

1 HB548
2 168080-1
3 By Representatives Beckman, Williams (JD), Polizos, Shiver
4 and Ingram
5 RFD: Agriculture and Forestry
6 First Read: 23-APR-15

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8 SYNOPSIS: This bill would provide requirements for the
9 responsible breeding and care of dogs. This bill
10 would require access to adequate exercise,
11 necessary food and water, sufficient housing,
12 sufficient space, and veterinary care.

13 This bill would limit the number of times a
14 dog may be bred within an 18-month period of time.

15 This bill would provide penalties.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To establish requirements for the responsible
16 breeding and care of dogs; to require access to adequate
17 exercise, necessary food and water, sufficient housing,
18 sufficient space, and veterinary care; to limit the number of
19 times a dog may be bred within a certain period of time; to
20 provide criminal penalties for violations; and in connection
21 therewith would have as its purpose or effect the requirement
22 of a new or increased expenditure of local funds within the
23 meaning of Amendment 621 of the Constitution of Alabama of
24 1901, now appearing as Section 111.05 of the Official
25 Recompilation of the Constitution of Alabama of 1901, as
26 amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. As used in this act, the following terms
2 have the following meanings:

3 (1) ADEQUATE EXERCISE. Providing the covered dog
4 with the opportunity to exercise by ensuring access to an
5 outdoor ground-level exercise area that does all of the
6 following:

7 a. Contains an entryway that allows for constant and
8 unfettered access to and from the primary enclosure, unless
9 the primary enclosure is being cleaned.

10 b. Permits all dogs contained in the area to achieve
11 a running stride.

12 c. Has adequate means to prevent dogs from escaping.

13 d. Is cleaned of feces, urine, and other harmful
14 debris at least once daily.

15 (2) COVERED DOG. Any species of domestic dog of the
16 species *Canis lupus familiaris*, or resultant hybrids that is
17 over the age of six months and has intact sexual organs.

18 (3) NECESSARY FOOD AND WATER. Appropriate,
19 nutritious food sufficient to maintain good health provided at
20 least twice a day and continuous access to potable water that
21 is not frozen, and is free of feces, algae, and other
22 contaminants.

23 (4) PERSON. Any individual, firm, partnership, joint
24 venture, association, limited liability company, corporation,
25 estate, trust, receiver, or syndicate.

26 (5) RESPONSIBLE BREEDING METHODS. Ensuring, at a
27 minimum, that dogs are not bred to produce more than two

1 litters in any 18-month period; maintaining detailed records
2 of each covered dog's pregnancy and whelping history,
3 including the date of each confirmed pregnancy, the result of
4 the pregnancy, the number of puppies delivered, any
5 pregnancy-related complications experienced by the covered dog
6 and birth-related complications experienced by any puppies,
7 and providing all records described in this subdivision at the
8 time of each veterinary care examination.

9 (6) SUFFICIENT HOUSING. Housing that provides
10 constant and unfettered access to an indoor enclosure that has
11 all of the following:

12 a. A solid, ground level floor.

13 b. Is not stacked or otherwise placed on top of or
14 below another animal's enclosure.

15 c. Is cleaned of waste at least once a day while the
16 dog is outside of the enclosure.

17 d. Does not fall below 45 degrees Fahrenheit.

18 e. Sufficient space.

19 (7) SUFFICIENT SPACE. Space for the covered dog to
20 turn, stretch freely, lie down, and fully extend its limbs.
21 Sufficient space includes all of the following:

22 a. Indoor space large enough for each dog to turn in
23 a complete circle without any impediment, including a tether.

24 b. Indoor space large enough for each dog to lie
25 down and fully extend its limbs and stretch freely without
26 touching the side of an enclosure or another dog.

1 c. At least one foot of headroom above the head of
2 the tallest dog in the enclosure.

3 d. At least 12 square feet of indoor floor space per
4 dog for each dog between 25 and 35 inches in length, measured
5 from the tip of the nose to the base of the tail and at least
6 30 square feet of indoor floor space per dog for each dog 35
7 inches in length and longer from the tip of the nose to the
8 base of the tail.

9 (8) VETERINARY CARE. All of the following:

10 a. A complete physical veterinary examination prior
11 to each breeding cycle, including a determination of whether
12 pregnancy, whelping, or nursing puppies for at least eight
13 weeks would compromise the well-being of the dog.

14 b. Prompt treatment by or under the direction of a
15 licensed veterinarian of any illness or injury.

16 c. Humane euthanasia by a licensed veterinarian
17 using a lawful technique deemed acceptable for dogs by the
18 most recent version of the American Veterinary Medical
19 Association's Guidelines on Euthanasia.

20 Section 2. (a) A person commits the offense of
21 unlawfully operating a puppy mill if the person has custody or
22 ownership of more than 10 covered dogs for the purpose of
23 breeding the dogs and selling the offspring and does any of
24 the following:

25 (1) Fails to provide any covered dog with necessary
26 food and water, sufficient housing, sufficient space, or
27 veterinary care.

1 (2) Fails to use responsible breeding methods with
2 respect to any covered dog.

3 (3) Fails to allow a covered dog the opportunity to
4 get adequate exercise except as provided in subsection (b) of
5 Section 3.

6 (b) Each violation of this section constitutes a
7 separate offense.

8 (c) Unlawfully operating a puppy mill is a Class A
9 misdemeanor.

10 Section 3. (a) A violation of this act shall not
11 occur if the failure to provide a covered dog with necessary
12 food and water, sufficient housing, sufficient space is for
13 any of the following:

14 (1) Veterinary examination, testing, operation,
15 recuperation, or other individual treatment for veterinary
16 purposes.

17 (2) Lawful scientific research.

18 (3) During transportation.

19 (4) During cleaning of a covered dog's enclosure.

20 (5) During supervised, outdoor exercise.

21 (6) During an emergency that places the life of the
22 covered dog in imminent danger.

23 (b) If, in the opinion of a veterinarian, it is
24 inappropriate for a dog to exercise due to its health,
25 condition, or well-being, the provisions in Section 2
26 requiring adequate exercise shall not apply. The determination
27 that adequate exercise is inappropriate for the dog due to

1 health, condition, or well-being shall be documented in
2 writing by a veterinarian, and, unless the basis for the
3 decision is a permanent condition, shall be reviewed at least
4 every 30 days and updated accordingly.

5 Section 4. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, now
9 appearing as Section 111.05 of the Official Recompilation of
10 the Constitution of Alabama of 1901, as amended, because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

13 Section 5. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.