
SENATE BILL 5651

State of Washington 61st Legislature 2009 Regular Session

By Senators Kohl-Welles, Delvin, Kline, and Tom

Read first time 01/28/09. Referred to Committee on Judiciary.

1 AN ACT Relating to providing humanitarian requirements for certain
2 dog breeding practices; adding a new section to chapter 16.52 RCW;
3 creating a new section; prescribing penalties; and providing an
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) Dogs are neither a commercial crop nor
7 commodity and should not be indiscriminately or irresponsibly mass
8 produced;

9 (2) Commercial dog breeding increases the likelihood that the dogs
10 will be denied their most basic needs including but not limited to:
11 Sanitary living conditions, proper and timely medical care, the ability
12 to move freely at least once per day, and adequate shelter from the
13 elements;

14 (3) Without proper oversight, puppy mills can easily fall below
15 even the most basic standards of humane housing and husbandry;

16 (4) Current Washington state laws are inadequate regarding the care
17 and husbandry of dogs in puppy mills;

18 (5) No Washington state agency currently regulates puppy mills;

1 (6) The United States department of agriculture does not regulate
2 puppy mills that sell dogs directly to the public and thus, such
3 direct-sales breeders are currently exempt from even the minimum care
4 and housing standards outlined in the federal animal welfare act;

5 (7) Documented conditions at large-scale puppy mills include
6 unsanitary conditions, potential for soil and groundwater
7 contamination, the spread of zoonotic parasites and infectious
8 diseases, and the sale of sick and dying animals to the public; and

9 (8) An unfair fiscal burden is placed on city, county, and state
10 taxpayers as well as government agencies and nongovernmental
11 organizations, who are required to care for discarded or abused and
12 neglected dogs from puppy mills.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
14 to read as follows:

15 (1) A person may not own, possess, control, or otherwise have
16 charge or custody of more than twenty-five dogs with intact sexual
17 organs over the age of four months at any time.

18 (2) Any person who owns, possesses, controls, or otherwise has
19 charge or custody of more than ten dogs with intact sexual organs over
20 the age of four months must:

21 (a) Provide space to allow each dog to turn about freely, to stand,
22 sit, and lie down. The dog must be able to lie down while fully
23 extended without the dog's head, tail, legs, face, or feet touching any
24 side of an enclosure and without touching any other dog in the
25 enclosure when all dogs are lying down simultaneously. The interior
26 height of the enclosure must be at least six inches higher than the
27 head of the tallest dog in the enclosure when it is in a normal
28 standing position. Each enclosure must be at least three times the
29 length of the longest dog in the enclosure, from tip of nose to base of
30 tail.

31 (b) Provide each dog that is over the age of four months with a
32 minimum of one exercise period during each day for a total of not less
33 than one hour of exercise during such day. Such exercise must include
34 removing the dog from the dog's primary enclosure and either leash
35 walking or giving the dog access to an enclosure at least four times
36 the size of the primary enclosure allowing the dog free mobility for
37 the entire exercise period, but may not include use of a treadmill, cat

1 mill, jenny mill, slat mill, or similar device, unless prescribed by a
2 doctor of veterinary medicine. The exercise requirements in this
3 subsection do not apply to a dog certified by a doctor of veterinary
4 medicine as being medically precluded from exercise.

5 (c) Maintain adequate housing facilities and primary enclosures
6 that meet the following requirements at a minimum:

7 (i) Housing facilities and primary enclosures must be kept in a
8 sanitary condition. Housing facilities where dogs are kept must be
9 sufficiently ventilated at all times to minimize odors, drafts, ammonia
10 levels, and to prevent moisture condensation. Housing facilities must
11 be equipped with a working smoke alarm and have a means of fire
12 suppression, such as functioning fire extinguishers or a functioning
13 sprinkler system on the premises and must have sufficient lighting to
14 allow for observation of the dogs at any time of day or night;

15 (ii) Housing facilities must enable all dogs to remain dry and
16 clean;

17 (iii) Housing facilities must provide shelter and protection from
18 extreme temperatures and weather conditions that may be uncomfortable
19 or hazardous to the dogs. Ambient temperature must not fall below
20 fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit;

21 (iv) Housing facilities must provide sufficient shade to shelter
22 all the dogs housed in the primary enclosure at one time;

