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2 **Commercial Dog and Cat Breeders**
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5 **347.57 Definitions.**

6 Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57 to 347.64.

7 Subd. 2. **Animal.** "Animal" means a dog or a cat.

8 Subd. 3. **Board.** "Board" means the Board of Animal Health.

9 Subd. 4. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis domesticus*. An adult
10 cat is a cat 28 weeks of age or older. A kitten is a cat under 28 weeks of age.

11 Subd. 5. **Commercial breeder.** "Commercial breeder" means a person who possesses or has an
12 ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange
13 in return for consideration, and who possesses ten or more adult intact animals and whose animals
14 produce more than five total litters of puppies or kittens per year.

15 Subd. 6. **Confinement area.** "Confinement area" means a structure used or designed for use to restrict
16 an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.

17 Subd. 7. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis familiaris*. An adult
18 dog is a dog 28 weeks of age or older. A puppy is a dog under 28 weeks of age.

19 Subd. 8. **Facility.** "Facility" means the place used by a commercial breeder for breeding animals, and
20 includes all buildings, property, confinement areas, and vehicles.

21 Subd. 9. **Local animal control authority.** "Local animal control authority" means an agency of the state,
22 county, municipality, or other political subdivision of the state that is responsible for animal control
23 operations in its jurisdiction.

24 Subd. 10. **Person.** "Person" means a natural person, firm, partnership, corporation, or association,
25 however organized.

26 Subd. 11. **Possess.** "Possess" means to have custody of or have control over.

27 Subd. 12. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and licensed in the state of
28 Minnesota.

29
30 **[Session Law] Registration; initial prelicense inspections.**

31 Subdivision 1. **Commercial breeder registration.** Beginning July 1, 2014, until June 30, 2015, a
32 commercial breeder must register each facility it owns or operates by paying a registration fee not to
33 exceed \$250 per facility to the Board of Animal Health.

34 Subd. 2. **Initial prelicense inspections.** Beginning July 1, 2014, the board may begin the initial
35 prelicense inspections under Minnesota Statutes, section 347.58.

36 Subd. 3. **Deposits of fees.** Fees collected under this section must be deposited in the dog and cat
37 breeders licensing account in the special revenue fund.

38
39 **347.58 Licensing and inspections.**

40 Subdivision 1. **Licensing.** (a) The board may grant an operating license to a commercial breeder and
41 must enforce sections 347.58 to 347.64.

42 (b) Beginning July 1, 2015, a commercial breeder must obtain an annual license for each facility it owns
43 or operates. More than one building on the same premises is considered one facility. The initial prelicense
44 inspection fee and the annual license fee is \$10 per adult intact animal, but each fee must not exceed
45 \$250.

46 (c) The board must perform an announced initial prelicense inspection within 60 days from the date of
47 receiving a license application. A commercial breeder is not in violation of this section if the commercial
48 breeder has filed a completed license application with the board and the board has not performed the
49 initial prelicense inspection. The board must inspect a commercial breeder's facility before an initial
50 license is issued. The initial prelicense inspection fee must be included with the license application. Upon
51 completion of the inspection, the inspector must provide the commercial breeder an inspection certificate
52 signed by the inspector in a format approved by the board.

53 (d) The license application must indicate if a commercial breeder operates under more than one name
54 from a single location or has an ownership interest in any other facility. License holders must keep
55 separate records for each business name.

56 (e) The application must include a statement that includes the following information: (1) whether any

1 license held by an applicant under this section or under any other federal, state, county, or local law,
2 ordinance, or other regulation relating to breeding cats or dogs was ever suspended, revoked, or denied;
3 and (2) whether the applicant was ever convicted of animal cruelty.

4 (f) An application from a partnership, corporation, or limited liability company must include the name and
5 address of all partners, directors, officers, or members and must include a notation of any partners,
6 directors, officers, members, or others authorized to represent the partnership, corporation, or limited
7 liability company.

8 (g) A nonresident applicant must consent to adjudication of any violation under the laws of the state of
9 Minnesota and in Minnesota courts.

10 (h) A license issued under this section is not transferable.

11 (i) A license holder must apply for license renewal annually by submitting a renewal application on a form
12 approved by the board. The license renewal application must be postmarked or submitted electronically in
13 a method approved by the board by July 1 of each year. The board may assess a late renewal penalty of
14 up to 50 percent of the license fee. If a license is not renewed by August 1, the board may require the
15 commercial breeder to reapply for an initial license.

