

# *Missouri Revised Statutes*

## **Chapter 273** **Dogs--Cats**

August 28, 2011

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### **Citation of law--definitions.**

273.325. 1. Sections 273.325 to 273.357 shall be known as the "Animal Care Facilities Act".

2. As used in sections 273.325 to 273.357, the following terms mean:

(1) "Adequate food", the provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish, or container;

(2) "Adequate housing", the continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal, as defined by regulations of the USDA, as revised;

(3) "Adequate water", the provision, either continuously or at intervals suitable to the species, which intervals shall not exceed eight hours, of a supply of potable water in a safe receptacle, dish, or container;

(4) "Animal", any dog or cat, which is being used, or is intended for use, for research, teaching, testing, breeding, or exhibition purposes, or as a pet;

(5) "Animal shelter", a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption;

(6) "Animal welfare official", any licensed veterinarian, designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the provisions of sections 273.325 to 273.357, or any appointee of the director, and shall include all deputy state veterinarians;

(7) "Boarding kennel", a place or establishment, other than a pound or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration; however, "boarding kennel" shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding such intact females, and shall

not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals;

(8) "Commercial breeder", a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three intact females for the primary purpose of breeding animals for sale;

(9) "Commercial kennel", a kennel which performs grooming or training services for animals, and may or may not render boarding services in return for a consideration;

(10) "Contract kennel", any facility operated by any person or entity other than the state or any political subdivision of the state, for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision;

(11) "Dealer", any person who is engaged in the business of buying for resale, selling or exchanging animals, as a principal or agent, or who holds himself out to be so engaged or is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;

(12) "Director", the director of the department of agriculture of the state of Missouri;

(13) "Hobby or show breeder", a noncommercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling the dogs or cats, and having no more than ten intact females. Such breeder shall be classified as a hobby or show breeder if such person only sells animals to other breeders or to individuals;

(14) "Humane euthanasia", the act or practice of putting an animal to death in a humane or instantaneous manner under guidelines and procedures established by rules promulgated by the director;

(15) "Intact female", with respect to a dog, refers to a female dog between the ages of six months and ten years of age which is capable of being bred; and with respect to a cat, refers to a female cat between the ages of six months and eight years which is capable of being bred;

(16) "Pet shop", any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public;

(17) "Pound" or "dog pound", a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;

(18) "State veterinarian", the state veterinarian as provided by chapter 267;

(19) "USDA", the United States Department of Agriculture.

**License annually required to operate animal boarding facilities, pet shops, pounds, dealers and commercial breeders--fees, exemption from fees for certain licensees.**

273.327. No person shall operate an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer or commercial breeder, unless such person has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the license fee shall range from one hundred to two thousand five hundred dollars per year. Each licensee subject to sections 273.325 to 273.357 shall pay an additional annual fee of twenty-five dollars to be used by the department of agriculture for the purpose of administering operation bark alert or any successor program. Pounds or dog pounds shall be exempt from payment of the fees under this section. License fees shall be levied for each license issued or renewed on or after January 1, 1993.

(L. 1992 S.B. 636 § 2 subsec. 1, A.L. 2010 S.B. 795, A.L. 2011 S.B. 113 & 95, A.L. 2011 S.B. 161)

Effective 4-27-11

CROSS REFERENCE:

No use of moneys collected under section 273.327 for operation and administration of large carnivore act, 578.625

**Director may refuse to license or may revoke licenses, grounds--operation without license, penalty.**

273.329. 1. The director may refuse to issue or renew or may revoke a license on any one or more of the following grounds:

- (1) Material and deliberate misstatement in the application for any original license or for any renewal license under sections 273.325 to 273.357;
- (2) Disregard or violation of sections 273.325 to 273.357 or of any rules promulgated pursuant thereto;
- (3) Conviction of any violation of any state or federal law relating to the disposition or treatment of animals;
- (4) Failure to provide adequate food, water, housing or sanitary facilities for animals under the control of an animal shelter, boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, pet shop, pound, or exhibitor as defined by regulations of the USDA.

2. The department of agriculture shall not retain, contract with, or otherwise utilize the services of the personnel of any nonprofit organization for the purpose of inspection or licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, commercial breeder, hobby or show breeder, or pet shop under sections 273.325 to 273.357.

