and the actual notification of the consignee, and the name of the person who notifies or attempts to notify the consignee must be written either on the carrier's or intermediate handler's copy of the shipping document or on the copy that accompanies the primary enclosure. If the consignee cannot be notified within 24 hours after the dog or cat has arrived at the terminal facility, the carrier or intermediate handler must return the animal to the consignor or to whomever the consignor designates. If the consignee is notified of the arrival and does not accept delivery of the dog or cat within 48 hours after arrival of the dog or cat, the carrier or intermediate handler must return the animal to the consignor or to whomever the consignor designates. The carrier or intermediate handler must continue to provide proper care, feeding, and housing to the dog or cat, and maintain the dog or cat in accordance with generally accepted professional and husbandry practices until the consignee accepts delivery of the dog or cat or until it is returned to the consignor or to whomever the consignor designates. The carrier or intermediate handler must obligate the consignor to reimburse the carrier or intermediate handler for the cost of return transportation and care.

§ 3.15 - Primary enclosures used to transport live dogs and cats.^{xxiv}

Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) must not transport or deliver for transport in commerce a dog or cat unless the following requirements are met:

(a) **Construction of primary enclosures.** The dog or cat must be contained in a primary enclosure such as a compartment, transport cage, carton, or crate. Primary enclosures used to transport dogs and cats must be constructed so that:

- (1) The primary enclosure is strong enough to contain the dogs and cats securely and comfortably and to withstand the normal rigors of transportation;
- (2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the animal contained in it;
- (3) The dog or cat is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animals nearby;
- (4) The dog or cat can be easily and quickly removed from the enclosure in an emergency;

- (5) Unless the enclosure is permanently affixed to the conveyance, adequate devices such as handles or handholds are provided on its exterior, and enable the enclosure to be lifted without tilting it, and ensure that anyone handling the enclosure will not come into physical contact with the animal contained inside;
- (6) Unless the enclosure is permanently affixed to the conveyance, it is clearly marked on top and on one or more sides with the words "Live Animals," in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure;
- (7) Any material, treatment, paint, preservative, or other chemical used in or on the enclosure is nontoxic to the animal and not harmful to the health or well-being of the animal;
- (8) Proper ventilation is provided to the animal in accordance with paragraph (c) of this section; and
- (9) The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. If a slatted or mesh floor is used in the enclosure, it must be designed and constructed so that the animal cannot put any part of its body between the slats or through the holes in the mesh. Unless the dogs and cats are on raised slatted floors or raised floors made of mesh, the primary enclosure must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material that is safe and nontoxic to the dogs and cats.

(b) *Cleaning of primary enclosures.* A primary enclosure used to hold or transport dogs or cats in commerce must be cleaned and sanitized before each use in accordance with the methods provided in § 3.11(b)(3) of this subpart. If the dogs or cats are in transit for more than 24 hours, the enclosures must be cleaned and any litter replaced, or other methods, such as moving the animals to another enclosure, must be utilized to prevent the soiling of the dogs or cats by body wastes. If it becomes necessary to remove the dog or cat from the enclosure in order to clean, or to move the dog or cat to another enclosure, this procedure must be completed in a way that safeguards the dog or cat from injury and prevents escape.

(c) *Ventilation.*

- (1) Unless the primary enclosure is permanently affixed to the conveyance, there must be:
 - (i) Ventilation openings located on two opposing walls of the primary enclosure and the openings must be at least 16 percent of the surface area of each such wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or
 - (ii) Ventilation openings on three walls of the primary enclosure, and the openings on each of the two opposing walls must be at least 8 percent of the total surface area of the two walls, and the ventilation openings on the third wall of the primary enclosure must be at least 50 percent of the total surface area of that wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or
 - (iii) Ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each of the four walls must be at least 8 percent of the total surface area of each such wall, and the total combined surface area of the openings must be at least 14 percent of total combined surface area of all the walls of the primary enclosure; and
 - (iv) At least one-third of the ventilation area must be located on the upper half of the primary enclosure.
- (2) Unless the primary enclosure is permanently affixed to the conveyance, projecting rims or similar devices must be located on the exterior of each enclosure wall having a ventilation opening, in order to prevent obstruction of the openings. The projecting rims or similar devices must be large enough to provide a minimum air circulation space of 0.75 in. (1.9 cm) between the primary enclosure and anything the enclosure is placed against.
- (3) If a primary enclosure is permanently affixed to the primary conveyance so that there is only a front ventilation opening for the enclosure, the primary enclosure must be affixed to the primary conveyance in such a way that the front ventilation opening cannot be blocked, and the front ventilation opening must open directly to an unobstructed aisle or passageway inside the conveyance. The ventilation opening must be at

least 90 percent of the total area of the front wall of the enclosure, and must be covered with bars, wire mesh, or smooth expanded metal having air spaces.

(d) *Compatibility.*

- (1) Live dogs or cats transported in the same primary enclosure must be of the same species and be maintained in compatible groups, except that dogs and cats that are private pets, are of comparable size, and are compatible, may be transported in the same primary enclosure.
- (2) Puppies or kittens 4 months of age or less may not be transported in the same primary enclosure with adult dogs or cats other than their dams.
- (3) Dogs or cats that are overly aggressive or exhibit a vicious disposition must be transported individually in a primary enclosure.
- (4) Any female dog or cat in heat (estrus) may not be transported in the same primary enclosure with any male dog or cat.

(e) *Space and placement.*

- (1) Primary enclosures used to transport live dogs and cats must be large enough to ensure that each animal contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.
- (2) Primary enclosures used to transport dogs and cats must be positioned in the primary conveyance so as to provide protection from the elements.

(f) *Transportation by air.*

- (1) No more than one live dog or cat, 6 months of age or older, may be transported in the same primary enclosure when shipped via air carrier.
- (2) No more than one live puppy, 8 weeks to 6 months of age, and weighing over 20 lbs (9 kg), may be transported in a primary enclosure when shipped via air carrier.
- (3) No more than two live puppies or kittens, 8 weeks to 6 months of age, that are of comparable size, and weighing 20 lbs (9 kg) or less each, may be transported in the same primary enclosure when shipped via air carrier.
- (4) Weaned live puppies or kittens less than 8 weeks of age and of comparable size, or puppies or kittens that are less than 8 weeks of age that are littermates and are accompanied by their dam, may be transported in the same primary enclosure when shipped to research facilities, including Federal research facilities.

(g) *Transportation by surface vehicle or privately owned aircraft.*

- (1) No more than four live dogs or cats, 8 weeks of age or older, that are of comparable size, may be transported in the same primary enclosure when shipped by surface vehicle (including ground and water transportation) or privately owned aircraft, and only if all other requirements of this section are met.
- (2) Weaned live puppies or kittens less than 8 weeks of age and of comparable size, or puppies or kittens that are less than 8 weeks of age that are littermates and are accompanied by their dam, may be transported in the same primary enclosure when shipped to research facilities, including Federal research facilities, and only if all other requirements in this section are met.

(h) *Accompanying documents and records.* Shipping documents that must accompany shipments of dogs and cats may be held by the operator of the primary conveyance, for surface transportation only, or must be securely attached in a readily accessible manner to the outside of any primary enclosure that is part of the shipment, in a manner that allows them to be detached for examination and securely reattached, such as in a pocket or sleeve. Instructions for administration of drugs, medication, and other special care must be attached to each primary enclosure in a manner that makes them easy to notice, to detach for examination, and to reattach securely. Food and water instructions must be attached in accordance with § 3.14(c).

§ 3.16 - Primary conveyances (motor vehicle, rail, air, and marine).^{xxv}

- (a) The animal cargo space of primary conveyances used to transport dogs and cats must be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the animals transported in them, ensures their safety and comfort, and prevents the entry of engine exhaust from the primary conveyance during transportation.
- (b) The animal cargo space must have a supply of air that is sufficient for the normal breathing of all the animals being transported in it.
- (c) Each primary enclosure containing dogs or cats must be positioned in the animal cargo space in a manner that provides protection from the elements and that allows each dog or cat enough air for normal breathing.
- (d) During air transportation, dogs and cats must be held in cargo areas that are heated or cooled as necessary to maintain an ambient temperature and humidity that ensures the health and well-being of the dogs or cats. The cargo areas must be pressurized when the primary conveyance used for air transportation is not on the ground, unless flying under 8,000 ft. Dogs and cats must have adequate air for breathing at all times when being transported.
- (e) During surface transportation, auxiliary ventilation, such as fans, blowers or air conditioning, must be used in any animal cargo space containing live dogs or cats when the ambient temperature within the animal cargo space reaches 85 °F (29.5 °C). Moreover, the ambient temperature may not exceed 85 °F (29.5 °C) for a period of more than 4 hours; nor fall below 45 °F (7.2 °C) for a period of more than 4 hours. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.
- (f) Primary enclosures must be positioned in the primary conveyance in a manner that allows the dogs and cats to be quickly and easily removed from the primary conveyance in an emergency.
- (g) The interior of the animal cargo space must be kept clean.
- (h) Live dogs and cats may not be transported with any material, substance (e.g., dry ice) or device in a manner that may reasonably be expected to harm the dogs and cats or cause inhumane conditions.

§ 3.17 - Food and water requirements.

- (a) Each dog and cat that is 16 weeks of age or more must be offered food at least once every 24 hours. Puppies and kittens less than 16 weeks of age must be offered food at least once every 12 hours. Each dog and cat must be offered potable water at least once every 12 hours. These time periods apply to dealers, exhibitors, research facilities, including Federal research facilities, who transport dogs and cats in their own primary conveyance, starting from the time the dog or cat was last offered food and potable water before transportation was begun. These time periods apply to carriers and intermediate handlers starting from the date and time stated on the certificate provided under § 3.14(c). Each dog and cat must be offered food and potable water within 4 hours before being transported in commerce. Consignors who are subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) must certify that each dog and cat was offered food and potable water within the 4 hours preceding delivery of the dog or cat to a carrier or intermediate handler for transportation in commerce, and must certify the date and time the food and potable water was offered, in accordance with § 3.14(c).
- (b) Any dealer, research facility, including a Federal research facility, or exhibitor offering any dog or cat to a carrier or intermediate handler for transportation in commerce must securely attach to the outside of the primary enclosure used for transporting the dog or cat, written instructions for the in-transit food and water requirements for a 24-hour period for the dogs and cats contained in the enclosure. The instructions must be attached in a manner that makes them easily noticed and read.

(c) Food and water receptacles must be securely attached inside the primary enclosure and placed so that the receptacles can be filled from outside the enclosure without opening the door. Food and water containers must be designed, constructed, and installed so that a dog or cat cannot leave the primary enclosure through the food or water opening.

§ 3.18 - Care in transit.

(a) **Surface transportation (ground and water).** Any person subject to the Animal Welfare regulations transporting dogs or cats in commerce must ensure that the operator of the conveyance, or a person accompanying the operator, observes the dogs or cats as often as circumstances allow, but not less than once every 4 hours, to make sure they have sufficient air for normal breathing, that the ambient temperature is within the limits provided in § 3.16(e), and that all applicable standards of this subpart are being complied with. The regulated person must ensure that the operator or person accompanying the operator determines whether any of the dogs or cats are in obvious physical distress and obtains any veterinary care needed for the dogs or cats at the closest available veterinary facility.

(b) **Air transportation.** During air transportation of dogs or cats, it is the responsibility of the carrier to observe the dogs or cats as frequently as circumstances allow, but not less than once every 4 hours if the animal cargo area is accessible during flight. If the animal cargo area is not accessible during flight, the carrier must observe the dogs or cats whenever they are loaded and unloaded and whenever the animal cargo space is otherwise accessible to make sure they have sufficient air for normal breathing, that the animal cargo area meets the heating and cooling requirements of § 3.16(d), and that all other applicable standards of this subpart are being complied with. The carrier must determine whether any of the dogs or cats are in obvious physical distress, and arrange for any needed veterinary care as soon as possible.

(c) If a dog or cat is obviously ill, injured, or in physical distress, it must not be transported in commerce, except to receive veterinary care for the condition.

(d) Removal during transportation in commerce prohibited. Except during the cleaning of primary enclosures, as required in § 3.15(b), during transportation in commerce a dog or cat must not be removed from its primary enclosure, unless it is placed in another primary enclosure or facility that meets the requirements of § 3.6 or § 3.15.

(e) The transportation regulations contained in this subpart must be complied with until a consignee takes physical delivery of the dog or cat if the animal is consigned for transportation, or until the animal is returned to the consignor.

§ 3.19 - Terminal facilities.^{xxxvi}

(a) **Placement.** Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) must not commingle shipments of dogs or cats with inanimate cargo in animal holding areas of terminal facilities.

(b) **Cleaning, sanitization, and pest control.** All animal holding areas of terminal facilities must be cleaned and sanitized in a manner prescribed in § 3.11(b)(3) of this subpart, as often as necessary to prevent an accumulation of debris or excreta and to minimize vermin infestation and disease hazards. Terminal facilities must follow an effective program in all animal holding areas for the control of insects, ectoparasites, and birds and mammals that are pests to dogs and cats.

(c) **Ventilation.** Ventilation must be provided in any animal holding area in a terminal facility containing dogs or cats, by means of windows, doors, vents, or air conditioning. The air must be circulated by fans, blowers, or air conditioning so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans, vents, fans, blowers, or air conditioning must be used in any animal holding area containing dogs and cats, when the ambient temperature is 85 °F (29.5 °C) or higher

(d) **Temperature.** The ambient temperature in an animal holding area containing dogs or cats must not fall below 45 °F (7.2 °C) or rise above 85 °F (29.5 °C) for more than four consecutive hours at any time dogs or cats are present. The ambient temperature must be measured in the animal holding area by the carrier, intermediate handler, or a person transporting dogs or cats who is subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3), outside any primary enclosure containing a dog or cat at a point not more than 3 feet (0.91 m) away from an outside wall of the primary enclosure, and approximately midway up the side of the enclosure. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(e) **Shelter.** Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) holding a live dog or cat in an animal holding area of a terminal facility must provide the following:

(1) **Shelter from sunlight and extreme heat.** Shade must be provided that is sufficient to protect the dog or cat from the direct rays of the sun.

(2) **Shelter from rain or snow.** Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

(f) **Duration.** The length of time any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) can hold dogs and cats in animal holding areas of terminal facilities upon arrival is the same as that provided in § 3.14(f).

§ 3.20 - Handling.^{xvii}

(a) Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) who moves (including loading and unloading) dogs or cats within, to, or from the animal holding area of a terminal facility or a primary conveyance must do so as quickly and efficiently as possible and must provide the following during movement of the dog or cat:

(1) **Shelter from sunlight and extreme heat.** Sufficient shade must be provided to protect the dog or cat from the direct rays of the sun. The dog or cat must not be exposed to an ambient air temperature above 85 °F (29.5 °C) for a period of more than 45 minutes while being moved to or from a primary conveyance or a terminal facility. The temperature must be measured in the manner provided in § 3.19(d). The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(2) **Shelter from rain and snow.** Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

(3) **Shelter from cold temperatures.** Transporting devices on which live dogs or cats are placed to move them must be covered to protect the animals when the outdoor temperature falls below 50 °F (10 °C). The dogs or cats must not be exposed to an ambient temperature below 45 °F (7.2 °C) for a period of more than 45 minutes, unless they are accompanied by a certificate of acclimation to lower temperatures as provided in § 3.14(e). The temperature must be measured in the manner provided in § 3.19(d). The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Any person handling a primary enclosure containing a dog or cat must use care and must avoid causing physical harm or distress to the dog or cat.

(1) A primary enclosure containing a live dog or cat must not be placed on unattended conveyor belts, or on elevated conveyor belts, such as baggage claim conveyor belts and inclined conveyor ramps that lead to baggage claim areas, at any time; except that a primary enclosure may be placed on inclined conveyor ramps used to load and unload aircraft if an attendant is present at each end of the conveyor belt.

(2) A primary enclosure containing a dog or cat must not be tossed, dropped, or needlessly tilted, and must not be stacked in a manner that may reasonably be expected to result in its falling. It must be handled and positioned in the manner that written instructions and arrows on the outside of the primary enclosure indicate.

(c) This section applies to movement of a dog or cat from primary conveyance to primary conveyance, within a primary conveyance or terminal facility, and to or from a terminal facility or a primary conveyance.

Subparts B-F [not applicable to the keeping of dogs] - [Omitted]

ⁱ 54 FR 36119, Aug. 31, 1989, as amended at 55 FR 12631, Apr. 5, 1990; 58 FR 39129, July 22, 1993; 62 FR 43275, Aug. 13, 1997; 63 FR 47148, Sept. 4, 1998; 63 FR 62926, Nov. 10, 1998; 65 FR 6314, Feb. 9, 2000; 68 FR 12285, Mar. 14, 2003; 69 FR 31514, June 4, 2004; 69 FR 42099, July 14, 2004; 78 FR 57227, Sept. 18, 2013.

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- ⁱⁱ 54 FR 36147, Aug. 31, 1989, as amended at 63 FR 62926, Nov. 10, 1998; 69 FR 42099, July 14, 2004; 78 FR 57227, Sept. 18, 2013.
- ⁱⁱⁱ 60 FR 13895, Mar. 15, 1995, as amended at 69 FR 42100, July 14, 2004.
- ^{iv} 54 FR 36147, Aug. 31, 1989, as amended at 69 FR 42100, July 14, 2004.
- ^v 54 FR 36147, Aug. 31, 1989, as amended at 60 FR 13895, Mar. 15, 1995; 63 FR 62926, Nov. 10, 1998; 69 FR 42100, July 14, 2004.
- ^{vi} 54 FR 36147, Aug. 31, 1989, as amended at 63 FR 62926, Nov. 10, 1998; 69 FR 42101, July 14, 2004.
- ^{vii} 54 FR 36147, Aug. 31, 1989, as amended at 69 FR 42101, July 14, 2004.
- ^{viii} 54 FR 36147, Aug. 31, 1989, as amended at 63 FR 62927, Nov. 10, 1998.
- ^{ix} 54 FR 36147, Aug. 31, 1989, as amended at 58 FR 39129, July 22, 1993; 58 FR 45041, Aug. 26, 1993; 60 FR 13895, Mar. 15, 1995; 69 FR 42102, July 14, 2004.
- ^x 54 FR 36147, Aug. 31, 1989, as amended at 59 FR 67612, Dec. 30, 1994; 60 FR 13896, Mar. 15, 1995; 63 FR 62927, Nov. 10, 1998; 69 FR 42102, July 14, 2004.
- ^{xi} 54 FR 36147, Aug. 31, 1989, as amended at 60 FR 13896, Mar. 15, 1995; 63 FR 62927, Nov. 10, 1998; 69 FR 42102, July 14, 2004; 77 FR 76823, Dec. 31, 2012.
- ^{xii} 54 FR 36147, Aug. 31, 1989, as amended at 69 FR 42102, July 14, 2004; 77 FR 76814, Dec. 31, 2012.
- ^{xiii} 54 FR 36147, Aug. 31, 1989, as amended at 63 FR 62927, Nov. 10, 1998.
- ^{xiv} 54 FR 36147, Aug. 31, 1989, as amended at 66 FR 239, Jan. 3, 2001.
- ^{xv} 54 FR 36147, Aug. 31, 1989, as amended at 63 FR 10498, Mar. 4, 1998; 69 FR 42102, July 14, 2004.
- ^{xvi} 54 FR 36147, Aug. 31, 1989, as amended at 69 FR 42102, July 14, 2004; 80 FR 3463, Jan. 23, 2015.
- ^{xvii} 58 FR 39129, July 22, 1993.
- ^{xviii} 77 FR 76823, Dec. 31, 2012.
- ^{xix} 56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10498, Mar. 4, 1998.
- ^{xx} *Id.*
- ^{xxi} 32 FR 3273, Feb. 24, 1967, as amended at 63 FR 10498, Mar. 4, 1998.
- ^{xxii} 56 FR 6486, Feb. 15, 1991, as amended at 62 FR 43275, Aug. 13, 1997; 63 FR 3023, Jan. 21, 1998; 63 FR 37482, July 13, 1998.
- ^{xxiii} *Id.* at xxxv.
- ^{xxiv} *Id.*
- ^{xxv} *Id.*
- ^{xxvi} *Id.*
- ^{xxvii} *Id.*

APPENDIX C:

STATE BREEDER LAWS/REGULATIONS & CRIMINAL/NEGLIGENCE LAWS

ALABAMA

Cruelty Laws (abridged)

AL Code § 13A-11-240 (2021) - Definitions.

Section 13A-11-241 (2021) - Cruelty in First and Second Degrees.

