

110TH CONGRESS
2nd SESSION

H.R. 324

To amend the Animal Welfare Act to ensure the humane treatment of dogs bred for sale and enhance enforcement mechanisms to aid the Secretary in carrying out his or her duties under the Act.

IN THE HOUSE OF REPRESENTATIVES

MS. SCOTTISH (for herself and MR. DURGAN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Welfare Act to ensure the humane treatment of dogs bred for sale and to enhance enforcement mechanisms to aid the Secretary in carrying out his or her duties under this Act.

1 *Be it enacted by the Senate and the House of Representatives of the United States of*

2 *America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, FINDINGS and PURPOSE**

4 (a) SHORT TITLE.—This Act may be cited as the “Puppy Protection Act of 2008.”

5 (b) FINDINGS.—The Congress finds the following:

6 (1) The number of operations that breed dogs in mass quantities for sale is
7 growing.

8 (2) Many of these large-scale breeders raise dogs in inhumane conditions.

9 (3) It is becoming increasingly difficult for the Secretary to inspect and
10 investigate these facilities.

11 (4) Such investigation is necessary to ensure the humane treatment of dogs raised

1 in large scale breeding operations.

2 (5) Citizen inspectors will aid the Secretary in carrying out his or her duties
3 under this Act.

4 (C) PURPOSE.—The purpose of the Act is to amend the Animal Welfare Act to ensure
5 the humane treatment of dogs bred for sale and to enhance enforcement mechanisms
6 to aid the Secretary in carrying out his or her duties under the Act.

7 **SECTION 2. DEFINITIONS.**

8 Section 2, subsection (f) of the Animal Welfare Act (7 U.S.C. 2132) is amended:

9 (1) By inserting “breeds” after the comma following the clause “or
10 negotiates the purchase or sale of”

11 (2) By striking clauses “(i)” and “(ii)” in their entirety and inserting the
12 following—

13 “(i) any person who, during a calendar year, does not sell or intend to sell
14 twenty-five (25) dogs or more, at wholesale or directly to the public; or

15 “(ii) any person who, during a calendar year, maintains three (3) or fewer
16 female breeding dogs and sells only the offspring of these dogs, which were born
17 and raised on his or her premises.”

18 **SECTION 3. LICENSING OF DEALERS and EXHIBITORS**

19 Section 3 of the Animal Welfare Act (7 USC 2133) is amended by striking
20 “*Provided, however,* That any retail pet store or other person who derives less than a
21 substantial portion of his income (as determined by the Secretary) from the breeding
22 and raising of dogs or cats on his own premises and sells any such dog or cat to a
23 dealer or research facility shall not be required to obtain a license as a dealer or

1 exhibitor under this chapter.”

2 **SECTION 4. CITIZEN INSPECTORS—LARGE-SCALE DOG BREEDING**
3 **OPERATIONS.**

4 Section 16 of the Animal Welfare Act (7 U.S.C. 2146) is amended by inserting
5 after subsection (c) the following new subsection:

6 “(d) CITIZEN INSPECTORS.—(1)The Secretary shall appoint citizen
7 inspectors to conduct inspections or investigations to determine whether any large-
8 scale dog breeder subject to section 12 of this Act is in violation of any provision of
9 this Act or any regulation or standard issued hereunder. Such inspectors shall, at
10 all reasonable times, have access to the relevant places of business, facilities, dogs,
11 and records required to be kept pursuant to section 10 of this Act.

12 “(2) DEFINITIONS.— For the purposes of this section—

13 (A) the term “large-scale breeding operation” means any person
14 who breeds animals for profit and sells, or intends to sell, more than one
15 hundred (100) animals in a calendar year.

16 (B) the term “dog” refers to any and all breeds of dog (*Canis*
17 *familiaris*) or any dog-hybrid cross, irrespective of age.

18 “(3) LIMITATIONS.—All citizen inspectors must be trained in dog
19 behavior and welfare, including but not limited to veterinarians and those
20 who work with or for a humane society or animal shelter. Such training must be
21 approved by the Secretary in order to qualify. Citizen inspectors shall be
22 responsible for obtaining their own training.

