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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Puppy Uniform Protection and Safety Act”.

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

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

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

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

(3) in subsection (o), by striking “experimentation.” and inserting “experimentation; and”;

(4) by adding at the end the following:

“(p) HIGH VOLUME RETAIL BREEDER.—

“(1) DEFINITIONS.—In this subsection:

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

“(B) HIGH VOLUME RETAIL BREEDER.—

The term ‘high volume retail breeder’ means a person who, in commerce, for compensation or profit—

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

and

“(ii) sells or offers for sale, via any means of conveyance (including the Inter-
net, telephone, or newspaper), more than
50 of the offspring of such breeding female
dogs for use as pets in any 1-year period.

“(2) RELATIONSHIP TO DEALERS.—

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

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

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

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

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

(3) by adding at the end the following:

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

(c) **Exercise Requirements.**—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

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

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

(3) by adding at the end the following:

“(j) **Exercise Requirements.**—

“(1) **In general.**—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards covering dealers that include requirements for the exercise of dogs at facilities owned or operated by a dealer, including exercise regulations that ensure that—

“(A) each dog that is at least 12 weeks old (other than a female dog with unweaned puppies) has daily access to exercise that—

“(i) allows the dog—

“(I) to move sufficiently to develop or maintain normal muscle tone and mass as appropriate for the age,
breed, sex, and reproductive status of
the dog; and
“(II) the ability to achieve a running stride; and
“(ii) is not a forced activity (other
than a forced activity used for veterinary
treatment) or other physical activity that is
repetitive, restrictive of other activities, sol-
itary, and goal-oriented;
“(B) the provided area for exercise—
“(i) is separate from the primary en-
closure if the primary enclosure does not
provide sufficient space to achieve a run-
ning stride;
“(ii) has flooring that—
“(I) is sufficient to allow for the
type of activity described in subpara-
graph (A); and
“(II)(aa) is solid flooring; or
“(bb) is nonsolid, nonwire floor-
ing, if the nonsolid, nonwire floor-
ing—
“(AA) is safe for the breed,
size, and age of the dog;
“(BB) is free from protruding sharp edges; and

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

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

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

“(v) is designed in a manner to prevent escape of the dogs.

“(2) EXEMPTION.—

“(A) IN GENERAL.—If a licensed veterinarian determines that a dog should not exercise because of the health, condition, or well-being of the dog, this subsection shall not apply to that dog.

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

“(i) documented by the veterinarian;

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

“(iii) unless the basis for the determination is a permanent condition, re-
viewed and updated at least once every 30
days by the veterinarian.

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

SEC. 3. REGULATIONS.

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

SEC. 4. EFFECT ON STATE LAW.

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