(a) A person commits the crime of cruelty to a dog or cat in the first degree if he or she intentionally tortures any dog or cat or skins a domestic dog or cat or offers for sale or exchange or offers to buy or exchange the fur, hide, or pelt of a domestic dog or cat. Cruelty to a dog or cat in the first degree is a Class C felony. A conviction for a felony pursuant to this section shall not be considered a felony for purposes of the Habitual Felony Offender Act, Sections 13A-5-9 to 13A-5-10.1, inclusive.

(b) A person commits the crime of cruelty to a dog or cat in the second degree if he or she, in a cruel manner, overloads, overdrives, deprives of necessary sustenance or shelter, unnecessarily or cruelly beats, injures, mutilates, or causes the same to be done. Cruelty to a dog or cat in the second degree is a Class A misdemeanor. ...

ALASKA

Cruelty Laws (abridged)

AS § 11.61.140 (2016) - Cruelty to Animals

(a) A person commits cruelty to animals if the person

(1) knowingly inflicts severe or prolonged physical pain or suffering on an animal;

(2) has a legal duty to care for the animal and, with criminal negligence, fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;

(3) kills or injures an animal by the use of a decompression chamber;

(4) intentionally kills or injures a pet or livestock by the use of poison;

(5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person;

(6) knowingly

(A) engages in sexual conduct with an animal; or

(B) under circumstances not proscribed under AS 11.41.455 ,

(i) photographs or films, for purposes of sexual gratification, a person engaged in sexual conduct with an animal;

or

(ii) causes, induces, aids, or encourages another person to engage in sexual conduct with an animal; or

(7) intentionally permits sexual conduct with an animal to be conducted on any premises under the person's control.

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

(1) was part of scientific research governed by accepted standards;

ALASKA

- (2) constituted the humane destruction of an animal;
 - (3) conformed to accepted veterinary or animal husbandry practices;
 - (4) was necessarily incidental to lawful fishing, hunting or trapping activities;
 - (5) conformed to professionally accepted training and discipline standards.
- (d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.
- (e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.
- ...
- (g) Except as provided in (h) of this section, cruelty to animals under (a)(2), (5), (6), or (7) of this section is a class A misdemeanor. The court may also
- (1) require forfeiture of any animal affected to the state or to a custodian that supplies shelter, care, or medical treatment for the animal;
 - (2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;
 - (3) prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.
- (h) Cruelty to animals under (a)(1), (3), or (4) of this section is a class C felony. Cruelty to animals is also a class C felony if the person is convicted under (a)(2), (5), (6), or (7) of this section and the person has been previously convicted on one or more separate occasions within 10 years of the date of the present offense of a crime under this section, AS 11.61.145(a)(1) or (2) , or a law or ordinance of another jurisdiction having elements similar to those offenses. For a conviction under this subsection, the court may also
- (1) require forfeiture of any animal affected to the state or to a custodian that supplies shelter, care, or medical treatment for the animal;
 - (2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;
 - (3) prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

ARIZONA

Threshold & Definitions	Ariz. Rev. Stat. § 11-1001 (2003) "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
Care & Conditions	
Inspections	Ariz. Rev. Stat. § 11-1009 (2009) Fewer than 20 dogs: may be subject to an inspection by the county enforcement agent during regular business hours if the county enforcement agent has received a citizen or law enforcement complaint in writing. More than 20 dogs: must allow inspections of the kennel by the county enforcement agent as a condition of receiving a kennel permit. This subsection does not apply to any kennel that houses dogs that are being used or trained for hunting.
Penalties	Ariz. Rev. Stat. § 11-1009 (2009) A person who knowingly fails to obtain a kennel permit within thirty days after written notification from the county enforcement agent is guilty of a class 2 misdemeanor.
Cruelty Laws (abridged)	Ariz. Rev. Stat. § 13-2910 (2021)- Cruelty to Animals; Interference with Working or Service Animal; Classification; Definitions A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.
14. Intentionally or knowingly subjects a domestic animal to cruel mistreatment.
15. Intentionally or knowingly kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.
16. Intentionally or knowingly harasses a working animal that is in a law enforcement vehicle or trailer without either legal privilege or consent of the owner.

...

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

...

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

H. [Definitions]

Cruelty Laws
(abridged)

A.C.A. § 5-62-102 (2009) - Definitions.

A.C.A. § 5-62-103 (2009) - Offense of Cruelty to Animals.

(a) A person commits the offense of cruelty to animals if he or she knowingly:

- (1) Subjects any animal to cruel mistreatment;
- (2) Kills or injures any animal owned by another person without legal privilege or consent of the owner;
- (3) Abandons an animal at a location without providing for the animal's continued care;
- (4) Fails to supply an animal in his or her custody with a sufficient quantity of wholesome food and water;
- (5) Fails to provide an animal in his or her custody with adequate shelter that is consistent with the breed, species, and type

of animal; or

- (6) Carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner.

(b) For purposes of this section, each alleged act of the offense of cruelty to animals committed against more than one (1) animal may constitute a separate offense.

(c) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be:

- (1) Fined no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000);

(2) Either:

- (A) Imprisoned for no less than one (1) day and no more than one (1) year in jail; or
- (B) Ordered to complete community service; and

(3)

(A) Both:

- (i) Ordered to complete a psychiatric or psychological evaluation; and
- (ii) If determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed

by the court.

(B) ...

(d) Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a second offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

- (1) Fined no less than four hundred dollars (\$400) and no more than one thousand dollars (\$1,000);

(2) Either:

- (A) Imprisoned for no fewer than seven (7) days and no more than one (1) year; or
- (B) Ordered to complete no fewer than thirty (30) days of community service; and

(3)

(A) Both:

- (i) Ordered to receive a psychiatric or psychological evaluation; and
- (ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length

of time prescribed by the court.

(B) ...

(e) Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

- (1) Fined no less than nine hundred dollars (\$900) and no more than one thousand dollars (\$1,000);

(2) Either:

- (A) Imprisoned for no fewer than ninety (90) days and no more than one (1) year; or
- (B) Ordered to complete no fewer than ninety (90) days of community service; and

(3)

(A) Both:

- (i) Ordered to receive a psychiatric or psychological evaluation; and
- (ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length

of time prescribed by the court.

(B) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

(f)

(1) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals for a fourth or subsequent offense occurring within (5) five years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony and shall be:

(A) Ordered to receive a psychiatric or psychological evaluation; and

(B) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(2) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person.

(g)

(1) For the sole purpose of calculating the number of previous offenses under subsections (d), (e), and (f) of this section, all offenses that are committed against one (1) or more animals and as part of the same criminal episode are a single offense.

(2) As used in this section, "criminal episode" means an act that constitutes the offense of cruelty to animals that is committed by a person against one (1) or more animals within a period of twenty-four (24) hours.

Section 104 - Offense of Aggravated Cruelty to a Dog, Cat, or Equine.

(a) A person commits the offense of aggravated cruelty to a dog, cat, or equine if he or she knowingly tortures any dog, cat, or equine.

(b) A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or equine:

(1) Shall be guilty of a Class D felony;

(2) May be ordered to perform up to four hundred (400) hours of community service; and

(3) Both:

(A) Ordered to receive a psychiatric or psychological evaluation; and

(B) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(c) A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or equine for a subsequent offense occurring within five (5) years from a previous offense of aggravated cruelty to a dog, cat, or equine or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class C felony and shall be:

(1) Ordered to receive a psychiatric or psychological evaluation; and

(2) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

...

CALIFORNIA

Threshold & Definitions	<p>Cal. Health & Safety Code § 122045 (2020)</p> <p>"Dog breeder," or "breeder" means a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of 3 or more litters or 20 or more dogs during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association.</p>
Care & Conditions	<p>Cal. Health & Safety Code § 122065 (2002)</p> <p>It shall be unlawful for a breeder to fail to do any of the following:</p> <ul style="list-style-type: none"> (a) Maintain facilities where the dogs are kept in a sanitary condition. (b) Provide dogs with adequate nutrition and potable water. (c) Provide adequate space appropriate to the age, size, weight, and breed of dog. For purposes of this subdivision, "adequate space" means sufficient space for the dog to stand up, sit down, and turn about freely using normal body movements, without the head touching the top of the cage, and to lie in a natural position. (d) Provide dogs with a rest board, floormat, or similar device that can be maintained in a sanitary condition. (e) Provide dogs with adequate socialization and exercise. For the purpose of this article, "socialization" means physical contact with other dogs and with human beings. (f) Wash hands before and after handling each infectious or contagious dog. (g) Provide veterinary care without delay when necessary. <p>Cal. Health & Safety Code § 122065.5 (2002)</p> <p>It shall be unlawful for a breeder to primarily house a dog on wire flooring.</p>
Inspections	
Penalties	<p>Cal. Health & Safety Code § 122065.5 (1996)</p> <p>Any person violating any provision of this article other than Section 122060 shall be subject to civil penalty of up to one thousand dollars (\$1,000) per violation. An action may be prosecuted in the name of the people of the State of California by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred.</p>
Cruelty Laws <i>(abridged)</i>	<p>Cal Penal Code § 597 (2020).</p> <p>(a) Except as provided in subdivision (c) of this section or Section 599c, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).</p> <p>(b) Except as otherwise provided in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime punishable pursuant to subdivision (d).</p> <p>(c) Every person who maliciously and intentionally maims, mutilates, or tortures any mammal, bird, reptile, amphibian, or fish, as described in subdivision (e), is guilty of a crime punishable pursuant to subdivision (d).</p> <p>(d) A violation of subdivision (a), (b), or (c) is punishable as a felony by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail for not more than one year, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment.</p> <p>...</p>

COLORADO

<p>Threshold & Definitions</p>	<p>C.R.S.A. § 35-80-102 (2021) - Definitions.</p> <p>"Dog breeder" means any firm, person, or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring same, excluding racing greyhounds that are not intended to be companion pets.</p> <p>"Pet animal facility" means any place or premise used in whole or in part, which part is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals. "Pet animal facility" also includes any individual animals kept by such a facility as breeding stock, such licensing of individual breeding stock to be inclusive in the pet animal facility license.</p>
<p>Care & Conditions</p>	<p>8 CCR 1202-15 (2021) -Dog Breeder Facility Regulations</p> <ul style="list-style-type: none"> • facility standards (structural, electrical service required, potable water, wastewater removal system, protection from escape etc.). • animal enclosure standards (enclosures for dogs may have wire flooring provided if conditions are met), tethering provisions, heating, cooling, ventilation, lighting, isolation areas, protection from the elements with outdoor housing, specific spatial requirements for primary enclosures depending on size of dog, nursery and exercise areas). • care and handling of pet animals (food, water, separation of animals, sanitation, observation, grooming, and identification). • transportation (temporary enclosures, vehicle enclosures, protection from the elements, and sanitation). • sanitation generally (cleaning of animal enclosures, sanitation of runs and exercise areas, waste disposal, pets control, etc.). • maintenance of records and reports. <p>sale and transfer issues (i.e., unlawful to sell, transfer or adopt dogs under the age of 8 weeks).</p>
<p>Inspections</p>	<p>C.R.S.A. § 35-80-110 (2022) - Inspections - investigations - access - subpoena - duty to report suspected animal cruelty or animal fighting - immunity.</p> <p>The Commissioner, upon his or her own motion or upon the complaint of any person, may make any investigations necessary to ensure compliance.</p> <p>Per regulations, all facilities licensed under PACFA may be inspected upon application, routinely thereafter, and upon a complaint to the Commissioner or the Department about a particular facility. All licensees or applicants for licensure or license renewal must make their respective facilities, animals, and records available for inspection during business hours or at other times mutually agreeable, in writing, to the Commissioner. (8 CCR 1202-15 (2021)).</p>
<p>Penalties</p>	<p>Where Commissioner has reasonable cause, can issue cease and desist order.</p> <p>If person fails to comply with a cease and desist order within 24 hours, the commissioner may bring a suit for a temporary restraining order and for injunctive relief.</p> <p>Commissioner may also apply to court to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule or order issued under this article. (C.R.S.A. § 35-80-111 (1994))</p> <p>The Commissioner may issue letters of admonition or deny, suspend, refuse to renew, restrict, or revoke any license authorized under this article if the applicant or licensee. (C.R.S.A. § 35-80-112 (2019))</p>
<p>Cruelty Laws <i>(abridged)</i></p>	<p>Colo. Rev. Stat. § 18-9-202 - Cruelty to animals - aggravated cruelty to animals - service animals - short title. (2019)</p> <p>(1)</p> <p>(a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.</p> <p>(b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.</p> <p>(1.5)</p> <p>(a) A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.</p> <p>(b) A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.</p> <p>(c) A person commits cruelty to a service animal or a certified police working dog or police working horse if he or she violates the provisions of subsection (1) of this section with respect to a service animal, certified police working dog, or police working</p>

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horse, as those terms are defined in section 18-9-201 (2.3), (2.4), and (4.7), whether the service animal, certified police working dog, or police working horse is on duty or not on duty.

...

(2)

...

(b)

(I) A second or subsequent conviction under the provisions of paragraph (a) of subsection (1) of this section is a class 6 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

(II) In any case where the court sentences a person convicted of a class 6 felony under the provisions of this paragraph (b) to probation, the court shall, in addition to any other condition of probation imposed, order that:

(A) The offender, pursuant to section 18-1.3-202 (1), be committed to the county jail for ninety days; or

(B) The offender, pursuant to section 18-1.3-105 (3), be subject to home detention for no fewer than ninety days.

(III) In any case where an offender is committed to the county jail or placed in home detention pursuant to subparagraph (II) of this paragraph (b), the court shall enter judgment against the offender for all costs assessed pursuant to section 18-1.3-701, including, but not limited to, the cost of care.

(c) Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony. A plea of nolo contendere accepted by the court shall be considered a conviction for purposes of this section.

CONNECTICUT

Threshold & Definitions

C.G.S.A. § 22-342 (2012) - **Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities. Penalties.**

Any owner or keeper of a kennel who breeds more than 2 litters of dogs annually shall apply to the town clerk in the town in which such kennel is located for a kennel license.

Care & Conditions

ADC § 22-344-1 through 15:

- facilities for housing dogs structurally sound and maintained in good repair.
- kennel floors and removable rest boards, if provided, constructed of non-toxic, easily cleaned, water impervious materials; walls and ceilings shall be painted and kept clean.
- inside and outside runs constructed to meet listed weight requirements for dogs.
- lighting by either natural or artificial means shall provide a minimum of thirty candle power for at least eight hours per day except where contraindicated for health reasons.
- hot and cold water facilities shall be provided.
- kennel space ventilated in such a manner as will provide fresh air at all times.
- kennel temperature maintained at a reasonable and suitable level to promote the health and comfort of the type of dog or dogs housed.
- environmental sanitation to keep vermin at a minimum.
- isolation facilities for dogs under quarantine or treatment for communicable diseases.
- segregation of puppy litters.
- dogs confined in cages shall be caged individually except where otherwise indicated for health or welfare reasons.
- each cage shall be large enough for the dog or dogs housed therein to turn about freely, to stand erect and to lie down in a natural position.
- shelter from inclement weather that keeps dogs clean, warm, and dry.
- clean and fresh water and sufficient and wholesome food, food and water containers shall be kept clean and sanitized.

Inspections

C.G.S.A. § 22-342 (2012) - **Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities. Penalties.**

The Commissioner, the Chief Animal Control Officer or any state animal control officer may at any time inspect any kennel including all facilities of any kennel in which dogs are bred or housed.

CONNECTICUT

	The Commissioner may, at any time, inspect or cause to be inspected by the Commissioner's agents any such commercial kennel, pet shop, grooming facility or training facility, and if, (1) in the commissioner's judgment such kennel, pet shop, grooming facility or training facility is not being maintained in a sanitary and humane manner or in a manner that protects the public safety.
Penalties	<p>C.G.S.A. § 22-342 (2012) - Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities. Penalties.</p> <p>Any person maintaining a kennel after such license has been revoked or suspended as herein provided shall be fined not more than \$1000 or imprisoned not more than one year or both.</p> <p>Any owner or keeper of a kennel who breeds more than 2 litters of dogs annually and fails to apply for a kennel license as required or fails to allow an inspection of such facility as required shall be fined not more than \$1000 or imprisoned not more than one year or both.</p>
Cruelty Laws (abridged)	<p>Conn. Gen. Stat. § 53-247 (1996) - Cruelty to animals. Animals engaged in exhibition of fighting. Intentional injury or killing of police animals or dogs in volunteer canine search and rescue teams.</p> <p>(a) Any person who overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water, or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be done, or, having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection from the weather or abandons it or carries it or causes it to be carried in a cruel manner, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition, shall, for a first offense, be fined not more than one thousand dollars or imprisoned not more than one year or both, and for each subsequent offense, shall be guilty of a class D felony.</p> <p>(b) Any person who maliciously and intentionally maims, mutilates, tortures, wounds or kills an animal shall, (1) for a first offense, be guilty of a class D felony, and (2) for any subsequent offense, be guilty of a class C felony. The provisions of this subsection shall not apply to any licensed veterinarian while following accepted standards of practice of the profession or to any person while following approved methods of slaughter under section 22-272a, while performing medical research as an employee of, student in or person associated with any hospital, educational institution or laboratory, while following generally accepted agricultural practices or while lawfully engaged in the taking of wildlife.</p> <p>...</p>

DELAWARE

Threshold & Definitions	<p>16 Del.C. §3042F (2020)- Fees for dog licenses; terms.</p> <p>Kennel is more than four dogs are kept for show, trial, sale, breeding, or other purposes</p>
Care & Conditions	<p>16 Del.C. §3044F (2020)- Specifications for the humane handling, care, and treatment of dogs.</p> <p>General facilities:</p> <ul style="list-style-type: none"> • structural strength • proper storage of food and bedding drainage • adequate waste disposal <p>Indoor housing facility:</p> <ul style="list-style-type: none"> • heating, cooling, temperature • ventilation • lighting • interior surfaces (substantially impervious to moisture and may be readily sanitized) <p>Outdoor housing facilities</p> <ul style="list-style-type: none"> • dogs that are not acclimated to the outdoor temperatures and breeds of dogs that cannot tolerate the outdoor temperatures without stress or discomfort (i.e., short-haired breeds in cold climates) may not be kept in outdoor facilities unless approved • dogs may not be kept outdoors during a hazardous weather warning issued by the National Weather Service for the local area. • shelter from the elements

DELAWARE

- shelter from sunlight
 - housing facilities for dogs shall be constructed to provide for the health and comfort of the animals
- Primary enclosures
- shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit, and lie down in a comfortable, normal position (minimum floor space standards under the AWA regs).
 - extra space requirements when nursing puppies
 - The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
 - tether guidelines
 - wire flooring: a dog may be sheltered in a primary enclosure having wire flooring if the wire flooring is kept in good repair and does not result in injuries to the dog.
 - compatibility groupings
 - feeding at least once a day
 - clean food receptacles
 - if potable water is not continually available to the dogs, it shall be offered to the dogs as often as necessary to ensure their health and well-being. Watering receptacles shall be kept clean and shall be sanitized at least once per week.
 - cleaning of primary enclosure: excreta and food waste shall be removed from a primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis.
- General housekeeping for premises of the kennel. (16 Del.C. § 3044F)

Inspections **16 Del.C. §3043F (2020) - Inspections of facilities and premises; suspension of kennel or retail dog outlet license.**
 Animal welfare officers are authorized to inspect the facilities for which a kennel or retail dog outlet license is sought or obtained during normal business hours or by appointment to see if the facilities satisfy the requirements of § 3044F.
 No person may refuse admittance to an animal welfare officer for the purpose of making inspections.

Penalties **16 Del.C. §3043F (2020) - Inspections of facilities and premises; suspension of kennel or retail dog outlet license.**
 If premises do not satisfy the humane care and handling requirements, the facility shall be issued a warning identifying the deficiencies.
 Such operator shall have a warning period of a minimum of 10 business days to bring the premises or facility into compliance (but Dept. can extend up to 60 days).
 After expiration of the warning period the operator shall be fined.
 The Department may also issue an order suspending the kennel license until the cited deficiencies are remedied.
 The licensee is entitled to an administrative review of such order under the Delaware Administrative Procedures Act.

Cruelty Laws
(abridged)

Del. Code Ann. tit. 11 § 1325 (2021). Cruelty to animals; class A misdemeanor; class F felony.

...

(b) A person is guilty of cruelty to animals when the person intentionally or recklessly:

- (1)** Subjects any animal to cruel mistreatment; or
- (2)** Subjects any animal in the person's custody to cruel neglect; or
- (3)** Kills or injures any animal belonging to another person without legal privilege or consent of the owner; or
- (4)** Cruelly or unnecessarily kills or injures any animal. This section does not apply to the killing of any animal normally or commonly raised as food for human consumption, provided that such killing is not cruel. A person acts unnecessarily if the act is not required to terminate an animal's suffering, to protect the life or property of the actor or another person or if other means of disposing of an animal exist which would not impair the health or well-being of that animal; or,

...

