

GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016

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HOUSE BILL 9

Short Title: Dog Breeding Stds./Law Enforcement Tools. (Public)

Sponsors: Representatives Saine and Jordan (Primary Sponsors).

Referred to: Judiciary II

December 14, 2016

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH STANDARDS OF CARE FOR LARGE COMMERCIAL DOG BREEDING FACILITIES AND TO PROVIDE LAW ENFORCEMENT WITH TOOLS TO ENSURE THAT DOGS AT THOSE FACILITIES ARE TREATED HUMANELY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 47 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-362.4. Standards of care for large commercial dog breeders.

(a) Any person who owns, has custody of, or maintains 10 or more female dogs over the age of six months that are capable of reproduction and kept primarily for the purpose of breeding and selling the offspring as pets shall provide the following for each dog owned, kept, or maintained by that person:

- (1) Access to exercise on a daily basis.
- (2) Access to fresh food and water.
- (3) Access to fresh food provided at appropriate intervals to maintain a healthy weight.
- (4) Appropriate veterinary care, including routine and preventative care.
- (5) Daily assessment of each dog's overall health and behavior.
- (6) Appropriate and prompt treatment or attention to any deviation in health.
- (7) Preventative care sufficient to keep dogs free from internal and external parasites.
- (8) When necessary, euthanasia performed humanely.
- (9) A primary enclosure that (i) is constructed and maintained so that dogs are securely confined, (ii) does not cause injury to the dogs, (iii) protects the dogs from extreme weather conditions, (iv) is maintained in a sanitary manner, and (v) is large enough that each dog can sit, stand, lie down, or turn around comfortably with no overcrowding.
- (10) Protection from adverse or extreme weather conditions.
- (11) Flooring that provides solid footing. If wire 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, particularly to the dogs' feet, and must be kept in good repair. If wire is used, a solid platform of sufficient size should be provided to allow the dogs to attain solid footing and to offer a space for resting.
- (12) Lighting that provides a regular lighting cycle for the dogs.



1 In addition, any bedding material made available to dogs shall be clean and not pose a risk to
2 the dogs.

3 (b) Any person who owns, has custody of, or maintains 10 or more female dogs over the
4 age of six months that are capable of reproduction and kept primarily for the purpose of breeding
5 and selling the offspring as pets shall keep the facility and primary enclosures clean and free from
6 debris and odor and shall remove feces and dispose of them as frequently as necessary so as not to
7 pose a threat to the health of the dogs.

8 (c) Failure to comply with the standards established under subsections (a) and (b) of this
9 section constitutes a Class 3 misdemeanor punishable by a fine of not less than twenty-five dollars
10 (\$25.00) per animal nor more than a total of one thousand dollars (\$1,000), unless the person has
11 previously pled guilty or nolo contendere to, or been found guilty of, a violation of this section, in
12 which case each such violation is a Class 1 misdemeanor. Each violation shall constitute a separate
13 offense.

14 (d) The provisions of this section are in addition to, and not in lieu of, any other State or
15 federal laws protecting animal welfare. This section shall not be construed to limit any State law
16 or regulation protecting the welfare of animals, nor shall anything in this section prevent a local
17 governing body from adopting and enforcing its own animal welfare laws and regulations in
18 addition to this section. This section shall not be construed to place any numerical limits on the
19 number of dogs a person may own or control or to regulate persons' ownership of dogs when those
20 dogs are not used for breeding and selling any offspring for use as a pet. Nothing in this section
21 shall be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs
22 with the intention to use those dogs for hunting or other sporting purposes.

23 (e) This section does not apply to kennels or boarding facilities in which the majority of
24 the dogs are:

- 25 (1) Being bred or trained primarily for hunting, sporting, field trials, or show;
- 26 (2) Being maintained primarily for hunting, sporting, field trials, or show; or
- 27 (3) Kept primarily for purposes other than the sale of offspring as pets."

28 **SECTION 2.** If any provision of this act, or the application of this act to any person or
29 circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not
30 affect other provisions or applications of this act that can be given effect without the invalid or
31 unconstitutional provision or application, and to this end, the provisions of this act are severable.

32 **SECTION 3.** This act becomes effective December 1, 2017, and applies to offenses
33 committed on or after that date.