3. Operation of an animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, or activity as a commercial breeder or dealer without a valid license shall constitute a class A misdemeanor.

(L. 1992 S.B. 636 § 2 subsecs. 2, 3, A.L. 2010 S.B. 795)

### **Inspection required for license--state veterinarian's duties and authority--provisional license issued until inspection--inspections required annually or on complaint.**

273.331. A license shall be issued only upon inspection by the state veterinarian, his designee, or an animal welfare official. A facility subject to the provisions of sections 273.325 to 273.357, at the time it applies for licensure, shall be granted a provisional license which shall allow operation of the facility until the facility is inspected or until December 31, 1994, whichever earlier occurs. The state veterinarian shall have the duty and authority to inspect all facilities licensed under sections 273.325 to 273.357. Inspections shall be conducted a minimum of once a year, or upon a complaint to the department regarding a particular facility. The validity of the complaint will be ascertained by the state veterinarian or his designated representative.

(L. 1992 S.B. 636 § 2 subsec. 4)

### **Investigations conducted, when--violations, administrative procedure--order for remedial action by circuit courts--administrative penalties, amount--penalties, deposit in general revenue--appeals, procedure.**

273.333. The state veterinarian or an animal welfare official, upon his own information or upon the complaint of any person, may institute an investigation including the inspection during normal business hours of any premises or vehicle upon which any animal is or may be found, and may determine if any violation of sections 273.325 to 273.357 or of any rule promulgated pursuant to sections 273.325 to 273.357 is deemed to exist. The director, or his designee, may issue an order to the person responsible for the violation to appear at an administrative hearing. The director, or his designee, upon a finding that such a violation occurred after a hearing thereon, shall issue remedial orders enforceable in the circuit courts of this state to correct such violations, and in addition may assess an administrative penalty in an amount not to exceed one thousand dollars for each violation. In assessing the amount of penalty under sections 273.327 to 273.342, the director shall take into account the seriousness of the violation and the extent of damage to third parties and the state. All penalties collected shall be deposited to the state general revenue fund. In addition, the director may assess the reasonable costs of remedying a violation in the event that the person responsible is unwilling or unable to correct the violation within a reasonable period of time. Any person aggrieved by the decision of the director may appeal as provided in sections 536.100 to 536.140.

(L. 1992 S.B. 636 § 2 subsec. 5)

**Substantial ongoing risk to health and welfare of animals, temporary or permanent injunction--animals in pain or diseased taken into custody for euthanasia, when, costs to licensee.**

273.335. When, in the judgment of the state veterinarian or an animal welfare official, any person has been in violation of sections 273.325 to 273.357 so as to pose a substantial ongoing risk to the health and welfare of animals in his custody or so as to pose a substantial ongoing risk that consumers will purchase diseased animals from such person, the director may apply to the circuit court of the county in which such person resides, and such court may grant an order enjoining temporarily or permanently that person from engaging in activities described in section 273.327. If the animals being held in any of the facilities licensed under sections 273.325 to 273.357 are found to be suffering unrelieved pain or distress or disease, the animals may be taken into custody for humane euthanasia at the expense of the licensee. Reasonable effort shall be made to notify the facility operator of such intent and only upon his refusal or inability to immediately correct the causative violation and provide adequate veterinary care shall such action be taken. Nothing in sections 273.325 to 273.357 shall be construed to interfere with scientific research as enunciated in subsection 2 of section 273.354.

(L. 1992 S.B. 636 § 2 subsec. 6)

**Failure of reinspections after original violation, penalty, amount--payment of penalty required before license renewal.**

273.338. Persons and facilities which subsequently fail two consecutive reinspections for an original violation shall be charged a fee of one hundred dollars, which shall be paid before subsequent inspection and renewal of such person's or facility's license.

(L. 1992 S.B. 636 § 2 subsec. 7)

**Dealers to purchase only from licensed or exempt persons--violation, penalties.**

273.340. A dealer shall only purchase animals from persons in this state who are licensed under sections 273.325 to 273.357, or who are exempt from licensure. Any dealer who knowingly purchases animals in violation of this section shall be guilty of a class A misdemeanor and each purchase made shall constitute a separate offense. In addition to such penalties, the director may revoke such dealer's license.

(L. 1992 S.B. 636 § 2 subsec. 8)

**Exemption from licensing requirements, certain persons--registration required annually, content, no fee.**

273.342. 1. Persons engaged in breeding dogs and cats who harbor three or less intact females shall be exempt from the provisions of sections 273.325 to 273.357.