Cruelty to animals is a class A misdemeanor, unless the person intentionally kills or causes serious injury to any animal in violation of paragraph (b)(4) of this section or unless the animal is killed or seriously injured as a result of any action prohibited by paragraph (b)(5) of this section, in which case it is a class F felony.

(c) Any person convicted of a misdemeanor violation of this section shall be prohibited from owning or possessing any animal for 5 years after said conviction, except for animals grown, raised or produced within the State for resale, or for sale of a product thereof, where the person has all necessary licenses for such sale or resale, and receives at least 25 percent of the person's annual gross

DELAWARE

income from such sale or resale. Any person convicted of a second or subsequent misdemeanor violation of this section shall be prohibited from owning or possessing any animal for 5 years after said conviction without exception.

A violation of this subsection is subject to a fine in the amount of \$1,000 in any court of competent jurisdiction and to forfeiture of any animal illegally owned in accordance with the provisions of § 3035F of Title 16.

(d) Any person convicted of a felony violation of this section shall be prohibited from owning or possessing any animal for 15 years after said conviction, except for animals grown, raised or produced within the State for resale, or for sale of a product thereof, where the person has all necessary licenses for such sale or resale, and receives at least 25 percent of the person's annual gross income from such sale or resale. Any person convicted of a second or subsequent felony violation of this section shall be prohibited from owning or possessing any animal for 15 years after said conviction without exception.

A violation of this subsection is subject to a fine in the amount of \$5,000 in any court of competent jurisdiction and to forfeiture of any animal illegally owned in accordance with the provisions of § 3035F of Title 16.

...

DISTRICT OF COLUMBIA

Cruelty Laws (abridged)

D.C. Code Ann. § 22-1001 (2008) - Definitions and penalties.

(a)

(1) Whoever knowingly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates, any animal, or knowingly causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly chained, cruelly beaten, or mutilated, and whoever, having the charge or custody of any animal, either as owner or otherwise, knowingly inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, air, light, space, veterinary care, shelter, or protection from the weather, shall for every such offense be punished by imprisonment in jail not exceeding 180 days, or by fine not exceeding \$250, or by both.

(2) The court may order a person convicted of cruelty to animals:

(A) To obtain psychological counseling, psychiatric or psychological evaluation, or to participate in an animal cruelty prevention or education program, and may impose the costs of the program or counseling on the person convicted;

(B) To forfeit any rights in the animal or animals subjected to cruelty;

(C) To repay the reasonable costs incurred prior to judgment by any agency caring for the animal or animals subjected to cruelty; and

(D) Not to own or possess an animal for a specified period of time.

...

(d) Except where the animal is an undomesticated and dangerous animal such as rats, bats, and snakes, and there is a reasonable apprehension of an imminent attack by such animal on that person or another, whoever commits any of the acts or omissions set forth in subsection (a) of this section with the intent to commit serious bodily injury or death to an animal, or whoever, under circumstances manifesting extreme indifference to animal life, commits any of the acts or omissions set forth in subsection (a) of this section which results in serious bodily injury or death to the animal, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment not exceeding 5 years, or by a fine not exceeding \$25,000, or both.

D.C. Code Ann. § 22-1001 (1981) Section 22-1011. Neglect of sick or disabled animals.

If any maimed, sick, infirm, or disabled animal shall fail to receive proper food or shelter from said owner or person in charge of the same for more than 5 consecutive hours, such person shall, for every such offense, be punished in the same manner provided in [§ 22-1001](#).

FLORIDA

Cruelty Laws (abridged)

Fla. Stat. § 828.12 (2018) - Cruelty to animals.

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

(2) A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program.

(b) A person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of \$5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, is not eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

(3) A person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal may be charged with a separate offense for each such act. A person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

...

(6) In addition to other penalties prescribed by law, a person who is convicted of a violation of this section may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.

Section 818.13. Confinement of animals without sufficient food, water, or exercise; abandonment of animals.

...

(2) Whoever:

(a) Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,

(b) Keeps any animals in any enclosure without wholesome exercise and change of air, or

(c) Abandons to die any animal that is maimed, sick, infirm, or diseased,

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.

(3) Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.

GEORGIA

Threshold & Definitions

GA Code § 4-11-2 (2020) - Definitions.

"Pet dealer" or "pet dealership" means any person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this state. However, a person who sells only animals that he or she has

GEORGIA

<p>Georgia Code Title 4, Chapter 11 "Georgia Animal Protection Act"</p>	<p>produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer under this article unless such person is licensed for a business by a local government or has a Georgia sales tax number. The Commissioner may with respect to any breed of animals decrease the 30 animal per year exception in the foregoing sentence to a lesser number of any animals for any species that is commonly bred and sold for commercial purposes in lesser quantities. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute the veterinarian as a pet dealer, kennel, or stable under this article.</p>
<p>Care & Conditions</p>	<p>GA Code § 4-11-2 (2020) - Definitions.</p> <p>"Adequate food and water" means food and water which is sufficient in an amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water.</p> <p>"Humane care" of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.</p> <p>GA Code § 4-11-10 (2020) - Unlawful Acts by Licensed Persons.</p> <p>It shall be unlawful for any person licensed under this article or any person employed by a person licensed under this article or under such person's supervision or control to:</p> <ol style="list-style-type: none"> (1) Commit a violation of Code Section 16-12-4 , relating to cruelty to animals; (2) Fail to keep the pet dealership premises, animal shelter, kennel, or stable in a good state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected when needed; (3) Fail to provide humane care for any animal; or (4) Fail to take reasonable care to release for sale, trade, or adoption only those animals that appear to be free of disease, injuries, or abnormalities.
<p>Inspections</p>	<p>The Commissioner or his designated agents are authorized to enter upon any public or private property at any time for the purpose of inspecting the business premises of any pet dealer or any animal shelter, kennel, or stable and the dogs, cats, equines, or other animals housed at such facility to determine if such facility is licensed and for the purpose of enforcing this article and the rules and regulations adopted by the Commissioner pursuant to this article. (§4-11-9)</p>
<p>Penalties</p>	<p>GA Code § 4-11-16 (2020) - Penalties.</p> <p>(a) Except as otherwise provided in Code Section 16-12-4 or 16-12-37 , any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3 ; provided, however, that if such offense is committed by a corporation, such corporation shall be punished by a fine not to exceed \$1,000.00 for each such violation, community service of not less than 200 hours nor more than 500 hours, or both.</p> <p>(b) Each violation of this article shall constitute a separate offense. (§4-11-16)</p>
<p>Cruelty Laws <i>(abridged)</i></p>	<p>Ga. Code Ann § 16-12-4 (2020) - Cruelty to Animals</p> <p>...</p> <p>(b) A person commits the offense of cruelty to animals when he or she:</p> <ol style="list-style-type: none"> (1) Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or (2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition. <p>(c) Any person convicted of the offense of cruelty to animals shall be guilty of a misdemeanor; provided, however, that any person who has had a prior adjudication of guilt for the offense of cruelty to animals or aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of cruelty to animals or aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation</p>

GEORGIA

recognized by the United States, which if committed by an adult would constitute the offense of cruelty to animals or aggravated cruelty to animals, upon the second or subsequent conviction of cruelty to animals shall be guilty of a misdemeanor of a high and aggravated nature.

(d) A person commits the offense of aggravated cruelty to animals when he or she:

- (1)** Maliciously causes the death of an animal;
- (2)** Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;
- (3)** Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;
- (4)** Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or
- (5)** Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

(e) Any person convicted of the offense of aggravated cruelty to animals shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed \$15,000.00, or both; provided, however, that any person who has had a prior adjudication of guilt for the offense of aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of aggravated cruelty to animals, upon the second or subsequent conviction of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than ten years, a fine not to exceed \$100,000.00, or both.

...

HAWAII

Cruelty Laws (abridged)

Haw. Rev. Stat. § 711-1108.5 (2013) - Cruelty to animals in the first degree.

- (1)** A person commits the offense of cruelty to animals in the first degree if the person intentionally or knowingly:
- (a)** Tortures, mutilates, or poisons or causes the torture, mutilation, or poisoning of any pet animal or equine animal resulting in serious bodily injury or death of the pet animal or equine animal; or
 - (b)** Kills or attempts to kill any pet animal belonging to another person, without first obtaining legal authority or the consent of the pet animal's owner.
- (2)** Subsection (1)(a) shall not apply to:
- (a)** Accepted veterinary practices;
 - (b)** Activities carried on for scientific research governed by standards of accepted educational or medicinal practices; or
 - (c)** Cropping or docking as customarily practiced.

...

(5) Cruelty to animals in the first degree is a class C felony. In addition to any fines and imprisonment imposed under this section, any person convicted under this section shall be prohibited from possessing or owning any pet animal or equine animal for a minimum of five years from the date of conviction.

HAWAII

Haw. Rev. Stat. § 711-1109 (2021) - Cruelty to animals in the second degree.

- (1) A person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly:
- (a) Overdrives, overloads, tortures, torments, beats, causes substantial bodily injury to, or starves any animal, or causes the overdriving, overloading, torture, torment, beating, or starving of any animal;
 - (b) Deprives a pet animal of necessary sustenance or causes that deprivation;
 - (c) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests; provided that the handling or extermination of any insect, vermin, or other pest is conducted in accordance with standard and acceptable pest control practices and all applicable laws and regulations;
 - (d) Keeps, uses, or in any way is connected with or interested in the management of, or receives money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock, or other animal, and includes every person who encourages, aids, or assists therein, or who permits or suffers any place to be so kept or used;
 - (e) Carries or causes to be carried, in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner;
 - (f) Confines or causes to be confined, in a kennel or cage, any pet animal in a cruel or inhumane manner;
 - (g) Tethers, fastens, ties, or restrains a dog to a doghouse, tree, fence, or any other stationary object, or uses a trolley, trolley with swivels, pulley, cable, running line, or trolley lacking swivels at each end that is designed to attach a dog to two stationary objects in a configuration that endangers the dog, including preventing the dog from obtaining necessary sustenance;
 - (h) Tethers or restrains a dog under the age of six months unless the dog is engaged in an activity supervised by its owner or an agent of its owner;
 - (i) Tethers or restrains a dog by a tow or log chain;
 - (j) Tethers or restrains by means of choke collar, pinch collar, or prong collar unless the dog is engaged in an activity supervised by its owner or an agent of its owner; or
 - (k) Assists another in the commission of any act specified in paragraphs (a) through (j).
- ...
- (4) Cruelty to animals in the second degree is a misdemeanor, except that if the offense involves ten or more pet animals in any one instance, then cruelty to animals in the second degree is a class C felony.

IDAHO

Cruelty Laws (abridged)

Idaho Code § 25-3504 (2008) - Committing Cruelty to Animals.

Every person who is cruel to any animal, or who causes or procures any animal to be cruelly treated, or who, having the charge or custody of any animal either as owner or otherwise, subjects any animal to cruelty shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. Any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, may take possession of the animal cruelly treated, and provide care for the same, until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.

Idaho Code § 25-3504A (2016) - Torturing Companion Animals.

- (1) A person is guilty of the offense of torturing a companion animal if he tortures a companion animal as defined in this chapter.
- (2) A person convicted of torturing a companion animal shall be guilty of a misdemeanor, if it is the person's first conviction under this section, and shall be punished according to section 25-3520A(1) or (2), Idaho Code.
- (3) A person convicted of a subsequent violation of torturing a companion animal shall be guilty of a felony and shall be punished under the provisions of section 25-3520A(3)(b), Idaho Code.
- (4) Notwithstanding subsection (2) of this section, a person convicted of torturing a companion animal for the first time, but who, within ten (10) years prior to the conviction, also has been convicted of a felony offense involving the voluntary infliction of bodily

IDAHO

injury upon any human shall be guilty of a felony and shall be punished according to the provisions of section 25-3520A(3)(b), Idaho Code.

...

Idaho Code § 25-3511 (2006) - Permitting Animals to Go Without Care — Abandoned Animals to be Humanely Destroyed.

Every owner, custodian or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square or lot of any city, county or precinct, without proper care and attention, as determined by an Idaho licensed veterinarian, or a representative of the division, shall, on conviction, be deemed guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. It shall be the duty of any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, to take possession of the animal so abandoned or neglected, and care for the same until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code. Every sick, disabled, infirm or crippled animal which shall be abandoned in any city, county or precinct, may if after due search no owner can be found therefor, be humanely destroyed, or other provision made for the animal by or on the order of such officer; and it shall be the duty of all law enforcement officers or animal care and control officers, to cause the same to be humanely destroyed, or other provision made therefor, on information of such abandonment. Subject to the restrictions of section 25-3501A, Idaho Code, such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness or neglect, is unfit for the activity it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code. If, in accordance with this section, a responsible owner cannot be found, the animal may be offered for adoption to a responsible person in lieu of destruction.

ILLINOIS

Threshold & Definitions

225 I.L.C.S. 605/2 (2019) - Definitions.

"**Dog dealer**" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a dog dealer under this Act.

"**Kennel operator**" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation.

"**Dog breeder**" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a dog breeder.

Care & Conditions

225 I.L.C.S. 605/18 (2021)

- Maintain sanitary conditions
- Insure proper ventilation
- Provide adequate nutrition
- Provide humane care and treatment of all animals under his jurisdiction
- Take reasonable care to release for sale, trade, or adoption only those animals which are free of disease, injuries or abnormalities. A health certificate, meeting the requirements of the Department and issued by a licensed veterinarian for any such animal within 5 days before such sale, trade or adoption is prima facie evidence that the licensee has taken reasonable care, as required by this paragraph.

Inspections

225 I.L.C.S. 605/2.2 (2019)

All licensees under this Act shall maintain records of the origin and sale of all dogs, and such records shall be made available for inspection by the Secretary or the Department upon demand.

ILLINOIS

225 I.L.C.S. 605/18 (2021)

Routine inspection of the premises of licensees is not provided in the act. However, Section 18 says, "[i]nspection of the premises of a licensee to determine compliance with this Act may be made only by the Department."

Penalties

(225 I.L.C.S. 605/20)

Any person violating any provision of this Act or any rule, regulation or order is guilty of a Class C misdemeanor and every day a violation continues constitutes a separate offense.

225 I.L.C.S. 605/20.5

Administrative fines imposed by the Department for violation of rule or regulation:

(1) For the first violation, a fine of \$500.

(2) For a second violation that occurs within 3 years after the first violation, a fine of \$1,000.

(3) For a third violation that occurs within 3 years after the first violation, mandatory probationary status and a fine of \$2,500.

Cruelty Laws

(abridged)

510 ILCS 70/2.10 (2002) - Companion animal hoarder.

"Companion animal hoarder" means a person who (i) possesses a large number of companion animals; (ii) fails to or is unable to provide what he or she is required to provide under Section 3 of this Act; (iii) keeps the companion animals in a severely overcrowded environment; and (iv) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.

510 ILCS 70/2.10 (2014) - Owner's duties.

(a) Each owner shall provide for each of his or her animals:

(1) a sufficient quantity of good quality, wholesome food and water;

(2) adequate shelter and protection from the weather;

(3) veterinary care when needed to prevent suffering; and

(4) humane care and treatment.

...

(d) A person convicted of violating subsection (a) of this Section is guilty of a Class B misdemeanor. A second or subsequent violation of subsection (a) of this Section is a Class 4 felony with every day that a violation continues constituting a separate offense. In addition to any other penalty provided by law, upon conviction for violating subsection (a) of this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(e) A person convicted of violating subsection (b) of this Section is guilty of a Class B misdemeanor.

...

510 ILCS 70/3.01 (2019) - Cruel treatment.

(a) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

(b) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

(c) No owner of a dog or cat that is a companion animal may expose the dog or cat in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that:

(1) results in injury to or death of the animal; or

(2) results in hypothermia, hyperthermia, frostbite, or similar condition as diagnosed by a doctor of veterinary medicine.

(c-5) Nothing in this Section shall prohibit an animal from being impounded in an emergency situation under subsection (b) of Section 12 of this Act.

ILLINOIS

(c-10) Nothing in this Section shall prohibit a law enforcement officer from taking temporary custody of a dog or cat that is a companion animal that is exposed in a manner that places the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold conditions that may result in injury or death of the dog or cat or may result in hypothermia, hyperthermia, frostbite, or similar condition. Upon taking temporary custody of the dog or cat under this subsection (c-10), the law enforcement officer shall attempt to contact the owner of the dog or cat and shall seek emergency veterinary care for the animal as soon as available. The law enforcement officer shall leave information of the location of the dog or cat if the owner cannot be reached. The owner of the dog or cat is responsible for any costs of providing care to the dog or cat.

(d) A person convicted of violating this Section is guilty of a Class A misdemeanor. A second or subsequent conviction for a violation of this Section is a Class 4 felony. In addition to any other penalty provided by law, a person who is convicted of violating subsection (a) upon a companion animal in the presence of a child, as defined in Section 12-0.1 of the Criminal Code of 2012, shall be subject to a fine of \$250 and ordered to perform community service for not less than 100 hours. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evidence. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

510 ILCS 70/3.02 (2009) - Aggravated cruelty.

(a) No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture unless prohibited under subsection (b).

...

(c) A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

510 ILCS 70/3.03 (2002) - Animal torture.

(a) A person commits animal torture when that person without legal justification knowingly or intentionally tortures an animal. For purposes of this Section, and subject to subsection (b), "torture" means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.

...

(c) A person convicted of violating this Section is guilty of a Class 3 felony. As a condition of the sentence imposed under this Section, the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

INDIANA

Threshold & Definitions

IC 15-21-1-4 (2009)

"Commercial dog breeder" means a person who maintains more than 20 unaltered female dogs that are at least 12 months of age.

INDIANA

I.C. 15-21-1-1 - 7,
345 IN ADC 14-
1-1-4.

Care & Conditions

I.C. 15-21-4-1 (2009) - Standards of Care.

A commercial dog breeder shall comply with the standards of care set forth in 9 CFR 3.1 to 3.12.

A commercial dog breeder:

- (1) may not house a dog in a cage containing a wire floor unless the cage contains an accommodation that allows the dog to be off the wire floor;
- (2) who houses a dog in a wire cage shall house the dog in a cage that is large enough to allow for reasonable movement by the dog; and
- (3) shall, subject to subsection (c), provide every dog with a reasonable opportunity for exercise outside of a cage at least one (1) time per day.

A commercial dog breeder who permits a dog access to a run at least one (1) time per day has satisfied the exercise requirement described in subsection (b)(3). However, a commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health.

Inspections

Penalties

I.C. 15-21-2-3 (2009) - Penalty for Failure to Register.

Knowingly or intentionally failing to register with the board as a commercial dog breeder commits a Class A misdemeanor. Breeder is liable to the state for two (2) times the amount of registration fees that the commercial dog breeder or commercial dog broker failed to pay.

I.C. 15-21-7-1 (2009) - Enforcement by Board; When Enforcement Permissible; Enforcement Power.

Board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement (but board can still assist law enforcement in criminal investigation).

Board can then:

- seek injunctive relief
 - issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date
 - impose a civil penalty of not more than \$500 for a knowing violation; \$1,000 for an intentional violation; and \$5,000 for knowingly or intentionally violating an injunction
- seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than 3 years.

Cruelty Laws (abridged)

IC 35-46-3-0.5 (2021) - Definitions.

IC 35-46-3-7 (2013) - Abandonment or neglect of vertebrate animals; defense.

(a) A person who:

- (1) has a vertebrate animal in the person's custody; and
- (2) recklessly, knowingly, or intentionally abandons or neglects the animal;

commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Level 6 felony if the person has a prior unrelated conviction under this chapter.

(b) It is a defense to a prosecution for abandoning a vertebrate animal under this section that the person who had the animal in the person's custody reasonably believed that the vertebrate animal was capable of surviving on its own.

(c) For purposes of this section, an animal that is feral is not in a person's custody.

IC 35-46-3-12 (2019) - Torture or mutilation of a vertebrate animal; killing a domestic animal

...

(b) A person who knowingly or intentionally abuses a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Level 6 felony if:

- (1) the person has a previous, unrelated conviction under this section; or
- (2) the person committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

INDIANA

- (c) A person who knowingly or intentionally tortures or mutilates a vertebrate animal commits torturing or mutilating a vertebrate animal, a Level 6 felony.
- (d) As used in this subsection, "domestic animal" means an animal that is not wild. The term is limited to:
- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; and
 - (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species.
- A person who knowingly or intentionally kills a domestic animal without the consent of the owner of the domestic animal commits killing a domestic animal, a Level 6 felony.
- (e) It is a defense to a prosecution under this section that the accused person:
- (1) reasonably believes the conduct was necessary to:
 - (A) prevent injury to the accused person or another person;
 - (B) protect the property of the accused person from destruction or substantial damage; or
 - (C) prevent a seriously injured vertebrate animal from prolonged suffering; or
 - (2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.
- (f) When a court imposes a sentence or enters a dispositional decree under this section, the court:
- (1) shall consider requiring:
 - (A) a person convicted of an offense under this section; or
 - (B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an adult;
 to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and
 - (2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree.