16 (j) A commercial breeder must submit to the board an annual report by July 1 on a form prepared by the
17 board. The form must include the current number of cats and dogs at the facility on the date of the report,
18 the number of animals during the preceding year that were sold, traded, bartered, leased, brokered, given
19 away, euthanized, or deceased from other causes, and any other information required by the board.

20 (k) If a commercial breeder is required to be licensed by the United States Department of Agriculture,
21 United States Department of Agriculture inspection reports and records relating to animal care plans and
22 veterinary care must be made available during an inspection, upon request.

23 (l) A commercial breeder must prominently display the commercial breeder's license at each facility.

24 (m) A commercial breeder's state license number or a symbol approved by the board must be included in
25 all of the commercial breeder's advertisements or promotions that pertain to animals being sold or traded
26 including, but not limited to, all newspapers, Internet, radio, or flyers.

27 (n) A commercial breeder must notify the board by certified mail or electronically in a method approved by
28 the board within ten days of any change in address, name, management, or substantial control and
29 ownership of the business or operation.

30 (o) The board must refuse to issue an initial license when a commercial breeder: (1) is in violation of
31 section 343.21; 343.24; 343.27; 343.28; 343.31; 343.37; 346.37; 346.38; 346.39; 346.44; or 346.155; (2)
32 has failed to meet any of the requirements of this section and section 347.59; (3) is in violation of a local
33 ordinance regarding breeders; (4) has been convicted, other than a petty misdemeanor conviction, of
34 cruelty to animals under Minnesota law or a substantially similar animal cruelty law of another jurisdiction;
35 (5) has had a substantially similar license denied, revoked, or suspended by another federal or state
36 authority within the last five years; or (6) has falsified any material information requested by the board.

37 (p) A person who has been an officer, agent, direct family member, or employee of a commercial breeder
38 whose license was revoked or suspended and who was responsible for or participated in the violation that
39 was a basis for the revocation or suspension may not be licensed while the revocation or suspension is in
40 effect.

41 **Subd. 2. Inspections.** (a) The board must inspect each licensed facility at least annually. The inspection
42 must be with the commercial breeder or an agent of the commercial breeder present. The inspector must
43 submit an inspection report to the board within ten days of each inspection on a form prepared by the
44 board. The inspection report form must list separately each law, rule, regulation, and ordinance the facility
45 is not in compliance with and what correction is required for compliance. The inspection report form must
46 document the animal inventory on the date of the inspection.

47 (b) If, after the prelicense inspection, the commercial breeder has two consecutive years of inspections
48 with no violations, the board must inspect the commercial breeder at least every two years. If the
49 commercial breeder has any violations during an inspection or if the board has cause, the board must
50 inspect the commercial breeder at least annually.

51 (c) If a license to operate is suspended, revoked, or denied, the board must be granted access to the
52 facility during normal business hours to verify that it is not operating.

53 **Subd. 3. Record requirements.** (a) The commercial breeder must keep records on each animal at the
54 facility that includes: (1) the name, address, and United States Department of Agriculture license number,
55 if applicable, from whom an animal was received; the date the commercial breeder received the animal;
56 the date of the animal's birth; the breed, sex, color, and identifying marks of the animal; any identifying

1 tag, tattoo, microchip, or collar number; worming treatments, vaccinations, and name of the person who
2 administered the vaccination; medication received by the animal while in the possession of the
3 commercial breeder; and any disease conditions diagnosed by a veterinarian; and (2) the name and
4 address of the person or entity to whom an animal was transferred.

5 (b) The commercial breeder must maintain a copy of the records required to be kept under this
6 subdivision for two years.

7 **Subd. 4. Veterinary protocol.** (a) A commercial breeder must establish and maintain a written protocol
8 for disease control and prevention, euthanasia, and veterinary care of animals at each facility. The initial
9 protocol must be developed under the direction and supervision of the board. A commercial breeder must
10 maintain a written protocol that is updated at least every 12 months and that is signed and dated by the
11 board or by a veterinarian along with the commercial breeder. The written protocol must be available to
12 the board upon request or at the time of inspection.

13 (b) An animal sold or otherwise distributed by a commercial breeder must be accompanied by a
14 veterinary health certificate completed by a veterinarian. The certificate must be completed within 30 days
15 prior to the sale or distribution and must indicate that the animal is current with vaccinations and has no
16 signs of infectious or contagious diseases. The certificate accompanying an adult dog that was not
17 spayed or neutered must indicate that the dog has no signs of infectious or contagious diseases and was
18 tested for canine brucellosis with a test approved by the board and found to be negative.

19 **Subd. 5. Posting of information.** The board must maintain and post in a timely manner on its Web site a
20 list of commercial breeders licensed and in good standing under this section.

