

1 AN ACT relating to commercial dog breeding.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Adequate rest between breeding cycles" means, at a minimum, ensuring
7 that female dogs are not bred to produce more litters in any given period
8 than what is recommended by a licensed veterinarian as appropriate for the
9 species, age, and health of the dog;

10 (b) "Animal control officer" has the same meaning as in KRS 258.095;

11 (c) "Animal shelter" has the same meaning as in KRS 258.095;

12 (d) "Commercial dog breeder" means a person engaged in the business of
13 breeding dogs for sale or for exchange in return for consideration and who
14 harbors five (5) or more sexually intact female dogs for the primary purpose
15 of breeding; and

16 (e) "Severe weather conditions" means:

17 1. Temperatures below thirty-two (32) degrees Fahrenheit or above
18 ninety (90) degrees Fahrenheit; and

19 2. Any period in which a severe weather advisory or warning has been
20 issued for the area by the National Weather Service.

21 (2) (a) All commercial dog breeders shall possess a valid license to operate in the
22 county in which the dogs are housed. This license shall be in addition to any
23 other business license required by the county or the city in which the
24 breeder is located. Each county shall enact by ordinance a dog breeding
25 licensure program to carry out the provisions of this section.

26 (b) The cost of the commercial dog breeder license required in paragraph (a) of
27 this subsection shall be as follows, unless the fiscal court of the county

1 adopts higher fees by ordinance:

2 1. Five (5) to nine (9) sexually intact dogs\$100

3 2. Ten (10) to nineteen (19) sexually intact dogs\$200

4 3. Twenty (20) to twenty-nine (29) sexually intact dogs\$300

5 4. Thirty (30) to thirty-nine (39) sexually intact dogs\$400

6 5. Forty (40) to fifty (50) sexually intact dogs\$500

7 (c) Six dollars (\$6) of each fee collected under paragraph (b) of this subsection
8 shall be retained by the county clerk's office for administrative costs. The
9 remaining amount from each fee collected shall be paid to the animal
10 control and care fund created in KRS 258.119. One-half (1/2) of the
11 remaining amount shall be used for spay and neuter grants and one-half
12 (1/2) shall be used for grants to county animal shelters for the purposes set
13 out in KRS 258.119.

14 (d) All commercial dog breeder licenses shall state, at a minimum:

15 1. The number of dogs on the property as set out by the license level in
16 paragraph (b) of this subsection;

17 2. The physical address where the dogs are housed;

18 3. The commercial dog breeder's current mailing address, if different
19 from the address where the dogs are housed; and

20 4. The commercial dog breeder's current telephone number.

21 (3) (a) A commercial dog breeder shall not possess, control, or otherwise have
22 custody of more than fifty (50) sexually intact dogs that are six (6) months
23 of age or older at the same time.

24 (b) Each commercial dog breeder licensed by the county shall provide the
25 following to each breeding dog in his or her custody:

26 1. Sufficient and uncontaminated food to maintain good health and
27 physical condition;

- 1 2. Continuous access to clean, potable, unfrozen water;
- 2 3. Sufficient space for the dog to turn around, lie down, and fully extend
- 3 his or her limbs. All dogs primarily kept in enclosures shall be able to
- 4 perform these motions without touching the top or sides of the
- 5 enclosure. Enclosures shall:
- 6 a. Be designed and constructed to be structurally sound and shall
- 7 be kept in good repair;
- 8 b. Cleaned at least once per day to remove excreta, dirt, grime, and
- 9 other contaminants;
- 10 c. Use solid or slatted flooring. Spaces between slats shall not
- 11 exceed one-half (1/2) an inch in width;
- 12 d. Not be stacked on top of one another;
- 13 e. Provide adequate air exchange to control humidity, odors, and
- 14 fumes;
- 15 f. Provide protection from inclement weather; and
- 16 g. Provide regular access to an exercise area during daylight hours
- 17 that is at ground level with the enclosure;
- 18 4. Indoor accommodations for the dogs for use during severe weather
- 19 conditions; and
- 20 5. Adequate rest between breeding cycles.
- 21 (c) Each commercial dog breeder shall only breed a dog:
- 22 1. That has been annually certified by a licensed veterinarian that the
- 23 dog is in suitable health for breeding;
- 24 2. That is between the age of ten (10) months and ten (10) years; and
- 25 3. No more than six (6) times for a female dog.
- 26 (d) Each commercial dog breeder shall provide regular veterinary care for the
- 27 dogs in his or her custody that includes an annual hands-on examination by