IOWA

<p>Threshold & Definitions</p> <p>I. C. A. § 162.1 - 25. IA ADC 21-67.1(162) - 13.</p>	<p>"Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors 3 or fewer breeding males or females is not a commercial breeder. However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a racetrack as provided in chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.</p>
<p>Care & Conditions</p>	<p>A commercial establishment shall provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:</p> <ol style="list-style-type: none"> (1) Adequate feed, adequate water, housing facilities, sanitary control, or grooming practices, if such lack causes adverse health or suffering. (2) Veterinary care. (I. C. A. § 162.10A) <p>Regulations provide specific standards for:</p> <ul style="list-style-type: none"> • housing facilities (21-67.2(162)) • primary enclosures (21-67.2(162)) • in-home kennels (an individual required to be licensed as a boarding kennel or as a commercial breeder who maintains or harbors not more than six adult animals (including both breeding animals and surgically sterilized animals) in the individual's living quarters) (21-67.2(162) see 67.2(3)) • feeding and watering (21-67.3(162) 67.3(1)) • sanitation (21-67.3(162) see 67.3(2)) • veterinary care (21-67.3(162) 67.3(3)) • personnel in the facilities (21-67.3(162) 67.3(4)) • transportation of animals (21-67.4(162)) • records (21-67.5(162)).

IOWA

	<p>A commercial establishment fails to provide for a standard of care if the commercial establishment commits abuse as described in section 717B.2, neglect as described in section 717B.3, or torture as provided in section 717B.3A.</p>
<p>Inspections</p>	<p>The department may monitor the commercial establishment of a permittee by entering onto its business premises at any time during normal working hours. The department shall monitor the commercial establishment for the limited purpose of determining whether the permittee is providing for a standard of care required for permittees. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant.</p> <p>In order to enter onto the business premises of a permittee's commercial establishment, the Department must have reasonable cause to suspect that the permittee is not providing for the standard of care. (I. C. A. § 162.10C)</p>
<p>Penalties</p>	<p>Disciplinary action: authorization (license) revocation, complete a continuing education program as a condition for retaining an authorization (3 to 8 hours of instruction). (I. C. A. § 162.10C)</p> <p>Denial or revocation of license: if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under this chapter or if the feeding, watering, cleaning, and housing practices are not in compliance with this chapter. (I. C. A. § 162.12)</p> <p>Civil penalties: a commercial establishment that operates pursuant to an authorization issued or renewed under this chapter is subject to a civil penalty of not more than \$500, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. The departmental official who makes a determination that a violation exists shall provide a corrective plan to the commercial establishment describing how the violation will be corrected within a compliance period of not more than 15 days from the date of approval by the official of the corrective plan. (I. C. A. § 162.12A)</p> <p>Criminal Penalties: operating a commercial establishment without authorization is a simple misdemeanor. The failure of a person who owns or operates a commercial establishment to meet the standard of care is a simple misdemeanor. (I. C. A. § 162.13)</p>
<p>Cruelty Laws <i>(abridged)</i></p>	<p>Iowa Code § 717B.2 (2020) - Animal abuse - penalties.</p> <p>1. A person commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning.</p> <p>...</p> <p>3. A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.</p> <p>4. A person who commits animal abuse that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.</p> <p>5. Notwithstanding subsection 4, a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to this section, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to section 717B.3, animal torture pursuant to section 717B.3A, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.</p> <p>Iowa Code § 717B.3 (2020) - Animal neglect - penalties.</p> <p>1. A person commits animal neglect when the person owns or has custody of an animal, confines that animal, and fails to provide the animal with any of the following conditions for the animal's welfare:</p> <ul style="list-style-type: none"> a. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered. b. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement. c. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered. d. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse. e. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering. f. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

IOWA

- (1) A condition caused by failing to provide for the animal's welfare as described in this subsection.
- (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

...

3. A person who commits animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor.
4. A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.
5. A person who commits animal neglect that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.
6. Notwithstanding subsection 5, a person who commits animal neglect that causes serious injury or death to an animal is guilty of a class "D" felony if the person has been previously convicted of animal abuse pursuant to section 717B.2, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to this section, animal torture pursuant to section 717B.3A, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.

Iowa Code § 717B.3A (2020) - Animal torture - penalties.

1. A person is guilty of animal torture if the person intentionally or knowingly inflicts on an animal severe and prolonged or repeated physical pain that causes the animal's serious injury or death.

...

4. A person who commits animal torture is guilty of an aggravated misdemeanor.
5. Notwithstanding subsection 4, a person who commits animal torture is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to section 717B.2, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to section 717B.3, animal torture pursuant to this section, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.

KANSAS

Threshold &

Definitions

Pet Animal Act,

K. S. A. § 47-1701 - 1737.

Regulations, KS

ADC 9-18-1 - 3,
KS ADC 9-25-1 - 15.

"Animal breeder" means any person who operates animal breeder premises.

"Animal breeder premises" means any premises *where all or part of 6 or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.*

It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal breeder premises operated by such person.

Care &

Conditions

Failure to provide the following can result in license revocation, suspension, or refusal to issue a license:

- the housing facility or the primary enclosure is inadequate; or
- the feeding, watering, sanitizing and housing practices at the licensee's or permittee's premises are not consistent with the Kansas pet animal act or the rules and regulations adopted hereunder. (K. S. A. § 47-1706)

"Adequate feeding" means supplying at suitable intervals (not to exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.

"Adequate watering" means a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.

KANSAS

"Adequate veterinary medical care" means a documented program of disease control and prevention, euthanasia and routine veterinary care established and maintained under the supervision of a licensed veterinarian. It shall include a documented on-site visit to the premises by the veterinarian at least once a year; diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal. (K. S. A. § 47-1701)

Regulations standards:

- housing (9-25-1)
- indoor housing facility (9-25-2)
- sheltered housing (9-25-3)
- outdoor housing facility (9-25-4)
- primary enclosures (9-25-5)
- sanitation, cleaning, and pest control (9-25-6)
- compatible grouping (9-25-7)
- exercise (9-25-8)
- feeding (9-25-9)
- watering (9-25-10)
- employees (9-25-11)
- adequate medical veterinary care (9-25-15)
- records of animals (9-25-14)
- access to and inspection of records and property by livestock commissioner (9-25-14)

Inspections The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made.
May make an inspection at least twice a year.
Shall make an inspection upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A 47-1701 et seq., rules, and regulations, or that there are grounds for suspension or revocation of such person's license or permit. (K. S. A. § 47-1709)

Penalties

1. Injunction. (K. S. A. § 47-1727)
2. Criminal: violation, failure to comply with Pet Animal Act or regulations: class A nonperson misdemeanor. (K. S. A. § 47-1715)
3. Civil: fine not exceeding \$1,000 for each violation or requirement to attend an educational course regarding animals and their care and treatment. If the commissioner imposes the educational course, such person may choose either the fine or the educational course. (K. S. A. § 47-1707)
4. Licensing (47-1736): unlawful for any person to act as or be a retail breeder unless such person has obtained from the commissioner a retail breeder license for each retail breeder premises operated by such person. (K. S. A. § 47-1736)

Also unlawful for any person to knowingly purchase a dog or a cat for the purpose of resale to another from a person required to be licensed or permitted under public law 91-579, 7 U.S.C. 2131 et seq., or K.S.A. 47-1701 et seq., if that person is not so licensed or permitted.

Cruelty Laws *(abridged)*

Kan. Stat. Ann. § 21-6412 (2020) - Cruelty to animals.

(a) Cruelty to animals is:

- (1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;
- (2) knowingly abandoning any animal in any place without making provisions for its proper care;
- (3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;
- (4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;
- (5) knowingly but not maliciously killing or injuring any animal; or
- (6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:

(1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than \$500 nor more than \$5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and

(2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:

KANSAS

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and
(B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than \$500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

...

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

...

KENTUCKY

Cruelty Laws (abridged)

Ky. Rev. Stat. Ann. § 525.125 (2016) - Cruelty to animals in the first degree.

(1) As used in this section:

(a) "Dog" means a domesticated canid of the genus *canis lupus familiaris*; and

(b) "Dog fight" or "dog fighting" means any event that involves a fight conducted or to be conducted between at least two (2) dogs for purposes of sport, wagering, or entertainment, except that the term "dog fight" or "dog fighting" shall not be deemed to include any activity the purpose of which involves the use of one (1) or more dogs in hunting or taking another animal.

(2) The following persons are guilty of cruelty to animals in the first degree:

(a) Whenever a dog is knowingly caused to dog fight for pleasure or profit:

1. The owner of the dog;
2. The owner of the property on which the fight is conducted if the owner knows of the dog fight; and
3. Anyone who participates in the organization of the dog fight; and

(b) Any person who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting.

(3) Activities of dogs engaged in hunting, field trials, dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.

(4) Activities of dogs engaged in working or guarding livestock shall not constitute a violation of this section.

(5) Cruelty to animals in the first degree is a Class D felony.

Ky. Rev. Stat. Ann. § 525.130 (2017) - Cruelty to animals in the second degree -- Exemptions -- Offense involving equines.

(1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(a) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being a spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

(b) Subjects any animal in his custody to cruel neglect; or

(c) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

...

(3) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section.

(4) Cruelty to animals in the second degree is a Class A misdemeanor.

KENTUCKY

(5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:

(a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or

(b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

If a person's ownership interest in an equine is terminated by a judicial order under paragraph (b) of this subsection, the court may order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

Ky. Rev. Stat. Ann. § 525.135 (2008) - Torture of dog or cat.

(1) As used in this section, unless the context otherwise requires, "torture" means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.

(2) A person is guilty of torture of a dog or cat when he or she without legal justification intentionally tortures a domestic dog or cat.

(3) Torture of a dog or cat is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense if the dog or cat suffers physical injury as a result of the torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture.

...

(5) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.

(6) The acts specified in this section shall not constitute cruelty to animals under KRS 525.125 or 525.130.

LOUISIANA

<p>Threshold & Definitions LSA-R.S. 2772</p>	<p>"Breeder" is not defined.</p> <p>Any individual or business with 5 or more dogs who breeds and sells dogs retail, wholesale, or to the public is required to procure a [parish] kennel license and pay a kennel license fee. The fees range from a set minimum of \$15 for up to 5 dogs to \$30 if more than 10 dogs.</p> <p>No individual or business that breeds, buys, or sells dogs retail, wholesale, or to the public shall maintain more than 75 dogs over the age of one year at any time for breeding purposes.</p>
<p>Care & Conditions</p>	
<p>Inspections</p>	
<p>Penalties</p>	<p>Any person who violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned for not more than six months, or both.</p>
<p>Cruelty Laws (abridged)</p>	<p>La. RS 14: 102.1 (2009) - Cruelty to animals; simple and aggravated.</p> <p>A.</p> <p>(1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:</p> <p>(a) Overdrives, overloads, drives when overloaded, or overworks a living animal.</p> <p>(b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.</p>

LOUISIANA

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.

(d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.

(e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.

(f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.

(g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.

(h) Injures any animal belonging to another person.

(i) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal.

(j) Causes or procures to be done by any person any act enumerated in this Subsection.

(2)

(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court shall issue an order prohibiting the defendant from owning or keeping animals for a period of time deemed appropriate by the court.

(c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.

...

(3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.

(1) Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.

(2) Any person who tampers with livestock at a public livestock exhibition or at a private sale shall also be guilty of aggravated cruelty to animals.

(3) Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.

(4) Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.

...

(6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.

...

MAINE

Threshold & Definitions

7 M.R.S.A. § 3931-A. 01-001
CMR Ch. 701, § 1
- IV.

"Breeding kennel" - a location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value; or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period. (7 M.R.S.A. § 3907)
A breeding kennel that maintains at least 5 but no more than 10 female dogs or cats capable of breeding is a Category 1 breeding kennel. A breeding kennel that maintains at least 11 but no more than 20 female dogs or cats capable of breeding is a Category 2

MAINE

	<p>breeding kennel. A breeding kennel that maintains 21 or more female dogs or cats capable of breeding is a Category 3 breeding kennel. (7 M.R.S.A. §3931-A)</p> <p>For purposes of animal welfare regulations, the term “kennel” means one pack or collection of dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes. The sale or exchange of one litter of puppies within a twelve month period shall not be considered a kennel.</p>
Care & Conditions	<p>All pet shops, shelters, kennels and boarding kennels shall be comprised of a primary structure that is in good repair and structurally sound. All primary structures shall have available running water, heat, and electricity.</p> <p>Regulations provide general standards for:</p> <ul style="list-style-type: none"> • temperature control of both inside and outside structures • sanitation • food • disease control • noise • ventilation • lighting <p>Specific standards for kennels and boarding kennels. (01-001 CMR Ch. 701, § I, II)</p>
Inspections	<p>The commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the commissioner may, at any reasonable time, enter a breeding kennel and make examinations and conduct any recognized tests for the existence of contagious or infectious diseases or conditions. Also, the department may revoke or suspend a breeding kennel license if a person maintaining the breeding kennel violates any quarantine or maintains animals contrary to the rules adopted by the department. (7 M.R.S.A. § 3936)</p>
Penalties	<p>A person maintaining a breeding kennel without having obtained a license, or after a license has been revoked or suspended, commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 a day may be adjudged. (7 M.R.S.A. § 3938)</p> <p>Animal Welfare [department] shall, upon written complaint by any person alleging violation of these Rules, or upon its own motion if it has reason to believe such a violation exists, cause an investigation to be made. If a violation is found to exist, Animal Welfare or the Attorney General may file a complaint with the Administrative Court for revocation or suspension of the license. (01-001 CMR Ch. 701, § I(P))</p> <p>Any pet Shop, kennel or boarding kennel which violates Chapter 723 of Title 7 commits a civil violation for which a forfeiture of not less than \$50.00 nor more than \$200.00 a day maybe adjudged (01-001 CMR Ch. 701, § III).</p>
Cruelty Laws <i>(abridged)</i>	<p>17 Me. Rev. Stat. Ann § 1031 (2019) – Cruelty to animals.</p> <p>1. Cruelty to animals. Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:</p> <p style="padding-left: 20px;">A. Kills or attempts to kill any animal belonging to another person without the consent of the owner or without legal privilege. Violation of this paragraph is a Class D crime;</p> <p style="padding-left: 20px;">A-1. Violates paragraph A and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;</p> <p style="padding-left: 20px;">B. Except for a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not cause instantaneous death. Violation of this paragraph is a Class D crime;</p> <p style="padding-left: 20px;">B-1. Violates paragraph B and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; [</p> <p style="padding-left: 20px;">C. If that person is a licensed veterinarian or a person certified under section 1042, kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians. Violation of this paragraph is a Class D crime;</p> <p style="padding-left: 20px;">C-1. Violates paragraph C and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;</p> <p style="padding-left: 20px;">D. Injures, overworks, tortures, torments, abandons or cruelly beats or intentionally mutilates an animal; gives drugs, including, but not limited to, a scheduled drug as defined in Title 17-A, section 1101, subsection 11, to an animal with an intent to harm or intoxicate the animal; gives poison or alcohol to an animal; or exposes a poison with intent that it be taken by an animal. The owner</p>

or occupant of property is privileged to use reasonable force to eject a trespassing animal. Violation of this paragraph is a Class D crime;

D-1. Violates paragraph D and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

D-2. Abandons an animal in violation of paragraph D and that animal dies as a result. Violation of this paragraph is a Class C crime;

E. Deprives an animal that the person owns or possesses of necessary sustenance, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions. Violation of this paragraph is a Class D crime;

E-1. Violates paragraph E and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

F. Keeps or leaves a domestic animal on an uninhabited or barren island lying off the coast of the State during the month of December, January, February or March without providing necessary sustenance and proper shelter. Violation of this paragraph is a Class D crime;

F-1. Violates paragraph F and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime;

...

J. Kills or tortures an animal to frighten or intimidate a person or forces a person to injure or kill an animal. Violation of this paragraph is a Class D crime;

J-1. Violates paragraph J and, at the time of the offense, has 2 or more prior convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime; or

K. Confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Violation of this paragraph is a Class D crime.

1-A. Animal cruelty.

1-B. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals if that person, in a manner manifesting a depraved indifference to animal life or suffering, intentionally, knowingly or recklessly:

- A.** Causes extreme physical pain to an animal;
- B.** Causes the death of an animal; or
- C.** Physically tortures an animal.

Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, sections 1704 and 1705, the court shall impose a fine of not less than \$1,000 and not more than \$10,000 for a first or subsequent violation of this subsection. The sentencing provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to animals.

1-C. Cat or dog; exceptions. Except as provided in subsections 1-D and 1-E, a person is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:

A. Kills or attempts to kill a cat or dog. Violation of this paragraph is a Class D crime; or

B. Violates paragraph A and, at the time of the offense, has 2 or more convictions for violations of this section, section 1032 or essentially similar crimes in other jurisdictions. Violation of this paragraph is a Class C crime.

...

3. Penalty for cruelty to animals.

3-A. Penalty for aggravated cruelty to animals.

3-B. Penalties. The following apply to violations of this section.

A. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$500 for each violation of this section. The court may order the defendant to pay the costs of the care, housing and veterinary medical treatment for the animal including the costs of relocating the animal.

B.

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.

D. The court, as part of the sentence for a violation of this section:

(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;

MAINE

(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;

(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from employment that involves the care of animals or any other contact with animals; and

(4) May order as a condition of probation that probationer be evaluated to determine the need for psychiatric or psychological counseling and, if it is determined to be appropriate by the court, receive psychiatric or psychological counseling at the defendant's expense.

Upon motion by the defendant and upon completion of conditions specified in an order entered under this paragraph, the court may reduce or modify restrictions or conditions imposed under this paragraph.

E. Intentional or knowing violation of a court order issued under paragraph D is a Class D crime. An animal owned or possessed by the defendant or on the defendant's premises in violation of a court order under paragraph D is subject to immediate forfeiture as ordered by the court.

F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having on the probationer's premises an animal is subject to revocation of probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.

...

MARYLAND

Threshold & Definitions	A person who is engaged in the business of buying, selling, trading, or breeding dogs; or of a kennel where 25 or more dogs are kept.
MD CRIM LAW § 10-616	
Care & Conditions	
Inspections	Authority to inspect to determine if dogs are being treated inhumanely in violation of this subtitle or other law, an authorized director of a humane society, accompanied by a sheriff or a deputy sheriff, may inspect a premises.
Penalties	Chapter requires that dogs are being treated humanely.
Cruelty Laws (abridged)	<p>Md. Crim. Law Code § 10-606 (2020) - Aggravated Cruelty to Animals -- in General</p> <p>...</p> <p>(b) A person may not:</p> <p>(1) intentionally:</p> <ul style="list-style-type: none"> (i) mutilate an animal; (ii) torture an animal; (iii) cruelly beat an animal; (iv) cruelly kill an animal; or (v) engage in sexual contact with an animal; <p>(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or</p> <p>(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.</p> <p>(c)</p> <p>(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.</p> <p>(2) As a condition of sentencing, the court may:</p> <ul style="list-style-type: none"> (i) order a defendant convicted of violating this section to:

MARYLAND

1. participate in and pay for psychological counseling; and
 2. pay, in addition to any other fines and costs, all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant; and
- (ii) prohibit a defendant from owning, possessing, or residing with an animal for a specified period of time.

