

113TH CONGRESS  
1ST SESSION

# S. 395

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2013

Mr. DURBIN (for himself, Mr. VITTER, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Ms. COLLINS, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. MENENDEZ, Mr. MERKLEY, Mr. UDALL of Colorado, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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”.

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

3 (a) HIGH VOLUME RETAIL BREEDER DEFINED.—  
 4 Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is  
 5 amended—

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

8 (2) in subsection (n), by striking “section  
 9 13(b); and” and inserting “section 13(b);”;

10 (3) in subsection (o), by striking “experimen-  
 11 tation.” and inserting “experimentation; and”; and

12 (4) by adding at the end the following:

13 “(p) HIGH VOLUME RETAIL BREEDER.—

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

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

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

22 “(i) has an ownership interest in or  
 23 custody of 1 or more breeding female dogs;  
 24 and

25 “(ii) sells or offers for sale, via any  
 26 means of conveyance (including the Inter-

1 net, telephone, or newspaper), more than  
2 50 of the offspring of such breeding female  
3 dogs for use as pets in any 1-year period.

4 “(2) RELATIONSHIP TO DEALERS.—

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

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

12 (b) LICENSES.—Section 3 of the Animal Welfare Act  
13 (7 U.S.C. 2133) is amended—

14 (1) by striking “The Secretary” and inserting

15 “(a) IN GENERAL.—The Secretary”;

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

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

21 “(b) DEALERS.—A dealer (including a high volume  
22 retail breeder) applying for a license under subsection (a)  
23 (including annual renewals) shall include on the license  
24 application the total number of dogs exempted from exer-

1 cise on the premises of the dealer in the preceding year  
 2 by a licensed veterinarian under section 13(j)(2).”.

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

5 (1) by redesignating subsections (g) and (h) as  
 6 subsections (h) and (i), respectively;

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

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

11 “(j) EXERCISE REQUIREMENTS.—

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

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

21 “(i) allows the dog—

22 “(I) to move sufficiently to de-  
 23 velop or maintain normal muscle tone  
 24 and mass as appropriate for the age,

1 breed, sex, and reproductive status of  
2 the dog; and

3 “(II) the ability to achieve a run-  
4 ning stride; and

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

10 “(B) the provided area for exercise—

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

15 “(ii) has flooring that—

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

19 “(II)(aa) is solid flooring; or

20 “(bb) is nonsolid, nonwire floor-  
21 ing, if the nonsolid, nonwire floor-  
22 ing—

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

1                   “(BB) is free from pro-  
2                   truding sharp edges; and

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

7                   “(iii) is cleaned at least once each  
8                   day;

9                   “(iv) is free of infestation by pests or  
10                  vermin; and

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

13                  “(2) EXEMPTION.—

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

19                  “(B) DOCUMENTATION.—A determination  
20                  described in subparagraph (A) shall be—

21                         “(i) documented by the veterinarian;

22                         “(ii) subject to review and approval by  
23                         the Secretary; and

24                         “(iii) unless the basis for the deter-  
25                         mination is a permanent condition, re-

1 viewed and updated at least once every 30  
2 days by the veterinarian.

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

6 **SEC. 3. REGULATIONS.**

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

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

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

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