

111TH CONGRESS
2D SESSION

S. 3424

To amend the Animal Welfare Act to provide further protection for puppies.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2010

Mr. DURBIN (for himself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Welfare Act to provide further protection for puppies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puppy Uniform Pro-
5 tection and Safety Act”.

6 **SEC. 2. PROTECTION OF PUPPIES UNDER THE ANIMAL**
7 **WELFARE ACT.**

8 (a) HIGH VOLUME RETAIL BREEDER DEFINED.—

9 Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is
10 amended—

1 (1) in subsection (l), by striking “research.”
2 and inserting “research;”;

3 (2) in subsection (m), by striking “members.”
4 and inserting “members;”;

5 (3) in subsection (n), by striking “section
6 13(b); and” and inserting “section 13(b);”;

7 (4) in subsection (o), by striking “experimen-
8 tation.” and inserting “experimentation; and”; and

9 (5) by adding at the end the following:

10 “(p) HIGH VOLUME RETAIL BREEDER.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) BREEDING FEMALE DOG.—The term
13 ‘breeding female dog’ means an intact female
14 dog aged 4 months or older.

15 “(B) HIGH VOLUME RETAIL BREEDER.—
16 The term ‘high volume retail breeder’ means a
17 person who, in commerce, for compensation or
18 profit—

19 “(i) has an ownership interest in or
20 custody of 1 or more breeding female dogs;
21 and

22 “(ii) sells or offers for sale, via any
23 means of conveyance (including the Inter-
24 net, telephone, or newspaper), more than

1 50 of the offspring of such breeding female
2 dogs for use as pets in any 1-year period.

3 “(2) RELATIONSHIP TO DEALERS.—

4 “(A) IN GENERAL.—For purposes of this
5 Act, a high volume retail breeder shall be con-
6 sidered to be a dealer and subject to all provi-
7 sions of this Act applicable to a dealer.

8 “(B) EXCEPTION.—The retail pet store ex-
9 emption in subsection (f)(i) shall not apply to
10 a high volume retail breeder.”.

11 (b) LICENSES.—Section 3 of the Animal Welfare Act
12 (7 U.S.C. 2133) is amended—

13 (1) by striking “The Secretary” and inserting
14 “(a) IN GENERAL.—The Secretary”;

15 (2) in subsection (a) (as so designated), in the
16 second proviso of the first sentence, by inserting
17 “(other than a high volume retail breeder)” after
18 “any retail pet store or other person”; and

19 (3) by adding at the end the following:

20 “(b) DEALERS.—A dealer (including a high volume
21 retail breeder) applying for a license under subsection (a)
22 (including annual renewals) shall include on the license
23 application the total number of dogs exempted from exer-
24 cise on the premises of the dealer in the preceding year
25 by a licensed veterinarian under section 13(j)(2).”.

1 (c) EXERCISE REQUIREMENTS.—Section 13 of the
2 Animal Welfare Act (7 U.S.C. 2143) is amended—

3 (1) by redesignating subsections (g) and (h) as
4 subsections (h) and (i), respectively;

5 (2) by redesignating the second subsection (f)
6 (as redesignated by section 1752(a)(1) of Public
7 Law 99–198 (99 Stat. 1645)) as subsection (g); and

8 (3) by adding at the end the following:

9 “(j) EXERCISE REQUIREMENTS.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this subsection, the Sec-
12 retary shall promulgate standards covering dealers
13 that include requirements for the exercise of dogs at
14 facilities owned or operated by a dealer, including
15 exercise regulations that ensure that—

16 “(A) each dog that is at least 12 weeks old
17 (other than a female dog with unweaned pup-
18 pies) has daily access to exercise that—

19 “(i) allows the dog—

20 “(I) to move sufficiently to de-
21 velop or maintain normal muscle tone
22 and mass as appropriate for the age,
23 breed, sex, and reproductive status of
24 the dog; and

1 “(II) the ability to achieve a run-
2 ning stride; and

3 “(ii) is not a forced activity (other
4 than a forced activity used for veterinary
5 treatment) or other physical activity that is
6 repetitive, restrictive of other activities, sol-
7 itary, and goal-oriented;

8 “(B) the provided area for exercise—

9 “(i) is separate from the primary en-
10 closure if the primary enclosure does not
11 provide sufficient space to achieve a run-
12 ning stride;

13 “(ii) has flooring that—

14 “(I) is sufficient to allow for the
15 type of activity described in subpara-
16 graph (A); and

17 “(II)(aa) is solid flooring; or

18 “(bb) is nonsolid, nonwire floor-
19 ing, if the nonsolid, nonwire floor-
20 ing—

21 “(AA) is safe for the breed,
22 size, and age of the dog;

23 “(BB) is free from pro-
24 truding sharp edges; and

1 “(CC) is designed so that
2 the paw of the dog is unable to
3 extend through or become caught
4 in the flooring;

5 “(iii) is cleaned at least once each
6 day;

7 “(iv) is free of infestation by pests or
8 vermin; and

9 “(v) is designed in a manner to pre-
10 vent escape of the dogs.

11 “(2) EXEMPTION.—

12 “(A) IN GENERAL.—If a licensed veteri-
13 narian determines that a dog should not exer-
14 cise because of the health, condition, or well-
15 being of the dog, this subsection shall not apply
16 to that dog.

17 “(B) DOCUMENTATION.—A determination
18 described in subparagraph (A) shall be—

19 “(i) documented by the veterinarian;

20 “(ii) subject to review and approval by
21 the Secretary; and

22 “(iii) unless the basis for the deter-
23 mination is a permanent condition, re-
24 viewed and updated at least once every 30
25 days by the veterinarian.

1 “(C) REPORTS.—A determination de-
2 scribed in subparagraph (A) shall be main-
3 tained by the dealer.”.

4 **SEC. 3. REGULATIONS.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Secretary of Agriculture shall promulgate
7 any regulations that the Secretary determines to be nec-
8 essary to implement this Act and the amendments made
9 by this Act.

10 **SEC. 4. EFFECT ON STATE LAW.**

11 Nothing in this Act or the amendments made by this
12 Act preempt any law (including a regulation) of a State,
13 or a political subdivision of a State, containing require-
14 ments that provide equivalent or greater protection for
15 animals than the requirements of this Act or the amend-
16 ments made by this Act.

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