MASSACHUSETTS

Threshold & Definitions M.G.L.A. 140 § 136, 137A	<p>"Kennel", one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.</p> <p>Every person maintaining a kennel shall have a kennel license. (M.G.L.A. 140 § 136A)</p>
Care & Conditions	<p>A kennel must be maintained in a sanitary and humane manner. (M.G.L.A. 140 § 137C)</p>
Inspections	<p>The mayor of a city or selectmen of a town, or in Boston the police commissioner, or a chief of police or a dog officer within his jurisdiction, may at any time inspect or cause to be inspected any kennel and if, in their or his judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the county commissioners, or in Boston the police commissioner, shall by order revoke or suspend, and in case of suspension may reinstate, such license. (M.G.L.A. 140 § 137C).</p>
Penalties	<p>Every person maintaining a kennel shall have a kennel license. Any person maintaining a kennel after license is revoked or suspended shall be fined not more than \$50. (M.G.L.A. 140 § 137A)</p>
Cruelty Laws <i>(abridged)</i>	<p>Mass. Gen. Laws ch. 272, § 77 (2018) - Cruelty to animals; prohibition from work involving contact with animals</p> <p>Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000 or by both fine and imprisonment; provided, however, that a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000 or by both such fine and imprisonment. Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.</p> <p>In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E1/2, 80F, 86, 86A, 86B or 94 the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.</p> <p>A person convicted of a crime of cruelty to an animal shall be prohibited from working in any capacity that requires such person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.</p>

MICHIGAN

<p>Threshold & Definitions M.C.L. 287.331</p>	<p>“Large-scale dog breeding kennel” means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding. As used in this subdivision, “housed or kept for the primary purpose of breeding” means that the female dog has previously been bred and whelped. A female dog that has not previously produced offspring shall not be considered to have been housed or kept for the primary purpose of breeding. (M.C.L. 287.331(o))</p> <p>A person shall not operate a large-scale dog breeding kennel unless the large-scale dog breeding kennel is registered with the department. The department shall charge an annual fee of \$500.00 per registration of a large-scale dog breeding kennel. (M.C. L. 287.336)</p>
<p>Care & Conditions</p>	<p>The department may promulgate rules to accomplish the purposes of this act and to establish minimum standards for the housing, care, and handling of animals to insure the humane care and handling of animals. The department may also promulgate rules to establish minimum standards for large-scale dog breeding kennels. (M.C. L. 287.332)</p> <p>Large-scale dog breeding kennel standards:</p> <ul style="list-style-type: none"> • facility structurally sound and maintained • adequate potable water • supplies of food and bedding protected against infestation or contamination by vermin • adequate waste removal provisions • washrooms/sinks to maintain cleanliness of the animal caretakers • interior building surfaces of an indoor housing facility constructed of a nonabsorbent material that may be readily sanitized (and appropriate drainage system) • indoor housing facility with sufficient heating to protect the dogs and cats from cold and to provide for their health and comfort (ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit for dogs and cats) • indoors adequately ventilated to provide for the health and comfort of the animals at all times • indoors must have ample light of good quality by natural or artificial means or both (also protection from excessive illumination in primary enclosures) • outdoor shelters: protection from direct sunlight when needed; access to shelter shall be provided for dogs and cats to allow them to remain dry during rain or snow; and appropriate drainage • primary enclosures must be structurally sound and protect animals from injury • primary enclosure must provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit and lie in a comfortable normal position • the floors must be constructed to protect the feet and legs of the dogs and cats from injury • dogs and cats shall be fed at least once each day except as otherwise required; fed sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of the animal; food and water receptacles kept clean • excreta in primary enclosures must removed as often as necessary; dog must be removed during hosing/flushing • rules on compatible grouping of animals • a sufficient number of employees to maintain the prescribed level of husbandry practices • the services of a licensed veterinarian must be available • also rules covering the transportation of animals in vehicles. (Mich. Admin. Code R. 285.151.1 - 41)
<p>Inspections</p>	
<p>Penalties</p>	<p>After notice and an opportunity for an evidentiary hearing, violation may result in either or both:</p> <p>(a) Suspend or revoke a license or registration issued to the person under this act.</p> <p>(b) Impose an administrative fine of not more than \$1,000.00 for each violation.</p> <p>The Director may bring an action to do one or more of the following:</p> <p>(a) Obtain a declaratory judgment that a method, act, or practice is in violation of this act.</p> <p>(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act. (M.C.L. 287.339b)</p>
<p>Cruelty Laws <i>(abridged)</i></p>	<p>Mich. Comp. Laws § 750.50 (2020) - Definitions; charge or custody of animal; breeder or owner of a pet shop; prohibited conduct; forfeiture of animal; violation as misdemeanor or felony; penalty; psychiatric or psychological counseling; other violation of law arising out of same transaction; consecutive terms; order to pay costs; order prohibiting owning or possessing animal for certain period of time; violation of subsection (9); revocation of probation; certain conduct not prohibited by section.</p> <p>...</p>

(2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:

- (a)** Fail to provide an animal with adequate care.
- (b)** Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
- (c)** Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care or a horse whose feet are hobbled to protect the horse during transport, or in any other cruel and inhumane manner.
- (d)** Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage in which livestock may stand and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.
- (e)** Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.
- (f)** Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.
- (g)** Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering. This subdivision does not apply if the tethering of the dog occurs while the dog is being groomed, trained, transported, or used in a hunt or event where a shorter tether is necessary for the safety and well-being of the dog and others.

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(4) A person who violates subsection (2) is guilty of a crime as follows:

- (a)** Except as otherwise provided in subdivisions (c) to (f), if the violation involved 1 animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:
 - (i)** Imprisonment for not more than 93 days.
 - (ii)** A fine of not more than \$1,000.00.
 - (iii)** Community service for not more than 200 hours.
- (b)** Except as otherwise provided in subdivisions (c) to (f), if the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:
 - (i)** Imprisonment for not more than 1 year.
 - (ii)** A fine of not more than \$2,000.00.
 - (iii)** Community service for not more than 300 hours.
- (c)** If the violation involved 4 or more animals but fewer than 10 animals or the person had 1 prior conviction under subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:
 - (i)** Imprisonment for not more than 2 years.
 - (ii)** A fine of not more than \$2,000.00.
 - (iii)** Community service for not more than 300 hours.
- (d)** If the violation involved 10 or more animals but fewer than 25 animals or the person had 2 prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:
 - (i)** Imprisonment for not more than 4 years.
 - (ii)** A fine of not more than \$5,000.00.
 - (iii)** Community service for not more than 500 hours.
- (e)** If the violation involved 25 or more animals or the person has had 3 or more prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:
 - (i)** Imprisonment for not more than 7 years.
 - (ii)** A fine of not more than \$10,000.00.
 - (iii)** Community service for not more than 500 hours.

MICHIGAN

(f) If the person is a breeder, or if the person is an operator of a pet shop and he or she has had 5 or more prior convictions for violating 1969 PA 287, MCL 287.331 to 287.340, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

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Section 750.50b Animal and companion animal defined; prohibited acts; violation; penalty; consecutive terms; exceptions.

...

(2) Except as otherwise provided in this section, a person shall not do any of the following without just cause:

(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(d) Violate or threaten to violate subdivision (a) or (c) with the intent to cause mental suffering or distress to a person or to exert control over a person.

(3) If the animal is a companion animal and if a person violates subsection (2)(d) and intentionally violates subsection (2)(a) or (c), the person is guilty of killing or torturing animals in the first degree.

(4) If the animal is a companion animal and a person violates subsection (2)(d), or if a person intentionally violates subsection (2)(a) or (c), the person is guilty of killing or torturing animals in the second degree.

(5) Except as otherwise provided in subsections (3) and (4), a person who violates subsection (2) is guilty of killing or torturing animals in the third degree.

(6) Killing or torturing animals in the first degree is a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 10 years.

(b) A fine of not more than \$5,000.00.

(c) Community service for not more than 500 hours.

(7) Killing or torturing animals in the second degree is a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 7 years.

(b) A fine of not more than \$5,000.00.

(c) Community service for not more than 500 hours.

(8) Killing or torturing animals in the third degree is a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not more than \$5,000.00.

(c) Community service for not more than 500 hours.

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MINNESOTA

Threshold & Definitions
Commercial Breeders Act (M. S. A. § 347.57 - 64)

“**Commercial breeder**” means a person who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses 10 or more adult intact animals and whose animals produce more than 5 total litters of puppies or kittens per year. (M. S. A. § 347.57)

Care & Conditions

Board may promulgate rules as it considers necessary to protect the public health and welfare of animals. The statutory standards include the following:

- cats must not be housed in outdoor confinement areas;
- animals exercised in groups must be compatible and show no signs of contagious disease;
- females in estrus must not be housed in the same confinement area with unneutered males, except for breeding purposes;

MINNESOTA

- animals must be provided daily enrichment and must be provided positive physical contact with human beings and compatible animals at least twice daily (unless a veterinarian determines otherwise);
 - animals must not be sold, traded, or given away before the age of 8 weeks (unless a veterinarian determines otherwise);
 - the commercial breeder must provide identification and tracking for each animal;
 - the commercial breeder must provide adequate staff;
- a commercial breeder must not knowingly hire staff who have been convicted of animal cruelty. (M. S. A. § 347.59)

Inspections

Board must perform an announced initial precense inspection within 60 days from the date of receiving a license application.
 Board must inspect each licensed facility at least annually.
 If, after the precense inspection, the commercial breeder has two consecutive years of inspections with no violations, the board must inspect the commercial breeder at least every two years. If the commercial breeder has any violations during an inspection or if the board has cause, the board must inspect the commercial breeder at least annually.

Penalties

Board must initiate an investigation upon receiving a formal complaint alleging violations. When animal control or law enforcement is made aware of a violation, it must be reported to the board.
 Under the civil enforcement part of the act, a correction order may be issued by the board allowing the breeder the ability to first correct the violation. After 15 days, the facility is reinspected and if violations are not corrected, an administrative penalty order may be issued (maximum \$5,000 for a single correction order).
 The Board may also seek an injunction or cease and desist order against a non-complying breeder.
 The Board may also suspend, revoke, or refuse to renew a license:

1. for failure to comply with a correction order;
2. for failure to pay an administrative penalty;
3. for failure to meet the requirements of section 347.58 or 347.59; or
4. for falsifying information requested by the board.

The following are misdemeanors:

- Falsifying information in a license application, annual report, or record.
- Unlicensed commercial breeder advertising animals for sale.
- Commercial breeder operating without a license. (M.S.A. § 347.61, 347.62)

Cruelty Laws (abridged)

Minn. Stat. § 343.21 (2010) - Overworking or Mistreating Animals; Penalty.

Subdivision 1. Torture. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

Subd. 2. Nourishment; shelter. No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Subd. 3. Enclosure. No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air.

Subd. 4. Low feed. No person shall feed any cow on food which produces impure or unwholesome milk.

Subd. 5. Abandonment. No person shall abandon any animal.

Subd. 6. Temporary abandonment. No person shall allow any maimed, sick, infirm, or disabled animal to lie in any street, road, or other public place for more than three hours after receiving notice of the animal's condition.

Subd. 7. Cruelty. No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

Subd. 8. Caging. No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subdivision do not apply to the Minnesota State Agricultural Society, the Minnesota State Fair, or to the county agricultural societies, county fairs, to any agricultural display of caged animals by any political subdivision of the state of Minnesota, or to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by section 97A.041.

MINNESOTA

Subd. 8a. Harming a service animal. No person shall intentionally and without justification do either of the following to a service animal while it is providing service or while it is in the custody of the person it serves: (1) cause bodily harm to the animal; or (2) otherwise render the animal unable to perform its duties.

Subd. 9. Penalty.

(a) Except as otherwise provided in this subdivision, a person who fails to comply with any provision of this section is guilty of a misdemeanor. A person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.

(b) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A person convicted of violating paragraph (b) within five years of a previous gross misdemeanor or felony conviction for violating this section may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(d) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(e) A person who violates subdivision 8a where the violation renders the service animal unable to perform its duties is guilty of a gross misdemeanor.

(f) A person who violates subdivision 8a where the violation results in substantial bodily harm to a service animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(g) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(h) A person who violates subdivision 8a where the violation results in death or great bodily harm to a service animal may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

(i) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

Subd. 9a. Harm to service animals; mandatory restitution and civil remedies.

(a) The court shall order a person convicted of violating subdivision 8a to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the service animal user's loss of income, veterinary expenses, transportation costs, and other expenses of temporary replacement assistance services, and service animal replacement or retraining costs incurred by a school, agency, or individual. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments.

(b) This section does not preclude a person from seeking any available civil remedies for an act that violates subdivision 8a.

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MISSISSIPPI

Cruelty Laws
(abridged)

Miss. Code Ann. § 97-41-16 (2020) - Mississippi Dog and Cat Pet Protection Law of 2011.

...

(2)

MISSISSIPPI

(a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.

(b)

(i) If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.

(ii) A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.

(iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.

For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.

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MISSOURI

Threshold & Definitions

Any person having custody or ownership of more than 10 female covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet.

Canine Cruelty

Regulations define a "**commercial breeder**" as a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than 3 intact females for the primary purpose of breeding animals for sale. Persons engaged in breeding dogs and cats who harbor 3 or less intact females shall be exempt from the license requirement.

Prevention Act,

V. A. M. S.

273.345. Animal

Care Facilities

regs., 2 MO ADC

30-9.010-9.030

Care & Conditions

Statute provides standards for:

- (1) Sufficient food and clean water;
- (2) Necessary veterinary care;
- (3) Sufficient housing, including protection from the elements;
- (4) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs;
- (5) Regular exercise; and
- (6) Adequate rest between breeding cycles. (V. A. M. S. 273.345)

Regulatory standards:

- housing facilities
- indoor housing facilities

MISSOURI

- sheltered housing facilities
 - outdoor housing facilities
 - primary enclosures (note that any construction after April 2011 is not allowed to have wire strand or bare metal flooring)
 - space and compatibility (note that the regulations provide mathematical equations for calculation of space based on number of dogs)
 - exercise
 - feeding and watering
 - sanitation, cleaning, and pest control
 - transportation standards.
- Homes used as an animal housing facility must be the homes normally occupied by the human inhabitant responsible for caring for the animal(s) and must be adequate and suitable for reasonable prudent humans to live in without health or injury risks above those expected in a well-managed home.

Inspections

A license shall be issued only upon inspection by the state veterinarian, his designee, or an animal welfare official. The state veterinarian shall have the duty and authority to inspect all facilities licensed under sections 273.325 to 273.357. Inspections shall be conducted a minimum of once a year, or upon a complaint to the department regarding a particular facility. (V. A. M. S. 273.331).

Penalties

Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for (1,000) each violation. Each violation shall constitute a separate offense. (V. A. M. S. 273.347(1))

A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor. (V. A. M. S. 273.347(2))

Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor. (V. A. M. S. 273.349)

Cruelty Laws (abridged)

Mo. Rev. Stat. § 578.009 (2017) - Animal Neglect - Penalties.

1. A person commits the offense of animal neglect if he or she:
 - (1) Has custody or ownership of an animal and fails to provide adequate care; or
 - (2) Knowingly abandons an animal in any place without making provisions for its adequate care.
2. The offense of animal neglect is a class C misdemeanor unless the person has previously been found guilty of an offense under this section, or an offense in another jurisdiction which would constitute an offense under this section, in which case it is a class B misdemeanor.
3. All fines and penalties for a first finding of guilt under this section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This section shall not apply to the provisions of section 578.007 or chapter 272.
4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:
 - (1) The care and maintenance of neglected animals within the person's custody or ownership;
 - (2) The disposal of any dead or diseased animals within the person's custody or ownership;
 - (3) The reduction of resulting organic debris affecting the immediate area of the neglect; and
 - (4) The avoidance or minimization of any public health risks created by the neglect of the animals.

Mo. Rev. Stat. § 578.012 (2017) - Animal Abuse.

MISSOURI

1. A person commits the offense of animal abuse if he or she:
 - (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;
 - (2) Purposely or intentionally causes injury or suffering to an animal; or
 - (3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.
2. Animal abuse is a class A misdemeanor, unless the defendant has previously been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is a class E felony.

MONTANA

Cruelty Laws (abridged)

Mont. Code Ann. § 54-8-211 (2003) - Cruelty to Animals - Exceptions.

- (1) A person commits the offense of cruelty to animals if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:
- (a) overworking, beating, tormenting, torturing, injuring, or killing the animal;
 - (b) carrying or confining the animal in a cruel manner;
 - (c) failing to provide an animal in the person's custody with:
 - (i) food and water of sufficient quantity and quality to sustain the animal's normal health;
 - (ii) minimum protection for the animal from adverse weather conditions, with consideration given to the species;
 - (iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;
 - (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or
 - (e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.
- (2)
- (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second or subsequent offense of cruelty to animals or of a first or subsequent offense of aggravated animal cruelty shall be fined an amount not to exceed \$2,500 or be sentenced to the department of corrections for a term not to exceed 2 years, or both.
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NEBRASKA

Threshold & Definitions Neb. Rev. St. § 54-625 - 643; Regulations, 23 NE ADC Ch. 18, § 001 - 015

“Commercial breeder” means any one of the following:

- A person who sells, exchanges, leases, or in any way transfers 31 or more dogs or cats in a 12 month period;
 - A person engaged in the business of breeding dogs or cats who owns or harbors 4 or more dogs or cats, intended for breeding, in a 12 month period;
 - A person whose dogs or cats produce a total of 4 or more litters within a 12-month period; or
- A person who knowingly sells, exchanges, or leases dogs or cats for later retail sale or brokered trading.

Care & Conditions

- (1) Maintain housing facilities and primary enclosures in a sanitary condition;
- (2) Enable all dogs and cats to remain dry and clean;
- (3) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;

NEBRASKA

	<p>(4) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;</p> <p>(5) Provide dogs and cats with easy and convenient access to adequate amounts of clean food and water;</p> <p>(6) Provide adequate space appropriate to the age, size, weight, and breed of dog or cat (as described in the law);</p> <p>(7) Provide dogs with adequate socialization and exercise (as described in the law);</p> <p>(8) Assure that a handler's hands are washed before and after handling each infectious or contagious dog or cat;</p> <p>(9) Maintain a written veterinary care plan developed in conjunction with an attending veterinarian; and</p> <p>(10) Provide veterinary care without delay when necessary. (Neb. Rev. St. § 54-640).</p>
Inspections	The Department shall inspect all licensees at least once in a 24-month period to determine whether the licensee is in compliance. (Neb. Rev. St. § 54-628)
Penalties	<p>The Department may issue a stop-movement order if the department has reasonable cause to believe that there exists noncompliance. (Neb. Rev. St. § 54-631)</p> <p>The Department may apply for a restraining order, temporary or permanent injunction, or mandatory injunction against any person violating or threatening to violate the act, the rules and regulations, or any order. (Neb. Rev. St. § 54-633)</p> <p>The Department may impose an administrative fine of not more than \$5000 for any violation of the act or the rules. (Neb. Rev. St. § 54-633)</p> <p>Operation without a license is a Class I misdemeanor. (Neb. Rev. St. § 54-634)</p>
Cruelty Laws <i>(abridged)</i>	<p>Neb. Rev. Stat. § 28-1008 (2015) - Terms, defined.</p> <p>Neb. Rev. Stat. § 28-1009 (2015) - Abandonment; cruel neglect; harassment of a police animal; penalty.</p> <p>(1) A person who intentionally, knowingly, or recklessly abandons or cruelly neglects an animal is guilty of a Class I misdemeanor unless the abandonment or cruel neglect results in serious injury or illness or death of the animal, in which case it is a Class IV felony.</p> <p>(2)</p> <p>(a) Except as provided in subdivision (b) of this subsection, a person who cruelly mistreats an animal is guilty of a Class I misdemeanor for the first offense and a Class IIIA felony for any subsequent offense.</p> <p>(b) A person who cruelly mistreats an animal is guilty of a Class IIIA felony if such cruel mistreatment involves the knowing and intentional torture, repeated beating, or mutilation of the animal.</p> <p>(3) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties. Harassment of a police animal is a Class IV misdemeanor unless the harassment is the proximate cause of the death of the police animal, in which case it is a Class IIIA felony.</p> <p>(4) A person convicted of a Class I misdemeanor under this section may also be subject to section 28-1019. A person convicted of a Class IIIA felony under this section shall also be subject to section 28-1019.</p>

NEVADA

Threshold & Definitions NRS 574.210 - 510	"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. The term does not include a person who breeds dogs or cats as a hobby.
Care & Conditions	<p>A breeder shall not:</p> <ol style="list-style-type: none"> 1. Sell a dog or cat: <ol style="list-style-type: none"> (a) Unless the dog or cat has had: <ol style="list-style-type: none"> (1) A registered microchip subcutaneously inserted into the dog or cat; and (2) All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; or

NEVADA

	<p>(b) Without providing a written sales contract to the purchaser;</p> <p>or</p> <p>2. Breed a female dog:</p> <p>(a) Before she is 18 months old; or</p> <p>(b) More than once a year.</p>
Inspections	<p>The board of county commissioners of each county or city council of a city (if not limited by an interlocal agreement) shall adopt an ordinance requiring each breeder in an unincorporated area of the county/city to obtain an annual permit to act as a breeder. (NRS 574.353)</p> <p>For the purpose of enforcing the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders, any animal control agent of the issuing authority may enter and inspect the premises specified on the permit at any reasonable hour.</p>
Penalties	<p>An ordinance adopted pursuant to subsection 1 or 2 may provide for the suspension, revocation or denial of a permit for a violation of the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders. (NRS 574.353)</p>
Cruelty Laws <i>(abridged)</i>	<p>Nev. Rev. Stat. § 574.100 (2017) - Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions.</p> <p>1. A person shall not:</p> <p>(a) Torture or unjustifiably maim, mutilate or kill:</p> <p>(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or</p> <p>(2) Any cat or dog;</p> <p>(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;</p> <p>(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;</p> <p>(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;</p> <p>(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or</p> <p>(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. ...</p> <p>2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:</p> <p>(a) Using a tether, chain, tie, trolley or pulley system or other device that:</p> <p>(1) Is less than 12 feet in length;</p> <p>(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or</p> <p>(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;</p> <p>(b) Using a prong, pinch or choke collar or similar restraint; or</p> <p>(c) For more than 14 hours during a 24-hour period.</p> <p>3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.</p> <p>...</p> <p>6. A person who willfully and maliciously violates paragraph (a) of subsection 1:</p> <p>(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.</p> <p>(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.</p> <p>7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:</p> <p>(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:</p> <p>(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and</p> <p>(2) Perform not less than 48 hours, but not more than 120 hours, of community service.</p>

NEVADA

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and
- (2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

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NEW HAMPSHIRE

Threshold & Definitions

RSA 437: 1 (2021) - Definitions

In this subdivisions,

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IV. "Pet vendor" means any person, firm, corporation, or other entity that transfers 30 or more dogs, 30 or more cats, 30 or more ferrets, or 50 or more birds, live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire, between January 1 and December 31 of each year. Pet vendor also means any person, firm, corporation, or other entity that transfers amphibians, reptiles, fish, or small mammals customarily used as household pets to the public in quantities set in rules adopted by the department, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire between January 1 and December 31 of each year. Nothing in this paragraph shall be construed to alter or affect the municipal zoning regulations that a pet vendor shall conform with under RSA 437:3.