2. A hobby or show breeder shall be exempt from the licensure and inspection requirements of sections 273.325 to 273.357. The director shall develop a form for registration of persons who meet the definition of hobby or show breeder, and any such hobby or show breeder shall register annually with the director for the purpose of establishing that such person is a hobby or show breeder, at no cost to said hobby or show breeder.

(L. 1992 S.B. 636 § 2 subsecs. 9, 10)

### **Standards and regulations for licensed persons and facilities--director to promulgate rules.**

273.344. 1. Persons and facilities subject to USDA licensure shall comply with the standards and regulations as prescribed by the USDA, as revised from time to time.

2. Persons and facilities who are subject to sections 273.325 to 273.357, but who are not subject to USDA licensure, shall comply with rules promulgated by the director which establish standards relating to the following:

(1) Adequate shelter, including proper conditions of sanitation and ventilation;

(2) Adequate food and water; and

(3) Maintenance of records of acquisition and disposition of animals in the custody of the licensee.

(L. 1992 S.B. 636 § 3 subsecs. 1, 2)

### **Director to develop rules for health and veterinary care for animals in custody and facilities of licensees--records to be kept--pounds, major construction not to be required.**

273.346. 1. The director shall promulgate rules for an adequate program of health and veterinary care which shall be maintained for all animals in the custody of persons and facilities subject to licensure pursuant to sections 273.325 to 273.357, except pounds or dog pounds. Records of veterinary services provided to such animals shall be maintained and made available to the state veterinarian or an animal welfare official upon request.

2. Any such rules promulgated to cover pounds or dog pounds shall not require or be applied so as to require the construction of any new buildings or major reconstruction of any physical plant beyond the scope of normal upkeep and repair.

(L. 1992 S.B. 636 § 3 subsecs. 3, 4)

## **Court action for enforcement, when--crime of canine cruelty, penalty.**

273.347. 1. Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357 have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars for each violation. Each violation shall constitute a separate offense.

2. A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357 so as to pose a substantial risk to the health and welfare of animals in such person's custody, or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or nolo contendere to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

3. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357 in circuit court in the county where the crime has occurred for criminal punishment.

4. No action under this section shall prevent or preclude action taken under section 578.012 or under subsection 3 of section 273.329.

(L. 2011 S.B. 113 & 95, A.L. 2011 S.B. 161)

Effective 4-27-11

## **Facilities to be open for inspection--quarantine of animals, by state veterinarian, when--quarantine removed, when--removal of animals under quarantine prohibited--disease treatment procedures, duties of state veterinarian--violations, penalty.**

273.348. 1. The premises of each licensee shall be open for inspection.

2. If, upon investigation, the state veterinarian or an animal welfare official finds that an animal or group of animals is suffering from any highly contagious, communicable or infectious disease or exposure thereto, against which he may think best to quarantine, he shall immediately quarantine the animal or group of animals to the premises and separate from other susceptible animals not so diseased or infected until such diseased animals are:

(1) Recovered and no longer capable of transmitting the diseases;

(2) Isolated;

(3) Humanely euthanized and disposed of as provided for in the rules of the director;

(4) Tested, vaccinated or otherwise treated; or

(5) Otherwise released by the state veterinarian. Animals under quarantine and treatment or testing may not be removed from the premises until the licensee is notified that such animals are recovered and incapable of spreading the disease and otherwise released by the state veterinarian or an animal welfare official. The method of eliminating the disease problem shall be at the discretion and in accordance with such procedures as may be outlined by the state veterinarian.

3. Violation of the provisions of sections 273.344 to 273.348 shall be a class A misdemeanor.

(L. 1992 S.B. 636 § 3 subsecs. 5, 6, 7)

**Director to develop rules to include safety standards for motor vehicles transporting live animals--define exotic animals and their care--wildlife not to be included--shipping diseased animals, penalty.**