23 “(4) INSPECTION PROCEDURES.—Subsequent to an initial inspection,
24 citizen inspectors must submit a report to the Secretary. The report
25 may request an enforcement action by the Secretary, or in the more egregious

1 cases, may request an order from the Secretary allowing the inspector to seize the
2 dogs in order to provide them with adequate care. Such order shall issue if and
3 when the Secretary finds probable cause the dogs are being treated in an
4 inhumane manner.

5 “(5) COSTS.—Citizen inspectors shall serve without compensation
6 or benefits. If any dog is seized under this subsection, the person or persons
7 from whom dogs are seized shall be liable for the reasonable costs of seizing,
8 keeping, and caring for the dogs until the issue of ownership has been judicially
9 or administratively resolved. Reasonable costs include but are not limited to
10 transportation, shelter, veterinary care, and food costs. If it is found the person
11 from whom the dogs were seized is not in violation of the Act, he or she shall
12 not be responsible for the cost of housing the dogs. If the inspector is unable to
13 provide the dogs with adequate housing, the inspector may petition the court to
14 require the owner or keeper of the seized dog to allow the inspector on to his or
15 her premises in order to care for the dogs.

16 “(6) CONTINUATION OF OPERATION.—Any large-scale breeder from whom
17 dogs were seized must obtain a written, signed statement from a veterinarian that
18 the facility abides by all federal laws and regulations in order to continue
19 operating.

20 “(7) RULES AND REGULATIONS.— The Secretary shall promulgate rules
21 and regulations he or she deems necessary to establish a screening process to
22 appoint citizen inspectors, qualifications for training programs, inspection and
23 investigation procedures, and other regulations he or she deems necessary to carry
24 out the purposes of this subsection.

1 **SECTION 4. CITIZEN SUITS.**

2 The Animal Welfare Act (7 U.S.C. 2131 et seq.) is amended by adding at the end
3 thereof the following new section:

4 **“SEC. 30. CITIZEN SUITS**

5 **“(a) CITIZEN SUIT.—**Except as provided by subsection (b) any citizen may
6 commence a civil suit to enjoin any regulated large-scale dog breeding operation,
7 large-scale exhibitor, or large-scale research facility alleged to be in violation of the
8 provisions of this Act or any of the rules, regulations, or standards promulgated by the
9 Secretary hereunder. The district courts shall have jurisdiction in any action brought
10 pursuant to this section to enforce any such provision, rule, regulation, or standard
11 and to apply appropriate civil penalties under section 19 (7 U.S.C. 2149) of this Act.

12 **“(b) NOTICE.—**No action under this section may be commenced—

13 **“(1)** prior to ninety days after written notice has been sent to both
14 the Secretary and the alleged violator(s); or

15 **“(2)** if the Secretary has commenced and is diligently prosecuting a
16 civil or criminal action in a court of the United States to require compliance with
17 a provision, rule, regulation, or standard.

18 **“(c) DEFINITIONS.—** For the purposes of this section—

19 **“(1)** the term “large-scale dog breeding operation” means any person who
20 breeds dogs or puppies for profit and sells, or intends to sell, more than one
21 hundred (100) dogs or puppies in a calendar year.

22 **“(2)** the term “large-scale exhibitor” means any exhibitor that has under its
23 control more than twenty-five (25) animals at one time, whether or not such
24 animals are exhibited to the public.

1 “(3) the term “large-scale research facility” means any research facility
2 that maintains more than fifty (50) animals on site at one time whether or not
3 such animals are or will be used in research procedures.

4 “(d) LITIGATION COSTS.— The court, in issuing a final order in any action brought
5 pursuant to this section, may award litigation costs to any party, whenever the court
6 determines such award is appropriate. Such litigation costs include reasonable
7 attorney and expert witness fees. If a preliminary injunction or temporary
8 restraining order is sought, the court may require the filing of a bond or equivalent
9 security in accordance with the Federal Rules of Civil Procedure.

10 **SEC. 5. EFFECTIVE DATE.**

11 The provisions of this act shall take effect January 1, 2010.

12 **SEC. 6. EFFECT ON STATE LAW.**

13 Nothing in this Act or the amendments made by this Act preempts any State law
14 (including a regulation) that provides stricter requirements than the requirements
15 provides in the amendments made by this Act