23 (v) A primary enclosure must have floors that are constructed in a
24 manner that protects the dogs' feet and legs from injury. Ground level
25 kennels should be of poured concrete sealed with an epoxy sealant so
26 that the runs can be properly cleaned and disinfected. Raised kennels
27 must be slatted with a solid resting surface. The following must be
28 met for floors constructed with slats: (A) Slats must be flat; must
29 have spaces in between that are no more than 0.5 inches in width; (B)
30 slats must have spaces between them that run the length of the floor;
31 (C) slats must be no less than 3/5 inches in width; (D) slats must be
32 level with the slat next to it within a single enclosure; (E) slats
33 must be strong enough so that the slats do not sag or bend between
34 structural supports; and (F) slats must be constructed of a material
35 impervious to moisture and able to be cleaned and sanitized;

36 (vi) Primary enclosures must be placed no higher than forty-two
37 inches above the floor and may not be placed over or stacked on top of
38 another cage or primary enclosure;

1 (vii) Feces, hair, dirt, debris, and food waste must be removed
2 from primary enclosures at least daily or more often if necessary to
3 prevent accumulation and to reduce disease hazards, insects, pests, and
4 odors. Dogs must be removed from enclosures during cleaning; and

5 (viii) All dogs housed in the same enclosure must be compatible, as
6 determined by observation. Animals with a vicious or aggressive
7 disposition must be housed individually. Breeding females in heat may
8 not be housed in the same enclosure with sexually mature males, except
9 for breeding. Breeding females with litters may not be housed in the
10 same enclosure with other adult dogs. Puppies under twelve weeks may
11 not be housed in the same enclosure with other adult dogs, other than
12 the dam or foster dam.

13 (d) Provide dogs with easy and convenient access to adequate
14 amounts of clean food and water. Food and water receptacles must be
15 readily cleaned and sanitized. Enclosures must contain potable water
16 that is not frozen, is free from debris, and is readily accessible to
17 all dogs at all times.

18 (e) Provide veterinary care without delay when necessary. A male
19 unaltered dog must be examined by a veterinarian at least once a year.
20 A female unaltered dog must be examined by a veterinarian at least once
21 a year or prior to each attempt at breeding, whichever occurs more
22 frequently. The veterinarian must use appropriate methods to prevent,
23 control, diagnose, and treat diseases and injuries. A dog may not be
24 bred if a veterinarian determines that the animal is unfit for breeding
25 purposes. Only dogs between the ages of eighteen months and eight
26 years of age may be used for breeding. Female dogs are only allowed to
27 whelp one litter per year. Ear cropping, tail docking, debarking, and
28 surgical births are prohibited except under anesthesia and by a
29 licensed veterinarian. Animals requiring euthanasia must be euthanized
30 only by a licensed veterinarian.

31 (3) Any animal control officer or other authorized public health or
32 safety official may, upon receiving a complaint or upon his own motion,
33 investigate any violation of subsections (1) and (2) of this section.
34 The investigation may include the following: (a) The inspection of the
35 books and records of any individual or business that buys or sells dogs
36 to the public or wholesale; and (b) the inspection of any place where
37 dogs are bred or maintained and/or any dogs maintained therein. In
38 conducting the inspection, the officer or official may enter any

1 premises where animals may be bred or maintained during daytime hours.
2 Any person or business that is the subject of an investigation under
3 this section must, upon request, provide assistance to the officer or
4 official in making any inspection authorized by this section.

5 (4) A person who violates this section is guilty of a gross
6 misdemeanor.

7 (5) This section does not apply to the following:

8 (a) A publicly operated animal control facility or animal shelter;

9 (b) A private, charitable not-for-profit humane society or animal
10 adoption organization;

11 (c) A veterinary facility;

12 (d) A retail pet store;

13 (e) A research institution;

14 (f) A boarding facility; or

15 (g) A grooming facility.

16 (6) For the purposes of this section, the following definitions
17 apply, unless the context clearly requires otherwise:

18 (a) "Dog" means any member of *Canis lupus familiaris*; and

19 (b) "Retail pet store" means a commercial establishment that
20 engages in a for-profit business of selling at retail cats, dogs, or
21 other animals to be kept as household pets. This term does not
22 include: (i) Any person or establishment that breeds or raises animals
23 to sell, exchange, broker, or otherwise transfer the animals to the
24 public as household pets; and (ii) publicly operated animal control
25 facilities or animal shelters, private, charitable not-for-profit
26 humane societies, or animal adoption organizations.

27 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2010.

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