1 a licensed veterinarian, core vaccinations, prompt treatment by a licensed
2 veterinarian of illness or injury, and preventive care. The commercial dog
3 breeder shall keep individual veterinary records on each dog in his or her
4 custody. All surgical procedures for dogs in the custody of a commercial
5 dog breeder shall be performed by a licensed veterinarian. Surgical
6 procedures include but are not limited to surgical births, tail docking, and
7 ear cropping.

8 (e) Commercial dog breeders shall make all reasonable efforts to facilitate the
9 adoption of retired breeding dogs and puppies that the breeder does not
10 intend to sell with the nearest animal shelter. Retired breeding dogs or dogs
11 with known congenital health issues shall not be sold at auction or placed
12 with another breeder for breeding purposes.

13 (f) When euthanasia of a dog is necessary, dogs in the custody of a commercial
14 dog breeder shall only be euthanized by a licensed veterinarian using
15 methods specified as acceptable for dogs by the most recent report of the
16 American Veterinary Medical Association Panel on Euthanasia.

17 (4) (a) Prior to the issuance of an initial license to a commercial dog breeder, the
18 animal control officer shall conduct an inspection of the facilities to ensure
19 that they meet the requirements of this section.

20 (b) The animal control officer may conduct additional inspections upon
21 receiving a valid complaint or at other reasonable times to determine
22 compliance with subsection (3) of this section. A commercial dog breeder
23 shall allow the animal control officer unrestricted access to all locations
24 where dogs are housed and shall provide proof of a valid license upon
25 request.

26 (5) (a) A commercial dog breeder who violates any provision of subsection (2) or
27 (3) of this section shall be subject to a civil penalty of five hundred dollars

1 (\$500) for a first offense, and one thousand dollars (\$1,000) for each
2 subsequent offense. A commercial dog breeder license shall be subject to
3 revocation for repeated violations.

4 **(b) Nothing in this section shall be construed to interfere with an animal**
5 **control officer or peace officer carrying out his or her duties under KRS**
6 **436.605 or enforcing the laws of the Commonwealth concerning cruelty,**
7 **mistreatment, sexual crimes against, or torture of animals.**

8 **(c) All fines collected from violations under this section shall be paid to the**
9 **animal control and care fund in the same manner set out in paragraph (c)**
10 **of subsection (2) of this section.**

11 ➔Section 2. KRS 258.119 is amended to read as follows:

12 (1) The "Animal Control and Care Fund" is hereby created as a special fund in the
13 State Treasury. The fund may also receive gifts, grants from public and private
14 sources, state appropriations, ~~and~~ federal funds, **and moneys from Section 1 of**
15 **this Act.** Any unallotted or unencumbered balances in this fund shall be invested as
16 provided for in KRS 42.500(9). Income earned from the investments shall be
17 credited to the fund. Any fund balance at the close of the fiscal year shall not lapse
18 but shall be carried forward to the next fiscal year, and moneys in this fund shall be
19 continuously appropriated only for the purposes specified in this section.

20 (2) Moneys from the fund shall be used by the Animal Control Advisory Board for
21 board expenses, for the creation and support of statewide programs related to
22 animal control and care, and for training animal control officers. "Statewide
23 programs" includes, but is not limited to, the reimbursement of costs for
24 preexposure rabies vaccinations for all animal control and care workers. When
25 determining the distribution of the moneys relating to training, the need of the
26 applicant shall be one (1) of the criteria considered by the board. Based on
27 recommendations of the Animal Control Advisory Board, any moneys not

1 expended under this subsection may be distributed annually as grants to counties
2 with an established animal control and care program meeting the requirements of
3 subsection (3) of this section or approved plan to establish an animal control and
4 care program under subsection (4) of this section.