V. "Transfer" means transfer of ownership of live animals or birds from any person, firm, corporation, or other entity to a member of the public.

Care & Conditions

RSA 427: 3 (2021) - Requirements.

No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. A pet vendor that transfers more than 50 or more dogs, 50 or more cats, 50 or more ferrets, or 50 or more birds shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations in his or her application. The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals or birds customarily used as household pets.

II. Submit premises, buildings and other enclosures to unannounced inspection by department employees or local animal control, law enforcement, or health officials at reasonable times.

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, giving the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of each animal or bird, where applicable. Animals or birds that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals or birds.

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	<p>IV. Keep records of all animals or birds intended for transfer indicating identification, point of origin, and recipient, and shall submit said records to the commissioner upon request.</p> <p>V. Abide by such other rules as the commissioner may adopt to control disease.</p>
Inspections	
Penalties	<p>RSA 437:10 (2017) - Penalty</p> <p>I. Any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter shall be guilty of a misdemeanor.</p> <p>II. In addition to the penalty under paragraph I, any pet vendor who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.</p>
Cruelty Laws <i>(abridged)</i>	<p>N.H. Rev. Stat. Ann. § 644:8 (2020) - Cruelty to Animals.</p> <p>I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.</p> <p>II. In this section, "animal" means a domestic animal, a household pet or a wild animal in captivity.</p> <p>II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight and adequate air circulation when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from the weather shall allow the dog to remain clean and dry. Shelter shall be structurally sound and have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.</p> <p>III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who:</p> <p>(a) Without lawful authority negligently deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;</p> <p>(b) Negligently beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;</p> <p>(c) Negligently overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;</p> <p>(d) Negligently transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;</p> <p>(e) Negligently abandons any animal previously in his or her possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance, or shelter;</p> <p>... (h) Otherwise negligently permits or causes any animal in his or her possession or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind.</p> <p>III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated.</p> <p>...</p>

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Cruelty Laws <i>(abridged)</i>	<p>N.J. Stat. Ann. § 4:22-17 (2017) - Cruelty; Certain Acts, Crime; Degrees.</p> <p>a. It shall be unlawful to:</p> <p>(1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;</p> <p>(2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;</p> <p>(3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or</p>
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(4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.

b.

(1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$250 nor more than \$1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than \$500 nor more than \$2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.

(2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.

(3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

...

c. It shall be unlawful to purposely, knowingly, or recklessly:

(1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;

(2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;

(3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or

...

d.

(1) A person who violates paragraph (1), (2), (3) or (4) of subsection c. of this section shall be guilty of a crime of the fourth degree, except that the person shall be guilty of a crime of the third degree if:

(a) the animal or creature dies as a result of the violation;

(b) the animal or creature suffers serious bodily injury as a result of the violation; or

(c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

(2) A person who violates any provision of subsection c. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

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NEW MEXICO

Cruelty Laws (abridged)

N.M. Stat. § 30-18-1 (2021) - Cruelty to Animals; Extreme Cruelty to Animals; Penalties; Exceptions.

A. As used in this section, "animal" does not include insects or reptiles.

B. Cruelty to animals consists of a person:

(1) negligently mistreating, injuring, killing without lawful justification or tormenting an animal; or

(2) abandoning or failing to provide necessary sustenance to an animal under that person's custody or control.

C. As used in Subsection B of this section, "lawful justification" means:

(1) humanely destroying a sick or injured animal; or

(2) protecting a person or animal from death or injury due to an attack by another animal.

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D. Whoever commits cruelty to animals is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978. Upon a fourth or subsequent conviction for committing cruelty to animals, the offender is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

E. Extreme cruelty to animals consists of a person:

- (1) intentionally or maliciously torturing, mutilating, injuring or poisoning an animal; or
- (2) maliciously killing an animal.

F. Whoever commits extreme cruelty to animals is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

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Threshold & Definitions

N.Y. U.C.C. Law § 26A-400 (2017) - Definitions.

As used in this article:

1. "Animal" means a dog or a cat.
2. "Consumer" means any individual purchasing an animal from a pet dealer. A pet dealer shall not be considered a consumer.
3. "Person" means any individual, corporation, partnership, association, municipality, or other legal entity.
4. "Pet Dealer" means any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; provided that it shall not include the following:
 - (a) Any breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises;
 - (b) Any municipal pound or shelter dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged, established and maintained pursuant to subdivision one of section one hundred fourteen of this chapter; and
 - (c) Any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged that is exempt from taxes pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended, that is registered with the department pursuant to section four hundred eight of this article.

Care & Conditions

N.Y. U.C.C. Law § 26A-201 (2019) - Minimum Standards of Animal Care.

Pet dealers shall comply with the following minimum standards of care for every animal in their custody or possession.

1. Housing.

(a) Animals shall be housed in primary enclosures or cages, which shall be constructed so as to be structurally sound. Such enclosures shall be maintained in good repair to contain the animal housed inside and protect it from injury. Surfaces shall have an impervious surface so as not to permit the absorption of fluids and which can be thoroughly and repeatedly cleaned and disinfected without retaining odors.

(b) Primary enclosures or cages housing the animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around, and lie down with its limbs outstretched. If the flooring is constructed of metal strands, such strands must either be greater than one-eighth inch in diameter (nine gauge wire) or shall be coated with a material such as plastic or fiberglass, and shall be constructed so as not to allow

passage of the animal's feet through any opening in the floor of the enclosure. Such flooring shall not sag or bend substantially between structural supports.

(c) Housing facilities shall be adequately ventilated at all times to provide for the health and well-being of the animal. Ventilation shall be provided by natural or mechanical means, such as windows, vents, fans, or air conditioners. Ventilation shall be established to minimize drafts, odors, and moisture condensation.

(d) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal. Animal areas must be provided with regular diurnal light cycles of either natural or artificial light.

(f) The indoor and outdoor facilities housing the animals, including the primary enclosure or cage, shall be designed to allow for the efficient elimination of animal waste and water in order to keep the animal dry and prevent the animal from coming into contact with these substances. If drains are used they shall be constructed in a manner to minimize foul odors and backup of sewage. If a drainage system is used it shall comply with federal, state, and local laws relating to pollution control.

(g) In the event that a pet dealer has a pregnant or nursing dog on his or her premises, the pet dealer shall provide a whelping box for such dog. Separate and apart from the whelping box, a pet dealer shall provide a pregnant or nursing dog with a separate space accessible to her that complies with the standards set forth in paragraph (b) of this subdivision. Each nursing dog shall be provided with a sufficient amount of floor space to nurse and care for her litter.

(h) Pet dealers shall designate and provide an isolation area for animals that exhibit symptoms of contagious disease or illness. The location of such designated area must be such as to prevent or reduce the spread of disease to healthy animals and must otherwise meet all housing requirements of this section.

2. Sanitation. Housing facilities, including primary enclosures and cages, shall be kept in a clean condition in order to maintain a healthy environment for the animal. This shall include removing and destroying any agents injurious to the health of the animal and periodic cleanings. Primary enclosures must be cleaned daily and sanitized at least once every two weeks by washing all soiled surfaces with appropriate detergent solutions and disinfectant or by using a combination detergent or disinfectant product that accomplishes the same purpose with a thorough cleaning of the surfaces to remove excreta, feces, hair, dirt, debris and food waste to permit effective sanitization, followed by a clean water rinse. The primary enclosure or cage shall be constructed so as to eliminate excess water, excretions, and waste material. Under no circumstances shall the animal remain inside the primary enclosure or cage while it is being cleaned with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

3. Feeding and watering.

(a) Animals shall be provided with wholesome and palatable food, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Animals shall be adequately fed at intervals not to exceed twelve hours or at least twice in any twenty-four hour period in quantities appropriate for the animal species and age, unless determined otherwise by and under the direction of a duly licensed veterinarian.

(c) Sanitary food receptacles shall be provided in sufficient number, of adequate size, and so located as to enable each animal in the primary enclosure or cage to be supplied with an adequate amount of food.

(d) Animals shall be provided with regular access to clean, fresh water, supplied in a sanitary manner sufficient for its needs, except when there are instructions from a duly licensed veterinarian to withhold water for medical reasons.

4. Handling. Each animal shall be handled in a humane manner so as not to cause the animal physical injury or harm.

5. Veterinary care.

(a) Any pet dealer duly licensed pursuant to this article shall designate an attending veterinarian, who shall provide veterinary care to the dealer's animals which shall include a written program of veterinary care and regular visits to the pet dealer's premises.

Such program of veterinary care shall include:

(i) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this article;

(ii) The use of methods determined to be appropriate by the attending veterinarian to prevent, control, and respond to diseases and injuries, and the availability of emergency, weekend, and holiday care;

(iii) Daily observation of all animals to assess their health and well-being; provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian who has received the guidance identified in subparagraph (iv) of this paragraph; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(iv) Adequate guidance to personnel involved in the care and use of animals regarding handling and immobilization;

(v) Pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures; and

(vi) In the case of dealers who sell or offer to sell twenty-five or more dogs or cats per year to the public for profit that are born and raised on the dealer's residential premises, annual veterinary examinations, at a minimum, for all intact adult dogs or cats on such dealer's premises.

(b) All animals shall be inoculated as required by state or local law. Veterinary care appropriate to the species shall be provided without undue delay when necessary. Each animal shall be observed each day by the pet dealer or by a person working under the pet dealer's supervision.

(c) Within five business days of receipt, but prior to sale of any dog or cat, the pet dealer shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from healthy animals.

(d) If an animal suffers from a congenital or hereditary condition, disease, or illness which, in the professional opinion of the pet dealer's veterinarian, requires euthanasia, the veterinarian shall humanely euthanize such animal without undue delay.

(e) In the event an animal is returned to a pet dealer due to a congenital or hereditary condition, illness, or disease requiring veterinary care, the pet dealer shall, without undue delay, provide the animal with proper veterinary care.

6. Humane euthanasia. Humane euthanasia of an animal shall be carried out in accordance with section three hundred seventy-four of this chapter.

7. Exercise requirements. Pet dealers shall develop, maintain, document, and implement an appropriate plan to provide dogs with the opportunity for daily exercise. In developing such plan, consideration should be given to providing positive physical contact with humans that encourages exercise through play or other similar activities. Such plan shall be approved by the attending veterinarian, and must be made available to the department upon request.

8. Grooming. All animals shall be groomed regularly to prevent excessive matting of fur, overgrown toenails and flea and tick infestation.

Inspections

N.Y. U.C.C. Law § 26A-405 (2000) - Inspection of pet dealers.

1. The commissioner or his or her authorized agents shall, at a minimum, make yearly inspections of pet dealers' facilities to ensure compliance with the provisions of this article and with the provisions of article thirty-five-D of the general business law, except for

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those pet dealers who engage in the sale of less than twenty-five animals in a year, in which case inspections shall be made whenever in the discretion of the commissioner or his or her authorized agents, a complaint warrants such investigation.

2. The commissioner may, pursuant to an agreement entered into with a county or city delegate the authority to conduct inspections of pet dealers and to respond to complaints concerning pet dealers to such county or city where the pet dealer is located; provided however such delegation of inspection authority shall only be permitted where the commissioner has delegated his or her authority to issue licenses pursuant to section four hundred three of this article.

3. Any person conducting an inspection of a pet dealer or responding to a complaint concerning a pet dealer shall be specifically trained in the proper care of cats and dogs and in the investigation and identification of cruelty to animals.

Penalties

N.Y. U.C.C. Law § 26A-406 (2014) - Violations.

1. In addition to the penalties provided for elsewhere in this section, a pet dealer who violates any provisions of this article may be subject to denial, revocation, suspension, or refusal of renewal of his or her license in accordance with the provisions of section four hundred four of this article.
2. Violation of any provision of this article, is a civil offense, for which a penalty of not less than one hundred dollars and not more than one thousand dollars for each violation may be imposed.
3. The provisions of this article may be enforced concurrently by the department and by the county or city to which the commissioner has delegated his or her licensing and inspection authority pursuant to section four hundred three and four hundred five of this article, and all moneys collected thereunder shall be retained by such municipality or local government.

Cruelty Laws (abridged)

N.Y. Ag. & Mkt. § 353 (2005) - Overdriving, torturing and injuring animals; failure to provide proper sustenance.

Overdriving, torturing and injuring animals; failure to provide proper sustenance. A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law.

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N.Y. Ag. & Mkt. § 353-A (1999) - Aggravated cruelty to animals.

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner.

...

3. Aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be a definite sentence, which may not exceed two years.

NORTH CAROLINA

Cruelty Laws (abridged)

N.C. Gen. Stat. § 14-360 (2015) - Cruelty to Animals; Construction of Section.

NORTH CAROLINA

- (a) If any person shall intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor.
- (a1) If any person shall maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.
- (b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class H felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.
- (c) As used in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an act committed knowingly and without justifiable excuse, while the word "maliciously" means an act committed intentionally and with malice or bad motive. As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. ...

NORTH DAKOTA

Cruelty Laws

(abridged)

N.D. Cent. Code § 36-21.2-01 (2013) - Neglect - Definition - Exemptions - Penalty.

1. Any person that willfully engages in animal neglect is guilty of a class A misdemeanor.
2. For purposes of this chapter, "neglect" with respect to dogs and cats, means the failure to provide an animal with:
 - a. Food and water, as appropriate for the species, the breed, and the animal's age and physical condition;
 - b. Shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition;
 - c. Necessary medical attention; and
 - d. An environment that is:
 - (1) Ventilated in a manner appropriate for the species, the breed, and the animal's age and physical condition;
 - (2) Cleaned in a manner appropriate for the species, the breed, and the animal's age and physical condition; and
 - (3) Free of conditions likely to cause injury or death to an animal of that species, breed, age, and physical condition.
3. For purposes of this chapter, "neglect" with respect to all animals other than those included in subsection 2, means the failure to provide:
 - a. Food and water that is:
 - (1) Appropriate for the species and the breed; and
 - (2) Sufficient to sustain the animal's health;
 - b. Minimal protection from adverse weather conditions, as appropriate for the species and the breed; and
 - c. Medical attention in the event of an injury or illness, as appropriate for the species and the breed.

...

N.D. Cent. Code § 36-21.2-02 (2013) - Animal abuse - Definition - Exemptions - Penalty.

1. Any person that willfully engages in animal abuse is guilty of a class A misdemeanor for a first or a second offense and a class C felony for a third or subsequent offense occurring within ten years.
2. For purposes of this chapter, "animal abuse" means any act or omission that results in physical injury to an animal or that causes the death of an animal, but does not include any act that falls within the definition of animal cruelty, as set forth in section 36-21.2-03.

...

NORTH DAKOTA

N.D. Cent. Code § 36-21.2-03 (2013) - Animal cruelty - Definition - Exemptions - Penalty.

1. Any person that intentionally engages in animal cruelty is guilty of a class C felony.
2. For purposes of this chapter, "animal cruelty" means:
 - a. Breaking an animal's bones;
 - b. Causing the prolonged impairment of an animal's health;
 - c. Mutilating an animal; or
 - d. Physically torturing an animal.

...

OHIO

Threshold & Definitions	Ohio Rev. Code Ann. § 956.01 (2019) - Definitions. <p>"High volume breeder" - establishment that keeps, houses, and maintains adult breeding dogs that produce at least 9 litters of puppies in any given calendar year and, in return for a fee or other consideration, sells 60 or more adult dogs or puppies per calendar year.</p>
Care & Conditions	Ohio Rev. Code Ann. § 956.03 (2021) - Adoption of rules. <p>The Director of Agriculture shall adopt rules concerning:</p> <ul style="list-style-type: none"> • Housing; • Nutrition; • Exercise; • Grooming; • Biosecurity and disease control; • Waste management; • Whelping; • Any other general standards of care for dogs. <p>In adopting rules, the director shall consider the following factors:</p> <ul style="list-style-type: none"> • Best management practices for the care and well-being of dogs; • Biosecurity; • The prevention of disease; • Morbidity and mortality data; • Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association; <p>Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code.</p>
Inspections	Ohio Rev. Code Ann. § 956.04 (2018) - High volume breeder license. <p>For <u>applicants</u>, a prelicense inspection is not required. The applicant submits photographic evidence documenting the facilities where dogs will be kept, housed, and maintained by the applicant. The director may conduct an inspection of the facilities that are the subject of an application in addition to reviewing photographic evidence submitted by an applicant for a license.</p> Ohio Rev. Code Ann. § 956.10 (2018) - Inspections. <p>For licensees, at least once annually, the Director or their authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules.</p> <p>Inspections may also be conducted (1) upon receiving a complaint; or (2) by the director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, at reasonable times to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it.</p>

Penalties

Ohio Rev. Code Ann. § 956.13 (2018) - Civil penalties.

The Director of Agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under section 956.03 of the Revised Code.

Fines: up to \$2,500 for first violation, up to \$5,000 for second violation, and up to \$10,000 for third/subsequent violation.

Ohio Rev. Code Ann. § 956.14 (2018) - Action for injunction.

The Attorney General, upon the request of the director of agriculture, may bring an action for injunction against a person who has violated or is violating this chapter.

Ohio Rev. Code Ann. § 956.15 (2021) - Denial of application.

The license may also be denied or revoked for violations. (956.15)

Cruelty Laws
(abridged)**Ohio Rev. Code Ann. § 959.131 (2021) - Prohibitions concerning companion animals.**

...

(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(C) No person shall knowingly cause serious physical harm to a companion animal.

(D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(E) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:

(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.

(F) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

...

OHIO

Ohio Rev. Code Ann. § 959.131 (2021) - Violations; penalties.

...

(E)

(1) Whoever violates division (B) of section [959.131](#) of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

(2) Whoever violates division (C) of section [959.131](#) of the Revised Code is guilty of a felony of the fifth degree.

(3) Whoever violates section [959.01](#) of the Revised Code or division (D) of section [959.131](#) of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(4) Whoever violates division (E) of section [959.131](#) of the Revised Code is guilty of a felony of the fifth degree.

(5) Whoever violates division (F) of section [959.131](#) of the Revised Code is guilty of a misdemeanor of the first degree.

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OKLAHOMA

Threshold & Definitions

4 Okl. St. Ann. § 30.2 (2013) - Definitions.

"Commercial breeder" and "commercial pet breeder" mean any individual, entity, association, trust, or corporation who possesses 11 or more intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration. ()

Care & Conditions

4 Okl. St. Ann. § 30.3 (2013) - Enforcement of act.

The Board shall adopt the rules necessary to enforce and administer the Commercial Pet Breeders and Animal Shelter Licensing Act that establish standards for care.

OK ADC 35:55-3-1 (2021) - Incorporation by reference.