21 **347.59 Standards of care.**

22 (a) A commercial breeder must comply with chapters 343 and 346.

23 (b) A commercial breeder must ensure that animals that are part of the commercial breeder's breeding
24 business operations are cared for as follows: (1) cats must not be housed in outdoor confinement areas;
25 (2) animals exercised in groups must be compatible and show no signs of contagious or infectious
26 disease; (3) females in estrus must not be housed in the same confinement area with unneutered males,
27 except for breeding purposes; (4) animals must be provided daily enrichment and must be provided
28 positive physical contact with human beings and compatible animals at least twice daily unless a
29 veterinarian determines such activities would adversely affect the health or well-being of the animal; (5)
30 animals must not be sold, traded, or given away before the age of eight weeks unless a veterinarian
31 determines it would be in the best interests of the health or well-being of the animal; (6) the commercial
32 breeder must provide identification and tracking for each animal, which is not transferable to another
33 animal; and (7) the commercial breeder must provide adequate staff to maintain the facility and observe
34 each animal daily to monitor each animal's health and well-being, and to properly care for the animals.

35 (c) A commercial breeder must not knowingly hire staff or independent contractors who have been
36 convicted of cruelty to animals under the law of any jurisdiction.

37 (d) A commercial breeder must comply with any additional standards the board considers necessary to
38 protect the public health and welfare of animals covered under sections 347.57 to 347.61. The standards
39 must be established by rule.

40 (e) A United States Department of Agriculture (USDA) licensed breeder or dealer who is in compliance
41 with the minimum USDA regulations governing the license holder as they relate to animal confinement
42 areas as of the effective date of this section does not have to comply with the minimum confinement area
43 measurements under section 346.39, subdivision 4, for existing confinement areas in each facility the
44 breeder or dealer owns. If a USDA-licensed breeder or dealer builds a new confinement area after the
45 effective date of this section, those minimum standards must meet or exceed the minimum specifications
46 as they relate to confinement area size under section 346.39, subdivision 4.

47 **347.60 Investigations.**

48 (a) The board must initiate an investigation upon receiving a formal complaint alleging violations of
49 section 347.58 or 347.59.

50 (b) When a local animal control authority, a peace officer, or a humane agent appointed under section
51 343.01 is made aware of an alleged violation under this chapter or chapter 343 or 346, committed by a
52 commercial breeder, the local animal control authority, peace officer, or humane agent appointed under
53 section 343.01 must report the alleged violation in a timely manner to the board.
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1 **347.61 Civil enforcement.**

2 Subdivision 1. **Correction orders.** (a) The board may issue a correction order requiring a commercial
3 breeder to correct a violation of state statutes, rules, and regulations governing breeding facilities. The
4 correction order must state the deficiencies that constitute the violation; the specific statute, rule, or
5 regulation violated; and when the violation must be corrected.

6 (b) A commercial breeder may ask the board to reconsider any portion of the correction order that the
7 commercial breeder believes is in error. The request for reconsideration must be made in writing by
8 certified mail or electronically in a method approved by the board within seven days after receipt of the
9 correction order. The request for reconsideration does not stay the correction order. The board must
10 respond to the request for reconsideration within 15 days after receiving a request. The board's
11 disposition of a request for reconsideration is final. The board may extend the time for complying with a
12 correction order after receiving a request for reconsideration if necessary.

13 (c) The board must reinspect the facility within 15 days after the time for correcting the violation has
14 passed to determine whether the violation has been corrected. If the violation has been corrected, the
15 board must notify the commercial breeder in writing that the commercial breeder is in compliance with the
16 correction order. The board may charge a reinspection fee to determine if a previous violation has been
17 corrected.

18 Subd. 2. **Administrative penalty orders.** After the inspection required under subdivision 1, paragraph
19 (c), the board may issue an order requiring violations to be corrected and administratively assessing
20 monetary penalties for violations. The administrative penalty order must include a citation of the statute,
21 rule, or regulation violated; a description of the violation; and the amount of the penalty for each violation.
22 A single correction order may assess a maximum administrative penalty of \$5,000.

23 Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the board may bring an action
24 for injunctive relief in the district court in Ramsey County or in the county in which a violation of the
25 statutes, rules, or regulations governing the breeding of cats and dogs occurred to enjoin the violation.

26 Subd. 4. **Cease and desist.** The board must issue an order to cease a practice if its continuation would
27 result in an immediate risk to animal welfare or public health. An order issued under this subdivision is
28 effective for a maximum of 72 hours. The board or its designated agent must seek an injunction or take
29 other administrative action authorized by law to restrain a practice beyond 72 hours. The issuance of a
30 cease-and-desist order does not preclude other enforcement action by the board.