5 (3) As used in this section, "animal control and care program" means a program in
6 which the county:

7 (a) Employs, appoints, or contracts with an animal control officer, or contracts
8 with an entity that employs, appoints, or contracts with an animal control
9 officer, as required by KRS 258.195, who is a high school graduate and has
10 completed the training requirements set forth by the Animal Control Advisory
11 Board; and

12 (b) Maintains an animal shelter, enters into an intergovernmental agreement for
13 the establishment of a regional animal shelter, or contracts with an entity
14 authorized to maintain sheltering and animal control services, to provide
15 services that:

- 16 1. Segregate male and female animals by species in runs and holding areas;
- 17 2. Provide separate runs or holding areas for ill or injured animals. An ill
18 or injured animal shall be treated with proper veterinary care or
19 euthanized;
- 20 3. Provide quarantine for dogs and cats presented to the shelter when
21 quarantine by the owner is not feasible or desirable, the cost of
22 quarantine to be borne by the animal owner at the shelter's regular
23 housing costs and fees. Quarantined dogs and cats shall be held in
24 isolation for observation of symptoms of rabies for a period of ten (10)
25 days from the date the dog or cat bit a person. If the dog or cat dies or is
26 euthanized while in quarantine, it shall be submitted to the local health
27 department for testing for the presence of the rabies virus. The cost of

- 1 the testing shall be borne by the animal owner or the local health
2 department may bear the cost at its discretion;
- 3 4. Provide holding areas with protection from the weather, including
4 heated quarters during cold weather. Holding areas shall be free of
5 debris or standing water; shall provide adequate lighting, ventilation,
6 and sanitary conditions to promote a safe, healthy environment; and
7 shall provide adequate space to allow for normal movement, including
8 standing to full height, sitting, turning, and lying down in a natural
9 position without coming in contact with the top or sides of the enclosure
10 or another animal;
- 11 5. Provide runs and cages built of materials which can be readily cleaned
12 and disinfected, including floors made of an impervious material;
- 13 6. Provide access to the public for no less than twenty-four (24) hours in
14 one (1) week, with the hours that the facility is open to the public posted
15 in a visible location;
- 16 7. Employ euthanasia methods specified as acceptable for that species by
17 the most recent report of the American Veterinary Medical Association
18 Panel on Euthanasia;
- 19 8. Provide potable, uncontaminated water to every animal at all times, and
20 palatable, uncontaminated food daily; and
- 21 9. Maintain a record on each animal impounded. Records shall be
22 maintained for a period of two (2) years and shall include:
- 23 a. Date impounded;
- 24 b. Location found or picked up;
- 25 c. Sex of animal and spay or neuter status, if known;
- 26 d. Breed or description, and color; and
- 27 e. Date reclaimed, adopted, or euthanized.

- 1 (4) Counties submitting plans proposing to establish an animal control and care
2 program for approval by the Animal Control Advisory Board shall comply with the
3 requirements of:
- 4 (a) Paragraph (a) of subsection (3) of this section within twelve (12) months of
5 the date the documentation is submitted; and
- 6 (b) Paragraph (b) of subsection (3) of this section within twenty-four (24) months
7 of the date the documentation is submitted.
- 8 (5) To be eligible for any moneys distributed as grants to counties under subsection (2)
9 of this section, counties shall submit an application to the commissioner, on a form
10 prescribed by the Department of Agriculture, by July 15 of each year. Moneys shall
11 be used for construction, equipment, educational supplies, and other uses or
12 programs approved by the advisory board, but shall not be used to increase wages
13 of animal control officers or other personnel. Counties receiving money from the
14 Department of Agriculture shall comply with the terms of the plan or program. If
15 the terms of the plan or program are not complied with, the county shall refund the
16 money to the Department of Agriculture.