273.350. The director shall promulgate rules pursuant to the provisions of chapter 536 required to implement the provisions of sections 273.325 to 273.357. Such rules shall include establishing health and safety standards for motor vehicles regularly used in the commercial transportation of live animals. The director shall also by rule define the term "exotic animals", which shall generally refer to canines and felines not ordinarily kept for domestic purposes, and shall promulgate rules establishing standards for food, water, housing and health care for exotic animals and standards for determining whether a particular operation is a farming practice or is a breeder of pets; provided that the authority of the department of conservation to regulate wildlife within the state of Missouri as provided by section 252.030 shall not be deprived or diminished. Any animal welfare official shall have the authority of an animal control officer as defined by chapter 578. It shall be unlawful for any person licensed or registered pursuant to sections 273.325 to 273.357 to knowingly ship a diseased animal, and any such person who violates this provision shall be subject to a fine of not more than one hundred dollars for each diseased animal shipped. Sections 273.325 to 273.357 and the rules promulgated thereunder shall apply to all businesses, individuals and agents which transport animals in or through this state, except that such businesses, individuals and agents licensed by the USDA shall be subject to USDA standards relating to transportation of animals.

(L. 1992 S.B. 636 § 4 subsec. 1)

**Advisory committee, appointment, qualifications--duties to assist in establishing rules--not to receive compensation or expenses--rulemaking procedure.**

273.352. 1. There is hereby established an advisory committee to assist the director in establishing rules under sections 273.350 and 273.352 and to provide ongoing review of the administration of sections 273.325 to 273.357. The members of the advisory committee shall receive no compensation or reimbursement for their expenses incurred in the performance of

their duties. The advisory committee shall consist of thirteen persons appointed by the director as follows:

- (1) One person who operates or supervises an animal shelter;
- (2) One person who operates or is employed by a pound or dog pound;
- (3) One person who operates a commercial kennel or a boarding kennel;
- (4) One person who operates a pet shop and who sells both dogs and cats;
- (5) One dealer;
- (6) One person who operates or is employed by an animal humane society or other humane organization;
- (7) One veterinarian licensed pursuant to chapter 340;
- (8) One person who is a commercial animal breeder, who breeds both dogs and cats;
- (9) One person representing the Missouri Animal Control Association;
- (10) One person representing professional cat breeders;
- (11) The state veterinarian of the department of agriculture;
- (12) The state public health veterinarian of the department of health and senior services;
- (13) One hobby or show breeder.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

(L. 1992 S.B. 636 § 4 subsecs. 2 to 6, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

### **Laws not applicable to hospitals or boarding facility under supervision of veterinarians or research.**

273.354. 1. Sections 273.325 to 273.357 shall not apply to a place or establishment which operates under the immediate supervision and control of a duly licensed veterinarian as a facility where animals are hospitalized or boarded.

2. Nothing in sections 273.325 to 273.357 shall be construed as requiring licensing of research facilities or authorizing promulgation of rules affecting the design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by that research facility's institution animal care and use committee.

(L. 1992 S.B. 636 § 5)

**Animal care reserve fund created--all license fees to be deposited in fund--purpose and uses--lapse to general revenue, prohibited.**

273.357. All fees collected by the director from licenses issued under sections 273.325 to 273.357 shall be used to administer the provisions of sections 273.325 to 273.357, and shall be deposited in the state treasury to the credit of the "Animal Care Reserve Fund", which is hereby created. All moneys deposited in the animal care reserve fund shall be subject to appropriation for the use and benefit of the department of agriculture to administer the provisions of sections 273.325 to 273.357. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the animal care reserve fund shall not be transferred to the general revenue fund at the end of the biennium.

(L. 1992 S.B. 636 § 6)

**Stacked cages without impervious barrier prohibited, penalty.**

273.359. Any person required to have a license under sections 273.325 to 273.357 who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.

(L. 2011 S.B. 113 & 95 § 1, A.L. 2011 S.B. 161 § 1)

Effective 4-27-11

**Definitions.**

273.400. As used in sections 273.400 to 273.405, the following words mean:

- (1) "Adopter", a person who is legally competent to enter into a contract and who is adopting or buying a dog or cat from a releasing agency;
- (2) "Adult animal", any dog or cat that has reached the age of one hundred eighty days or six months or more;
- (3) "Releasing agency", an animal pound, shelter, humane organization, or animal control agency, whether public or private, but not including an individual who occasionally renders humane assistance or shelter in his\* home to a dog or cat;
- (4) "Sterilization", the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce, or the use of an approved serum which will permanently render the animal unable to reproduce.

(L. 1992 S.B. 636 § 7)

\*Word "their" appears in original rolls.

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