31 Subd. 5. **Refusal to reissue license; license suspension or revocation.** (a) The board may suspend,
32 revoke, or refuse to renew a license as follows: (1) for failure to comply with a correction order; (2) for
33 failure to pay an administrative penalty; (3) for failure to meet the requirements of section 347.58 or
34 347.59; or (4) for falsifying information requested by the board. A license suspension, revocation, or
35 nonrenewal may be appealed through the Office of Administrative Hearings. A notice of intent to appeal
36 must be filed in writing with the board within 20 days after receipt of the notice of suspension, revocation,
37 or nonrenewal.

38 (b) The board must revoke a license if a commercial breeder has been convicted of cruelty to animals
39 under Minnesota law or a substantially similar animal cruelty law of another jurisdiction, or for the denial,
40 revocation, or suspension of a similar license by another federal or state authority. A license revocation
41 under this subdivision may be appealed through the Office of Administrative Hearings. A notice of intent
42 to appeal must be filed in writing with the board within 20 days after receipt of the notice of revocation.

43 (c) A commercial breeder whose license is revoked may not reapply for licensure for two years after the
44 date of revocation. The license is permanently revoked if the basis for the revocation was a gross
45 misdemeanor or felony conviction for animal cruelty.

46 (d) A commercial breeder whose license is suspended or revoked two times is permanently barred from
47 licensure.

48 Subd. 6. **Administrative hearing rights.** (a) Except as provided in paragraph (b), if the board proposes
49 to refuse to renew, suspend, or revoke a license, the board must first notify the commercial breeder in
50 writing of the proposed action and provide an opportunity to request a hearing under the contested case
51 provisions of chapter 14. If the commercial breeder does not request a hearing within 20 days after
52 receipt of the notice of the proposed action, the board may proceed with the action without a hearing.

53 (b) The contested case provisions of chapter 14 do not apply when the board denies a license based on
54 an applicant's failure to meet the minimum qualifications for licensure.

55 (c) A commercial breeder may appeal the amount of an administrative penalty order through the Office of
56 Administrative Hearings pursuant to the procedures set forth in chapter 14. A commercial breeder wishing

1 to file an appeal must notify the board in writing within 20 days after receipt of the administrative penalty
2 order.

3 Subd. 7. **Other jurisdictions.** The board may accept as prima facie evidence of grounds for an
4 enforcement action under this section any enforcement or disciplinary action from another jurisdiction, if
5 the underlying violation would be grounds for a violation under the provisions of this section.

6 Subd. 8. **Appeals.** A final order by the board may be appealed to the Minnesota Court of Appeals.
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8 **347.615 Biosecurity; entry into facilities.**

9 No law enforcement officer, agent of the board, or other official may enter a commercial breeder facility
10 unless the person follows either the biosecurity procedure issued by the board or a reasonable
11 biosecurity procedure maintained and prominently posted by the commercial breeder at each entry to a
12 facility, whichever is more stringent. This section does not apply in emergency or exigent circumstances.
13

14 **347.62 Penalties.**

15 (a) A violation of section 347.58 or 347.59 that results in cruelty or torture to an animal, as those terms
16 are defined in section 343.20, subdivision 3, is subject to the penalties in section 343.21, subdivisions 9
17 and 10, relating to pet or companion animals.

18 (b) It is a misdemeanor to falsify information in a license application, annual report, or record.

19 (c) It is a misdemeanor for an unlicensed commercial breeder to advertise animals for sale.

20 (d) It is a misdemeanor for a commercial breeder to operate without a license.
21

22 **347.63 Dog and cat breeders licensing account; appropriation.**

23 A dog and cat breeders licensing account is created in the special revenue fund. All fees and penalties
24 collected by the board under sections 347.58 to 347.62 must be deposited in the state treasury and
25 credited to the dog and cat breeders licensing account in the special revenue fund. Money in the account,
26 including interest on the account, is annually appropriated to the board to administer those sections.
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28 **347.64 Applicability.**

29 Sections 347.57 to 347.63 do not apply to: (1) any species other than dogs and cats as they are defined
30 in section 347.57; and (2) veterinary clinics or veterinary hospitals.
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32 **[Session Law] Recognition; commercial breeder excellence.**

33 The Board of Animal Health, in consultation with representatives of the licensed commercial breeder
34 industry, must develop a program to recognize persons who demonstrate commercial breeder excellence
35 and exceed the standards and practices required of commercial breeders under this act.
36