The following provisions of Title 9 of the Code of Federal Regulations and the requirements contained therein pertaining to Animal Welfare, Part 3 (Standards) are, unless otherwise specified, adopted and incorporated by reference in their entirety:

- (1) 3.1 (housing facilities, general)
- (2) 3.2 (indoor housing facilities)
- (3) 3.3 (sheltered housing facilities)
- (4) 3.4 (outdoor housing facilities)
- (5) 3.5 (mobile or traveling housing facilities)
- (6) 3.6 (primary enclosures), except for 3.6 (c)(1)(ii) and (c)(2)
- (7) 3.7 (compatible grouping)
- (8) 3.8 (exercise for dogs)
- (9) 3.9 (feeding)
- (10) 3.11 (cleaning, sanitization, housekeeping, and pest control)
- (11) 3.12 (employees)
- (12) 3.13 (consignments to carriers and intermediate handlers)
- (13) 3.14 (primary enclosures used to transport live dogs and cats)
- (14) 3.15 (primary conveyances [motor vehicle, rail, air, and marine])
- (15) 3.16 (food and water requirements)
- (16) 3.17 (care in transit)
- (17) 3.18 (terminal facilities)
- (18) 3.19 (handling)
 - Watering. (OK ADC 35:55-3-2 (2013.))
 - Compatibility (OK ADC 35:55-3-3 (2014))
 - Primary enclosures (OK ADC 35:55-3-4 (2014))

OKLAHOMA

	<ul style="list-style-type: none">• Waste management (OK ADC 35:55-3-5 (2014))• Veterinary care (OK ADC 35:55-3-6 (2014))• Canine brucellosis (OK ADC 35:55-3-6.1 (2019))• Grooming (OK ADC 35:55-3-7 (2014))• Quarantine (OK ADC 35:55-3-8 (2014))• Pet identification number and microchip requirement (OK ADC 35:55-3-9 (2014))• Euthanasia procedures (OK ADC 35:55-3-10 (2014))• Breeding (OK ADC 35:55-3-11 (2014))
Inspections	<p>4 Okl. St. Ann. § 30.5 (2013) - Application of licensure - Inspection of applicant.</p> <p>The Department shall arrange for an inspection at a facility prior to issuance of an initial animal shelter or commercial pet breeder license for that facility.</p> <p>The Department, at least annually, shall arrange for the inspection of each facility of a licensed animal shelter operator or commercial breeder.</p> <p>On receipt of a valid written complaint alleging a violation of the Commercial Pet Breeders and Animal Shelter Licensing Act, an authorized agent of the State Board of Agriculture, a local animal control authority, or an inspector designated by the Department may investigate the alleged violation.</p>
Penalties	<p>4 Okl. St. Ann. § 30.13 (2013) - Prohibited conduct - Penalties.</p> <p>After notice and opportunity for a hearing if the State Board of Agriculture finds any person in violation of the Act or any rule, the Board shall have the authority to assess an administrative penalty of not less than \$100.00 and not more \$10,000.00 for each violation. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.</p> <p>A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required (misdemeanor, fine up to \$500).</p> <p>An unlicensed commercial pet breeder commits an offense if the breeder advertises animals for sale (misdemeanor, fine up to \$500).</p> <p>An animal shelter or commercial pet breeder commits an offense if the animal shelter or commercial breeder interferes with, hinders, or thwarts any inspection or investigation (misdemeanor, fine \$1000).</p>
Cruelty Laws <i>(abridged)</i>	<p>21 Okl. St. Ann. § 1685 (2006) - Cruelty to Animals.</p> <p>Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal.</p>

OREGON

Threshold & Definitions	<p>O. R. S. § 167.376 (2009) - Standards of care applicable to dog breeders; records; exceptions.</p> <p>Standards of care for dog breeding only apply to a person that possesses, controls or otherwise has charge of at the same time 10 or more sexually intact dogs that are eight months of age or older.</p> <p>O. R. S. § 167.374 (2009) - Possession or control of dogs for purpose of reproduction; records; exceptions.</p> <p>A person may not possess, control or otherwise have charge of at the same time more than 50 sexually intact dogs that are two years of age or older for the primary purpose of reproduction.</p>
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OREGON

	It is prima facie evidence that a person possesses dogs for the primary purpose of reproduction if during a 12-month period the person sells, offers for sale, barter or exchanges more than three litters of dogs that are less than eight months of age.
Care & Conditions	<p>O. R. S. § 167.376 (2009) - Standards of care applicable to dog breeders; records; exceptions.</p> <p>In addition to minimum care standards from section 167.310 (animal cruelty definitional section that states owners must provide minimum care sufficient to preserve the health and well-being of an animal (food, water, shelter, and appropriate veterinary care):</p> <ul style="list-style-type: none"> • provide each dog with sufficient space to turn about freely, stand and sit and to lie down without the head, face, tail, legs or feet of the dog touching the sides of the enclosure or touching any other dog • provide each dog with an enclosure that: (1) has a solid floor without slats or gaps; (2) is six inches higher than the head of the tallest dog in that enclosure when the tallest dog is in a normal standing position; (3) if elevated above the floor of a room, is placed so that the floor of the enclosure is no more than 42 inches above the floor of the room; and is not stacked or otherwise placed above or below any other dog enclosure. • provide each dog that is more than four months of age with at least one hour of regular exercise each day, unless a veterinarian has certified that the dog is medically precluded from exercise • remove waste and contaminants from the enclosure at least once each day • remove the dog from the enclosure when cleaning the enclosure of waste and contaminants <p>maintain required records.</p>
Inspections	
Penalties	<p>O. R. S. § 167.374 (2009) - Possession or control of dogs for purpose of reproduction; records; exceptions.</p> <p>Class B misdemeanor. A court shall suspend sentence under this subsection for a violation if the person agrees to have a sufficient number of dogs spayed or neutered to remedy the violation</p>
Cruelty Laws (abridged)	<p>O. R. S. 167.315 (1985) - Animal abuse in the second degree.</p> <p>(1) A person commits the crime of animal abuse in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly causes physical injury to an animal.</p> <p>(2) Any practice of good animal husbandry is not a violation of this section.</p> <p>(3) Animal abuse in the second degree is a Class B misdemeanor.</p> <p>ORS 167.320 (2013) - Animal abuse in the first degree.</p> <p>(1) A person commits the crime of animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly:</p> <ul style="list-style-type: none"> (a) Causes serious physical injury to an animal; or (b) Cruelly causes the death of an animal. <p>(2) Any practice of good animal husbandry is not a violation of this section.</p> <p>(3) Animal abuse in the first degree is a Class A misdemeanor.</p> <p>(4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C felony if:</p> <ul style="list-style-type: none"> (a) The person committing the animal abuse has previously been convicted of one or more of the following offenses: <ul style="list-style-type: none"> (A) Any offense under ORS 163.160 (Assault in the fourth degree), 163.165 (Assault in the third degree), 163.175 (Assault in the second degree), 163.185 (Assault in the first degree) or 163.187 (Strangulation) or the equivalent laws of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 (Definitions for ORS 135.230 to 135.290) or the offense was committed against a minor child; or (B) Any offense under this section or ORS 167.322 (Aggravated animal abuse in the first degree), or the equivalent laws of another jurisdiction; or (b) The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen or directly perceived in any other manner by the minor child. <p>(5) When animal abuse in the first degree is a felony, the Oregon Criminal Justice Commission shall classify the offense as crime category 6 of the sentencing guidelines grid.</p> <p>ORS 167.322. Aggravated animal abuse in the first degree.</p> <p>(1) A person commits the crime of aggravated animal abuse in the first degree if the person:</p>

- (a) Maliciously kills an animal; or
- (b) Intentionally or knowingly tortures an animal.

(2) Aggravated animal abuse in the first degree is a Class C felony and the Oregon Criminal Justice Commission shall classify the offense as crime category 6 of the sentencing guidelines grid.

(3) As used in this section:

- (a) "Maliciously" means intentionally acting with a depravity of mind and reckless and wanton disregard of life.
- (b) "Torture" means an action taken for the primary purpose of inflicting pain.

ORS 167.325 (2013) - Animal neglect in the second degree.

(1) A person commits the crime of animal neglect in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence:

- (a) Fails to provide minimum care for an animal in such person's custody or control; or
- (b) Tethers a domestic animal in the person's custody or control and the tethering results in physical injury to the domestic animal.

(2) Animal neglect in the second degree is a Class B misdemeanor.

(3) Notwithstanding subsection (2) of this section, animal neglect in the second degree is a Class C felony if:

- (a) The person committing the offense has previously been convicted of two or more offenses under this section, ORS 167.330 (Animal neglect in the first degree) or the equivalent laws of another jurisdiction;
- (b) The offense was part of a criminal episode involving 11 or more animals; or
- (c) The person knowingly commits the offense in the immediate presence of a minor child and the person has one or more previous convictions for an offense involving domestic violence as defined in ORS 135.230 (Definitions for ORS 135.230 to 135.290). For purposes of this paragraph, a minor child is in the immediate presence of animal neglect if the neglect is seen or directly perceived in any other manner by the minor child.

(4) The Oregon Criminal Justice Commission shall classify animal neglect in the second degree under subsection (3) of this section:

- (a) As crime category 6 if 11 to 40 animals were the subject of the neglect.
- (b) As crime category 7 if more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in subsection (3)(a) or (c) of this section.

ORS 167.330. Animal neglect in the first degree.

(1) A person commits the crime of animal neglect in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence:

- (a) Fails to provide minimum care for an animal in the person's custody or control and the failure to provide care results in serious physical injury or death to the animal; or
- (b) Tethers a domestic animal in the person's custody or control and the tethering results in serious physical injury or death to the domestic animal.

(2) Animal neglect in the first degree is a Class A misdemeanor.

(3) Notwithstanding subsection (2) of this section, animal neglect in the first degree is a Class C felony if:

- (a) The person committing the offense has previously been convicted of one or more offenses under this section, ORS 167.325 (Animal neglect in the second degree) or the equivalent laws of another jurisdiction;
- (b) The offense was part of a criminal episode involving 10 or more animals; or
- (c) The person knowingly commits the offense in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal neglect if the neglect is seen or directly perceived in any other manner by the minor child.

(4) The Oregon Criminal Justice Commission shall classify animal neglect in the first degree under subsection (3) of this section:

- (a) As crime category 6 if 10 to 40 animals were the subject of the neglect.
- (b) As crime category 7 if more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in subsection (3)(a) or (c) of this section.

PENNSYLVANIA

Threshold & Definitions

3 P.S. Agriculture § 459-102 (2019) - Definitions.

A "commercial kennel" is a kennel that breeds or whelps dogs and; (1) sells or transfers any dog to a dealer or pet shop kennel; or (2) sells or transfers more than 60 dogs per calendar year.

3 P.S. Agriculture §459-206 (2019) - Kennels.

Classes of licenses: During calendar year:

- 50 dogs or less - C-I
- 51-100 dogs - C-II
- 101-150 dogs - C-III
- 151-250 - C-IV
- 251-500 - C-V
- 500+ - C-VI

Care & Conditions

3 P.S. Agriculture § 459-207 (1996) - Requirements for kennels.

All kennels shall be maintained in a sanitary and humane condition in accordance with standards and sanitary codes promulgated by the secretary through regulations.

Records for individuals dogs must be kept for two years.

Kennels must develop and follow an appropriate plan to provide dogs with the opportunity for exercise. The plan shall be approved by a veterinarian.

Kennels must display kennel licenses.

Kennel Class C licensees requirements for primary enclosures:

1. Primary enclosures must be designed and constructed so that they are structurally sound and must be kept in good repair.

2. Primary enclosures must meet the following requirements:

- Have no sharp points or edges that could injure the dogs.
- Be maintained in a manner to protect the dogs from injury.
- The height of a primary enclosure that is not fully enclosed on the top shall be sufficient to prevent the dog from climbing over the walls.
- Keep animals other than dogs from entering the enclosure.
- Enable the dogs to remain dry and clean.
- Provide shelter and protection from temperatures and weather conditions that may be uncomfortable or hazardous to any dog.
- Provide sufficient space to shelter all the dogs housed in the primary enclosure at one time.
- Provide potable water at all times, unless otherwise directed by a veterinarian in a writing that shall be kept in the kennel records.
- Enable all surfaces in contact with the dogs to be readily cleaned and sanitized in accordance with paragraph (14) or be replaceable when worn or soiled.
- Have floors that are constructed in a manner that protects the dogs' feet and legs from injury. The floor shall not permit the feet of a dog housed in the primary enclosure to pass through any opening.
- Provide space to allow each dog to turn about freely and to stand, sit and lie in a normal position. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or feet touching any side of the enclosure.
- The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

All Kennel Class C license holders (commercial kennels) have specific requirements that mandate the following:

- The kennel in which the primary enclosure is located shall establish a veterinarian-client-patient relationship.
- Must provide a written program of veterinary care.
- Sufficient heating, cooling, lighting, and ventilation of housing facilities.
- Floors and walls of primary enclosure must be impervious to moisture.
- Primary enclosures may not be stacked more than two rows high, and the bottom of the uppermost primary enclosure may not be more than four and one-half feet off the housing facility floor with provisions for device to collect urine and excreta.
- All kennels shall be equipped with a smoke alarm and shall have a means of fire suppression, such as fire extinguishers or a sprinkler system on the premises.

PENNSYLVANIA

- Detailed sanitization processes for both primary enclosures and food and water receptacles.
- Effective pest control program.

Additional requirements for Kennel Class C license holders that apply only to dogs over 12 weeks of age:

- Primary enclosures must be designed and constructed so that they are structurally sound and must be kept in good repair.
- Special space provisions for nursing dogs.
- Compatibility requirements for dog groupings.
- Primary enclosure standards (i.e., specific calculation for minimum space based on dog size; not stacked; and floors not made of metal strand).
- Outdoor exercise requirements that detail size, compatibility groupings, etc.

Examination of each dog by a veterinarian at least once every six months.

Inspections

3 P.S. Agriculture § 459-218 (2019) - Inspections.

State dog wardens and employees of the department shall inspect all licensed kennels within the Commonwealth at least twice per calendar year to enforce the provisions of this act and regulations promulgated by the department under this act.

State dog wardens and other employees of the department may apply for a search warrant for the purposes of inspecting or examining any kennel or for the purpose of removing any dog under section 207 or 211. The warrant shall be issued upon probable cause.

Penalties

3 P.S. Agriculture § 459-211 (2019) - Revocation or refusal of kennel licenses.

The Secretary may file a suit in equity in the Commonwealth Court to enjoin the operation of any kennel that violates any of the provisions of this act.

3 P.S. Agriculture § 459-903 (2019) - Enforcement and penalties.

In addition to any other penalty, the Secretary may assess a civil penalty against an unlicensed kennel of not less than \$500 nor more than \$1,000 for each day it operates in violation of this act. The penalty shall be premised on the gravity and willfulness of the violation, the potential harm to the health and safety of the animals and the public, previous violations and the economic benefit to the violator for failing to comply with this act.

3 P.S. Agriculture § 459-207 (2019) - Requirements for kennels.

The Secretary may provide a written order to cease and desist operating to an owner who is operating a kennel without a license.

To comply with cease and desist order, owner must:

- cease and desist from operating the kennel
- acquire no additional dogs
- notify the department prior to euthanization of any dogs
- permit State dog wardens to inspect the premises
- divest of all dogs numbering over 25 within a reasonable time period but not to exceed 10 days

3 P.S. Agriculture § 459-211 (2019) - Revocation or refusal of kennel licenses

Failure to take action or to meet the conditions imposed under this subsection, in addition to any other penalties allowed under this act, may result in imposition by the department of an administrative penalty of not less than \$100 nor more than \$500 per day for each violation.

3 P.S. Agriculture § 459-903 (2019) - Enforcement and penalties.

For the first offense, a summary offense and shall, upon conviction, be sentenced for each offense to pay a fine of not less than \$100 nor more than \$500 or to imprisonment for not more than 90 days, or both.

For a subsequent offense that occurs within one year of sentencing for the prior violation, a misdemeanor of the third degree and shall, upon conviction, be sentenced for each offense to pay a fine of not less than \$500 nor more than \$1,000 plus costs of prosecution or to imprisonment of not more than one year, or both.

3 P.S. Agriculture § 459-211. Revocation or refusal of kennel licenses.

Cruelty Laws

18 Pa. Consol. Stat. Ann § 5532 (2018) - Neglect of animal.

PENNSYLVANIA

(abridged)

(a) Offense defined.--A person commits an offense if the person fails to provide for the basic needs of each animal to which the person has a duty of care, whether belonging to himself or otherwise, including any of the following:

- (1) Necessary sustenance and potable water.
- (2) Access to clean and sanitary shelter and protection from the weather. The shelter must be sufficient to permit the animal to retain body heat and keep the animal dry.
- (3) Necessary veterinary care.

(b) Grading.--

- (1) Except as set forth in paragraph (2), a violation of this section is a summary offense.
- (2) If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the third degree.

18 Pa. Consol. Stat. Ann § 5533 (2021) - Cruelty to animal.

(a) Offense defined.--A person commits an offense if the person intentionally, knowingly or recklessly illtreats, overloads, beats, abandons or abuses an animal.

(b) Grading.--

- (1) Except as set forth in paragraph (2), a violation of this section is a summary offense.
- (2) If the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury, a violation of this section is a misdemeanor of the second degree.

18 Pa. Consol. Stat. Ann § 5534 (2021) - Aggravated cruelty to animal.

(a) Offense defined.--A person commits an offense if the person intentionally or knowingly does any of the following:

- (1) Tortures an animal.
- (2) Violates section 5532 (relating to neglect of animal) or 5533 (relating to cruelty to animal) causing serious bodily injury to the animal or the death of the animal.

(b) Grading.--A violation of this section is a felony of the third degree.

RHODE ISLAND

Cruelty Laws

(abridged)

R.I. Gen. Laws § 4-1-2 (2013) - Overwork, mistreatment, or failure to feed animals - Shelter defined.

(a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall, for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.

(b) Any person who has been previously convicted of an offense provided for in chapter 1 of title 4 shall, upon conviction of a second or subsequent violation within a ten-year (10) period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every person convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to serve one hundred (100) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.

(c) Every owner, possessor, or person having charge of any animal may, upon conviction of a violation of this section, be ordered to forfeit all rights to ownership of the animal to the animal-control officer of the city or town in which the offense occurred or to a

humane society that owns and operates the shelter that provided the subject animal shelter subsequent to any confiscation of that animal pursuant to this section.

(d) Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and well being of the animal.

R.I. Gen. Laws § 4-1-3 (2013) - Unnecessary cruelty.

(a) Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who carries that animal or who fails to provide that animal with adequate living conditions as defined in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner; or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or causes to have placed, on any animal any substance that may produce irritation or pain or that is declared a hazardous substance by the U.S. Food and Drug Administration or by the state department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody of any animal is found guilty of or pleads nolo contendere to a violation of this section and said violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty under this section, take into account whether the defendant's conduct could be considered to be the result of a mental health disorder as defined in § 27-38.2-2.

(...

R.I. Gen. Laws § 4-1-5 (2013) - Malicious injury to or killing of animals.

(a) Every person who cuts out the tongue or otherwise dismembers any animal maliciously; or maliciously kills or wounds any animal; or maliciously administers poison to or exposes any poisonous substance with intent that the poison shall be taken or swallowed by any animal; or who maliciously exposes poisoned meat with intent that the poison meat is taken or swallowed by any wild animal, shall be imprisoned not exceeding five (5) years or be fined not exceeding one thousand dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of this animal for triple damages, to be recovered by civil action. In addition, any person convicted under this section is required to serve fifty (50) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.

...

R.I. Gen. Laws § 4-1-26 (2013) - Abandonment of animals.

(a) If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure without providing for the care of that animal, he or she shall be punished in the manner provided in § 4-1-2 for each such offense. If this abandonment results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5. Abandonment means the relinquishment of all right, title, claim, or possession of the animal with the intention of not reclaiming it or resuming its ownership or possession.

(b) Any pound or animal shelter as defined under § 4-19-2, shall deem abandoned any animal impounded and not redeemed by its owner within ten (10) days of impoundment if such animal is wearing identification. Any animal impounded and not wearing identification shall be deemed abandoned if not redeemed by its owner within five (5) days of impoundment. Any animal deemed abandoned shall become the property of the impounding agency and may be adopted.

(c) Any pound or animal shelter shall make a prompt and reasonable attempt to locate and notify the owner of the impounded animal, including scanning the animal for a microchip.

SOUTH CAROLINA

Cruelty Laws (abridged)

S. C. Code Ann. § 47-1-40 (2020) - Ill-Treatment of Animals Generally; Penalties.

(A) A person who knowingly or intentionally overloads, overdrives, overworks, or ill-treats an animal, deprives an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars.

...

SOUTH DAKOTA

Cruelty Laws (abridged)

S.D. Codified Laws § 40-1-2.3 (2014) - Neglect, abandonment, or mistreatment of animal - Misdemeanor.

No person owning or responsible for the care of an animal may neglect, abandon, or mistreat the animal. A violation of this section is a Class 1 misdemeanor.

S.D. Codified Laws § 40-1-2.4 (2014) - Cruelty to animals - Felony.

No person may subject an animal to cruelty. A violation of this section is a Class 6 felony.

TENNESSEE

Cruelty Laws (abridged)

Tenn. Code Ann. § 39-14-202 (2020) - Cruelty to animals.

