

IC 15-21

ARTICLE 21. COMMERCIAL DOG BREEDER REGULATION

IC 15-21-1

Chapter 1. Application and Definitions

IC 15-21-1-1

Application

Sec. 1. (a) This article does not apply to:

- (1) an animal shelter;
- (2) a humane society;
- (3) an animal rescue operation;
- (4) a hobby breeder;
- (5) a person who breeds at least seventy-five percent (75%) of the person's dogs as sport dogs for hunting purposes; or
- (6) a person who breeds at least seventy-five percent (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

(b) As used in this section, "animal rescue operation" means a person or organization:

- (1) that accepts within one (1) year:
 - (A) more than twelve (12) dogs; or
 - (B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
- (2) that uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

As added by P.L.111-2009, SEC.4. Amended by P.L.1-2010, SEC.66.

IC 15-21-1-2

Definitions

Sec. 2. The definitions in sections 3 through 7 of this chapter apply throughout this article.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-3

"Board"

Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-4

"Commercial dog breeder"

Sec. 4. "Commercial dog breeder" means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-5

"Commercial dog broker"

Sec. 5. "Commercial dog broker" means a person:

(1) who is a Class "B" licensee under 9 CFR 1.1; and

(2) who sells at least five hundred (500) dogs in a calendar year.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-6

"Person"

Sec. 6. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

As added by P.L.111-2009, SEC.4.

IC 15-21-1-7

"Veterinarian"

Sec. 7. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.

As added by P.L.111-2009, SEC.4.

IC 15-21-2

Chapter 2. Commercial Dog Broker and Commercial Dog Breeder Registration

IC 15-21-2-0.1

Repealed

(As added by P.L.220-2011, SEC.304. Repealed by P.L.63-2012, SEC.19.)

IC 15-21-2-1

Mandatory registration

Sec. 1. A person may not operate:

- (1) a commercial dog breeder operation; or
- (2) as a commercial dog broker;

without being registered with the board in accordance with this chapter.

As added by P.L.111-2009, SEC.4.

IC 15-21-2-2

Notice to the public

Sec. 2. A person who:

- (1) is registered as a commercial dog breeder; and
- (2) operates a commercial dog breeder operation;

shall indicate that the person is registered as a commercial dog breeder in a place clearly visible to the public.

As added by P.L.111-2009, SEC.4.

IC 15-21-2-3

Penalty for failure to register

Sec. 3. (a) A commercial dog breeder who knowingly or intentionally fails to register with the board as a commercial dog breeder commits a Class A misdemeanor.

(b) A commercial dog broker who knowingly or intentionally fails to register with the board as a commercial dog broker commits a Class A misdemeanor.

(c) A commercial dog breeder or a commercial dog broker who fails to register with the board is liable to the state for two (2) times the amount of registration fees that the commercial dog breeder or commercial dog broker failed to pay. The attorney general may bring an action to collect unpaid commercial dog breeder or commercial dog broker registration fees. Funds collected under this subsection shall be deposited in the commercial dog breeder and broker fund established by IC 15-21-3-3.

As added by P.L.111-2009, SEC.4.

IC 15-21-3

Chapter 3. Registration Requirements

IC 15-21-3-0.1

Repealed

(As added by P.L.220-2011, SEC.305. Repealed by P.L.63-2012, SEC.20.)

IC 15-21-3-1

Fee schedule for commercial breeders; penalty for false registration

Sec. 1. (a) A commercial dog breeder shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog breeder is:

- (1) seventy-five dollars (\$75) if the person has not more than fifty (50) unaltered female dogs at least twelve (12) months of age;
- (2) two hundred dollars (\$200) if the person has more than fifty (50) but not more than one hundred (100) unaltered female dogs at least twelve (12) months of age;
- (3) three hundred dollars (\$300) if the person has more than one hundred (100) but not more than one hundred fifty (150) unaltered female dogs at least twelve (12) months of age;
- (4) four hundred dollars (\$400) if the person has more than one hundred fifty (150) but not more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age; and
- (5) five hundred dollars (\$500) if the person has more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age.

The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog breeder must include the following:

- (1) The name and address of the person's commercial dog breeding operation.
- (2) The name and address of the registrant.
- (3) A statement that the person's commercial dog breeding operation complies with the requirements of IC 15-21-4.
- (4) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog breeder registration statement commits false registration as a commercial dog breeder, a Class A misdemeanor.

As added by P.L.111-2009, SEC.4.

IC 15-21-3-2

Fee for commercial broker; penalty for false registration

Sec. 2. (a) A commercial dog broker shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog broker is one thousand dollars (\$1,000). The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog broker must include the following:

- (1) The name and address of the person acting as a commercial dog broker.
- (2) The name and location of the person's commercial dog broker business.
- (3) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog broker registration statement commits false registration as a commercial dog broker, a Class A misdemeanor.

As added by P.L.111-2009, SEC.4.

IC 15-21-3-3

Fund

Sec. 3. (a) The commercial dog breeder and broker fund is established for the purpose of funding:

- (1) the inspection of commercial dog breeding operations by the board; and
- (2) the enforcement by the board of laws concerning commercial dog breeders and commercial dog brokers.

The fund shall be administered by the board.

(b) The fund consists of commercial dog breeder and commercial dog broker fees.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

(g) The board may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.111-2009, SEC.4.

IC 15-21-4

Chapter 4. Duties of Commercial Dog Breeders

IC 15-21-4-1

Standards of care

Sec. 1. (a) A commercial dog breeder shall comply with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12.

(b) A commercial dog breeder:

(1) may not house a dog in a cage containing a wire floor unless the cage contains an accommodation that allows the dog to be off the wire floor;

(2) who houses a dog in a wire cage shall house the dog in a cage that is large enough to allow for reasonable movement by the dog; and

(3) shall, subject to subsection (c), provide every dog with a reasonable opportunity for exercise outside of a cage at least one (1) time per day.

(c) A commercial dog breeder who permits a dog access to a run at least one (1) time per day has satisfied the exercise requirement described in subsection (b)(3). However, a commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health.

As added by P.L.111-2009, SEC.4.

IC 15-21-5

Chapter 5. Records

IC 15-21-5-1

Requirement to provide consumers with certain records

Sec. 1. A commercial dog breeder shall provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time the consumer purchases, exchanges, or adopts the dog.

As added by P.L.111-2009, SEC.4.

IC 15-21-5-2

Five year record storage requirement

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

As added by P.L.111-2009, SEC.4.

IC 15-21-6
Chapter 6. Units

IC 15-21-6-1
Preemption

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) After December 31, 2009, a unit may not adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article. A unit may enforce an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article if the ordinance was adopted before January 1, 2010.

As added by P.L.111-2009, SEC.4.

IC 15-21-7

Chapter 7. Enforcement

IC 15-21-7-1

Enforcement by board; when enforcement permissible; enforcement power

Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.

(b) In enforcing this article, the board may:

- (1) seek injunctive relief;
- (2) issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date; and
- (3) impose a civil penalty of not more than:
 - (A) five hundred dollars (\$500) for a knowing violation;
 - (B) one thousand dollars (\$1,000) for an intentional violation; and
 - (C) five thousand dollars (\$5,000) for knowingly or intentionally violating an injunction.

(c) The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.

(d) Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation.

As added by P.L.111-2009, SEC.4.