(a) A person commits an offense who intentionally or knowingly:

(1) Tortures, maims or grossly overworks an animal;

(2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;

(3) Abandons unreasonably an animal in the person's custody;

(4) Transports or confines an animal in a cruel manner; or

(5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106.

...

(g)

(1) Cruelty to animals is a Class A misdemeanor.

(2) A second or subsequent conviction for cruelty to animals is a Class E felony.

(3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subsection (e) is a Class A misdemeanor.

Tenn. Code Ann. § 39-14-212 (2020) - Aggravated cruelty to animals - Definitions - Construction - Penalty.

(a) A person commits aggravated cruelty to animals when, with no justifiable purpose, the person intentionally or knowingly:

TENNESSEE

- (1) Kills, maims, tortures, crushes, burns, drowns, suffocates, mutilates, starves, or otherwise causes serious physical injury, a substantial risk of death, or death to a companion animal; or
- (2) Fails to provide food or water to the companion animal resulting in a substantial risk of death or death.
- (b) For purposes of this section:
- (1) *[Deleted by 2021 amendment.]*
- (2) "Companion animal" means any non-livestock animal as defined in § 39-14-201;
- (3) "Elderly" means any person sixty-five (65) years of age or older; and
- (4) "Minor" means any person under eighteen (18) years of age.
- ...
- (d) Aggravated cruelty to animals is a Class E felony.
- ...

TEXAS

<p>Threshold & Definitions</p>	<p>V. T. C. A., Occupations Code § 802.002 (2011) - Definitions.</p> <p>"Dog or cat breeder" means a person who possesses 11 or more adult intact female animals and is engaged in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration and who sells or exchanges, or offers to sell or exchange, not fewer than 20 animals in a calendar year.</p>
<p>Care & Conditions</p>	<p>V. T. C. A., Occupations Code § 802.201 (2011) - Adoption of standards.</p> <p>The standards must:</p> <ul style="list-style-type: none"> • at a minimum, meet federal regulations; • provide each dog 12 weeks of age and older (unless excepted) with at least one hour of daily exercise; • require that an adequate period consistent with breed standards elapse between the breeding cycles; • provide basic grooming to each animal, including bathing and nail trimming; • meet requirements for primary enclosures; • prohibit the placement of a primary enclosure of an animal on top of the primary enclosure of another animal unless an impervious barrier is present; • prohibit the stacking of the primary enclosures of dogs above three vertical levels; • require at least one regular veterinary examination a year for a breeding animal; • require that a dog or cat breeder maintain a written health care management protocol; • ensure that necessary routine and preventive care is provided; • prohibit a person from euthanizing an adult animal or performing a surgical birth of an animal unless the person is a veterinarian; • require appropriate training for employees; and • prohibit a dog or cat breeder from selling, trading, or giving away an animal before the animal is eight weeks of age.
<p>Inspections</p>	<p>V. T. C. A., Occupations Code § 802.103 (2011) - Prelicense inspection.</p> <p>Unless excepted, the department must inspect a facility before a license is issued for the facility.</p> <p>V. T. C. A., Occupations Code § 802.062 (2021) - Inspections.</p> <p>The Department shall inspect each facility of a licensed breeder at least once in every 18-month period and at other times as necessary to ensure compliance.</p> <p>V. T. C. A., Occupations Code § 802.063 (2011) - Investigations.</p> <p>On receipt of a complaint alleging a violation, the Department or a third-party inspector designated by the department shall investigate the alleged violation.</p>
<p>Penalties</p>	<p>V. T. C. A., Occupations Code § 802.251 (2011) - Disciplinary Action; Administrative Penalty.</p>

TEXAS

If a person violates this chapter or a rule adopted under this chapter, the person is subject to any action or penalty under Subchapter F or G, Chapter 51.

Cruelty Laws (abridged)

Tex. Penal Code Ann. § 42.092 (2017) - Cruelty to Nonlivestock Animals.

...

(b) A person commits an offense if the person intentionally, knowingly, or recklessly:

- (1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;
- (2) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;
- (3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;
- (4) abandons unreasonably an animal in the person's custody;
- (5) transports or confines an animal in a cruel manner;
- (6) without the owner's effective consent, causes bodily injury to an animal;
- (7) causes one animal to fight with another animal, if either animal is not a dog;
- (8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or
- (9) seriously overworks an animal.

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(c-1) An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7) or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted under this section or under Section 42.09.

...

UTAH

Cruelty Laws (abridged)

Utah Code Ann. § 76-9-301 (2021) - Cruelty to animals.

...

(2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:

- (a) fails to provide necessary food, water, care, or shelter for an animal in the person's custody;
- (b) abandons an animal in the person's custody;
- (c) injures an animal;
- (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
- (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.

(3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:

- (a) a class B misdemeanor if committed intentionally or knowingly; and
- (b) a class C misdemeanor if committed recklessly or with criminal negligence.

(4) A person is guilty of aggravated cruelty to an animal if the person:

- (a) tortures an animal;
- (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
- (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.

(5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:

- (a) a class A misdemeanor if committed intentionally or knowingly;

UTAH

- (b) a class B misdemeanor if committed recklessly; and
 - (c) a class C misdemeanor if committed with criminal negligence.
- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- ...

VERMONT

Threshold & Definitions	<p>20 V.S.A. § 3541 (2031) - Definitions.</p> <p>"Pet dealer" means any person who sells or exchanges or who offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids in any 12-month period. This definition shall not apply to pet shops, animal shelters, or rescue organizations as those terms are defined in section 3901 of this title.</p>
Care & Conditions	<p>Code Vt. R. 20-022-001-3.1 through 3.14 (2021) - Animal welfare regulations.</p> <ul style="list-style-type: none"> • facilities, generally (3.1) • indoor facilities (3.2) • outdoor facilities (3.3) • primary enclosures (3.4) • feeding (3.5) • watering (3.6) • sanitation (3.7) • employees (3.8) • classification and separation (3.9) • veterinary care (3.10) • Transportation (3.11 through .3.14)
Inspections	<p>20 V.S.A. § 3682 (2021) - Inspection of premises.</p> <p>Premises may be inspected at any reasonable time by a law enforcement officer, a representative of the agency of agriculture, food and markets, or an officer or agent of an incorporated humane society and a veterinarian licensed to practice in Vermont, designated by such officer, agent or agency.</p>
Penalties	<p>20 V.S.A. § 3684 (2021) - Offenses; bill of costs in prosecution.</p> <p>Person operating a kennel who is found to have neglected to remedy conditions specified in said quarantine order, other than the prevalence of contagious disease, within 10 days after receiving notice of such order, or who sells, gives away or otherwise removes a domestic pet or wolf-hybrid under quarantine or affected with a contagious disease, shall be subject to the penalty provided in section 353(a)(1) of Title 13.</p>
Cruelty Laws (abridged)	<p>13 V.S.A. § 352 (2018) - Cruelty to animals.</p> <p>A person commits the crime of cruelty to animals if the person:</p> <ol style="list-style-type: none"> (1) Intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner. (2) Overworks, overloads, tortures, torments, abandons, administers poison to, cruelly harms or mutilates an animal or exposes a poison with intent that it be taken by an animal. (3) Ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted. (4) Deprives an animal that a person owns, possesses, or acts as an agent for of adequate food, water, shelter, rest, sanitation, or necessary medical attention or transports an animal in overcrowded vehicles. <p>...</p>

VERMONT

(7) As poundkeeper, officer, or agent of a humane society or as an owner or employee of an establishment for treatment, board, or care of an animal, knowingly receives, sells, transfers, or otherwise conveys an animal in his or her care for the purpose of research or vivisection.

(8) Intentionally torments or harasses an animal owned or engaged by a police department or public agency of the State or its political subdivisions or interferes with the lawful performance of a police animal.

...

VIRGINIA

Threshold & Definitions

Va. Code Ann. §§ 3.2-6500, et seq.

Va. Code Ann. §§ 3.2-6500 (2020) - Definitions.

"Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

Va. Code Ann. §§ 3.2-6507.2 (2008) - Commercial dog breeding; requirements.

Maintain no more than 50 dogs over the age of one year at any time for breeding purposes. However, a higher number of dogs may be allowed if approved by local ordinance after a public hearing.

Care & Conditions

Va. Code Ann. §§ 3.2-6500 (2020) - Definitions.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

Va. Code Ann. §§ 3.2-6503 (2014) - Care of companion animals by owner; penalty.

[For all owners of companion animals] Each owner shall provide for each of his or her companion animals:

- Adequate feed
- Adequate water
- Adequate shelter that is properly cleaned
- Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight
- Adequate exercise
- Adequate care, treatment, and transportation
- Veterinary care when needed or to prevent suffering or disease transmission.

Va. Code Ann. §§ 3.2-6507.2 (2008) - Commercial dog breeding; requirements.

Commercial breeders must breed female dogs only:

- (i) after annual certification by a licensed veterinarian that the dog is in suitable health for breeding;
- (ii) after the dog has reached the age of 18 months; and
- (iii) if the dog has not yet reached the age of 8 years.

Inspections

Va. Code Ann. §§ 3.2-6507.3 (2008) - Right of entry.

The Commissioner, the State Veterinarian or his assistant, any animal control officer, and any public health or safety official employed by the locality where a commercial dog breeder resides or maintains breeding operations may, upon receiving a complaint or upon his own motion, investigate any violation of the provisions of this chapter. Such investigation may include (i) the inspection of the books and records of any commercial dog breeder, (ii) the inspection of any companion animal owned by the commercial dog breeder, and (iii) the inspection of any place where animals are bred or maintained. In conducting the inspection, the Commissioner or animal control officer may enter any premises where animals may be bred or maintained during daytime hours.

Penalties

Va. Code Ann. §§ 3.2-6507.5 (2008) - Penalty.

VIRGINIA

Any commercial dog breeder violating any provision of this article is guilty of a Class 1 misdemeanor.

Cruelty Laws (abridged)

Va. Code Ann. § 3.2-6570 (2019) - Cruelty to animals; penalty.

A. Any person who

(i) overrides, overdrives, overloads, ill-treats, or abandons any animal, whether belonging to himself or another;
 (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation on any animal, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another;

(iii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment;

...

(vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (vii) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or .

(viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

...

B. Any person who

(i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another;

...

(iv) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment;

(v) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or

(vi) causes any of the actions described in clauses (i) through (v), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A,

is guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection A.

...

E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or subsequent violation of this subsection is a Class 6 felony.

F. Any person who

(i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and

(ii) as a direct result causes serious bodily injury to such dog or cat that is a companion animal, the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal is guilty of a Class 6 felony.

...

WASHINGTON

Threshold & Definitions

RCWA 16.52.310 (2010) - Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.

Breeder not specifically defined, but law applies to a person who keeps 10 or more dogs with intact sexual organs over the age of 6 months in an enclosure for the majority of the day.

A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs (50) with intact sexual organs over the age of six months at any time (except for commercial dog breeders licensed, before January 1, 2010, by the United States Department of Agriculture pursuant to the federal Animal Welfare Act (Title 7 U.S.C. Sec. 2131 et seq.).

WASHINGTON

<p>Care & Conditions</p>	<p>RCWA 16.52.310 (2010) - Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.</p> <ul style="list-style-type: none"> • Must provide enough space for dog to turn around freely, stand, sit, and lie down • One hour of exercise each day (for dogs over 4 months old) • Adequate housing and primary enclosures (sanitary, ventilated, shelter from extreme weather, floors that protect the dogs' feet from injury, removal of feces and debris, etc.) • Compatible grouping of dogs • Easy and convenient access to adequate clean food and water • Veterinary care without delay when necessary
<p>Inspections</p>	
<p>Penalties</p>	<p>RCWA 16.52.310 (2010) - Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.</p> <p>A person who violates subsection (1) (keeping more than 50 dogs) or (2) (standards of care) is guilty of a gross misdemeanor.</p>
<p>Cruelty Laws <i>(abridged)</i></p>	<p>RCW 16.52.205 (2020) - Animal cruelty in the first degree.</p> <p>(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.</p> <p>(2)</p> <p>(a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes: (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (ii) death.</p> <p>(b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to: (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and (ii) the animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.</p> <p>...</p> <p>(4) Animal cruelty in the first degree is a class C felony.</p> <p>...</p> <p>RCW 16.52-207. Animal cruelty in the second degree - Penalty.</p> <p>(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty:</p> <p>(a) The person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or</p> <p>(b) The person takes control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117 and knowingly, recklessly, or with criminal negligence abandons the animal.</p> <p>(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:</p> <p>(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or</p> <p>(b) Abandons the animal.</p> <p>(3) Animal cruelty in the second degree is a gross misdemeanor.</p>

WEST VIRGINIA

<p>Threshold & Definitions</p>	<p>W. Va. Code § 19-20-26 (2020) - Commercial Dog-Breeding Operations.</p> <p>"Commercial dog breeder" means any person who:</p> <p>(A) Maintains 11 or more unsterilized dogs over the age of one year for the exclusive purpose of actively breeding;</p> <p>(B) Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration.</p>
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Care & Conditions	<p>W. Va. Code § 19-20-26 (2020) - Commercial Dog-Breeding Operations.</p> <ul style="list-style-type: none">• Easy and convenient access to adequate amounts of clean food and water;• Veterinary care without delay when necessary;• Maintain adequate staffing levels;• Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation;• Housing facilities must have a means of fire suppression;• Housing facilities and primary enclosures must enable all dogs to remain dry and clean;• Housing facilities must provide shelter and protection from extreme temperatures and weather conditions;• Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed;• A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;• Primary enclosures must be placed no higher than 42" above the floor and may not be placed over or stacked on top of another cage or primary enclosure;• Feces, hair, dirt, debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary;• All dogs in the same enclosure at the same time must be compatible, as determined by observation;• Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.
Inspections	<p>W. Va. Code § 19-20-26 (2020) - Commercial Dog-Breeding Operations.</p> <p>Commercial dog breeding locations are subject to biannual inspections by animal control officers or law-enforcement officers.</p>
Penalties	<p>W. Va. Code § 19-20-26 (2020) - Commercial Dog-Breeding Operations.</p> <p>Any commercial dog breeder who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 per violation.</p> <p>In any proceeding brought pursuant to the provisions of this section, a circuit judge or magistrate may grant a person accused of violating this section an improvement period not to exceed one year upon such terms and conditions as the judge or magistrate may determine. Upon successful completion of the improvement period the judge or magistrate shall dismiss the charges.</p>
Cruelty Laws (abridged)	<p>W. Va. Code § 61-8-19 (2008) - Cruelty to animals; penalties; exclusions.</p> <p>(a)</p> <p>(1) It is unlawful for any person to intentionally, knowingly or recklessly,</p> <ul style="list-style-type: none">(A) Mistreat an animal in cruel manner;(B) Abandon an animal;(C) Withhold;<ul style="list-style-type: none">(i) Proper sustenance, including food or water;(ii) Shelter that protects from the elements of weather; or(iii) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;(D) Abandon an animal to die;(E) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result;(F) Ride an animal when it is physically unfit;(G) Bait or harass an animal for the purpose of making it perform for a person's amusement;(H) Cruelly chain or tether an animal; or(I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal. <p>(2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both.</p> <p>(b) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a</p>

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correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, "torture" means an action taken for the primary purpose of inflicting pain.

...

(g) Notwithstanding the provisions of subsection (a) of this section, any person convicted of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be confined in jail for a period of not less than ninety days nor more than one year, fined not less than \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is mandatory unless the provisions of subsection (h) of this section are complied with.

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<p>Threshold & Definitions W.S.A. 173.41, WI ADC s ATCP 16.01 - .30</p>	<p>W.S.A. 173.41 (2009) - Regulation of persons who sell dogs or operate animal shelters. "Dog breeder" means a person who sells 25 or more dogs in a year that the person has bred and raised, except that "dog breeder" does not include a person who sells 25 or more dogs in a year that the person has bred and raised if all of those dogs are from no more than 3 litters.</p>
<p>Care & Conditions</p>	<p>W.S.A. 173.41 (2009) - Regulation of persons who sell dogs or operate animal shelters.</p> <ul style="list-style-type: none"> • Sufficient food for good health • Sufficient fresh water • Necessary and standard vet care in a timely manner • Specific enclosure standards for dogs kept inside or outside • Ensure that dog is not kept in an enclosure for a period dept. determines is "excessive" • Dogs must be checked everyday.
<p>Inspections</p>	<p>W.S.A. 173.41 (6) (2009) - Regulation of persons who sell dogs or operate animal shelters. Facilities must be inspected prior to initial licensing and at least once every two years after that (not required to inspect out-of-state dealers premises).</p>
<p>Penalties</p>	<p>W.S.A. 173.41 (15) (2009) - Regulation of persons who sell dogs or operate animal shelters. Violation for standards of care or other non-licensing issue can result in up to \$1000 forfeiture for first offense, and \$200 to \$2000 for 2nd or subsequent offense within 5 year time frame. Each animal constitutes a separate violation. Failure to get license results in fine up to \$10,000 and/or 9 months imprisonment.</p>
<p>Cruelty Laws (abridged)</p>	<p>Wis. Stat. § 951.02 (2011) - Mistreating animals. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.</p> <p>Wis. Stat. § 951.13 (1987) - Providing proper food and drink to confined animals. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.</p> <p>(1) Food. The food shall be sufficient to maintain all animals in good health.</p> <p>(2) Water. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.</p> <p>Wis. Stat. § 951.14 (1987) - Providing proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.</p> <p>(1) Indoor standards. Minimum indoor standards of shelter shall include:</p>

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(a) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.

(b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(2) Outdoor standards. Minimum outdoor standards of shelter shall include:

(a) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(b) *Shelter from inclement weather.*

1. 'Animals generally.' Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. 'Dogs.' If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

Wis. Stat. § 951.18 (2015) - Penalties.

(1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05, 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a Class C forfeiture. Any person who violates any of these provisions within 3 years after a humane officer issues an abatement order under s. 173.11 prohibiting the violation of that provision is subject to a Class A forfeiture. Any person who intentionally or negligently violates any of those sections is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.02 or 951.06, knowing that the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class I felony.

(2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.

(2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

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WYOMING

Cruelty Laws (abridged)

Wyo. Stat. Ann. § 6-3-1002 (2021) - Cruelty to animals.

(a) A person commits cruelty to animals if he knowingly:

(i) Overrides an animal or drives an animal when overloaded; or

(ii) Unnecessarily beats or injures an animal; or

(iii) Carries an animal in a manner that poses undue risk of injury or death.

(b) A person commits cruelty to animals if he has the charge and custody of any animal and unnecessarily fails to provide it with the proper food, drink or protection from the weather, or cruelly abandons the animal, or in the case of immediate, obvious, serious illness or injury, fails to provide the animal with appropriate care.

(c) A person commits aggravated cruelty to animals if he:

(i) Repealed by Laws 1987, ch. 91, § 2.

(ii) Owns, possesses, keeps or trains fowls or dogs with the intent to allow the dog or fowl to engage in an exhibition of fighting with another dog or fowl;

(iii) Repealed by Laws 1987, ch. 91, § 2.

(iv) For gain causes or allows any dog or fowl to fight with another dog or fowl;

(v) Knowingly permits any act prohibited under paragraphs (ii) or (iv) of this subsection on any premises under his charge or control;

(vi) Promotes any act prohibited under paragraphs (ii) or (iv) of this subsection; or

(vii) Shoots, poisons or otherwise intentionally acts to seriously injure or destroy any livestock or domesticated animal owned by another person while the animal is on property where the animal is authorized to be present.

...

(e) Unless punishable under subsection (n) of this section, a violation of this section is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both except that a subsequent offense is a high misdemeanor punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

...

(n) A person commits a felony punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00) or both, if the person:

(i) Commits aggravated cruelty to animals as defined in subsection (c) of this section, resulting in the death or required euthanasia of the animal; or

(ii) Knowingly, and with intent to cause death or undue suffering, cruelly beats, tortures, torments or mutilates an animal.

...

(p) A person commits household pet animal cruelty if he:

(i) Keeps any household pet in a manner that results in chronic or repeated serious physical harm to the household pet; or

(ii) Keeps the household pet confined in conditions which constitute a public health hazard.

Wyo. Stat. Ann. § 6-3-1005 (2021) - Felony cruelty to animals; penalty.

(a) A person commits felony cruelty to animals if the person:

(i) Commits cruelty to animals as defined in W.S. 63-1002(a)(v) through (ix), that results in the death or required euthanasia of the animal; or

(ii) Knowingly, and with intent to cause death or undue suffering, beats with cruelty, tortures, torments or mutilates an animal.

(b) Felony cruelty to animals is a felony punishable by:

(i) Permanent forfeiture of the animal or livestock animal; and

(ii) Imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both.