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Bill 4120

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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO TITLE 47 SO AS TO ESTABLISH STANDARDS FOR COMMERCIAL DOG BREEDERS, TO DEFINE NECESSARY TERMS TO REQUIRE A COMMERCIAL DOG BREEDER TO BE LICENSED, TO ESTABLISH THAT A COMMERCIAL DOG BREEDER MAY ONLY BREED A FEMALE DOG AFTER AN ANNUAL CERTIFICATION EXAMINATION, TO GRANT AUTHORITY TO AN INVESTIGATOR TO INVESTIGATE POTENTIAL VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE PENALTIES AND EXCEPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 47 of the 1976 Code is amended by adding:

"Article 16

Commercial Dog Breeding Standards

Section 47-3-1010. As used in this article, the term:

- (1) 'Commercial dog breeder' means any person or business that owns, has custody of, or maintains twenty or more female dogs over the age of six months that are capable of reproduction and kept primarily for the purpose of breeding and selling the offspring to a person, business, or pet store for resale as pets to the general public.
- (2) 'Investigator' means any animal control officer, public health or safety official, or law enforcement officer employed by the municipality or county where a commercial dog breeder resides or maintains breeding operations.
- (3) 'Pet store' means any business that acquires dogs for the purpose of resale and sells or offers to sell dogs on a retail basis.

Section 47-3-1020. No commercial dog breeder shall operate in this state without a valid business license issued by the county or municipality where he maintains dogs for the purpose of commercial breeding.

Section 47-3-1030. (A) A commercial dog breeder shall provide the following for each dog owned, kept, or maintained by that commercial breeder:

- (1) access to exercise on a daily basis;
- (2) access to fresh food and water;
- (3) access to fresh food provided at appropriate intervals to maintain a healthy weight;
- (4) appropriate veterinary care, including routine and preventative care;
- (5) daily assessment of each dog's overall health and behavior;
- (6) appropriate and prompt treatment or attention to any deviation in health;
- (7) preventative care sufficient to keep dogs free from internal and external parasites;

- (8) when necessary, euthanasia performed humanely;
 - (9) a primary enclosure that:
 - (a) is constructed and maintained so that dogs are securely confined;
 - (b) does not cause injury to the dogs;
 - (c) protects the dogs from extreme weather conditions;
 - (d) is maintained in a sanitary manner;
 - (e) is large enough that each dog can sit, stand, lie down, or turn around comfortably with no overcrowding; and
 - (f) clean and free from debris and odor and shall remove feces and dispose of them as frequently as necessary so as not to pose a threat to the health of the dogs;
 - (10) protection from adverse or extreme weather conditions;
 - (11) flooring that provides solid footing. If wire is used as flooring of a primary enclosure, it should be comprised of a material featuring a protective coating, be of an appropriate size to prevent injury, particularly to the dogs' feet, and must be kept in good repair; If wire is used, a solid platform of sufficient size should be provided to allow the dogs to attain solid footing and to offer a space for resting;
 - (12) lighting, artificial or natural, that provides a regular lighting cycle for the dogs; and
 - (13) bedding material that is clean and does not pose a risk to the dogs.
- (B) A commercial dog breeder shall maintain accurate records for at least five years that include:
- (1) the date on which a dog enters the operation or business;
 - (2) the name of the person from whom the animal was purchased or obtained, including the address and phone number of the person;
 - (3) the name of the pet store or person the dog is sold to;
 - (4) a description of the animal, including the species, color, breed, sex, and approximate age and weight;
 - (5) any tattoo, microchip number, or other identification number carried by or appearing on the animal;
 - (6) each date that puppies were born to the such animal and the number of puppies; and
 - (7) all medical care and vaccinations provided to the animal.

Section 47-3-1040. A commercial breeder may only breed a female dog after an annual certification examination by a licensed veterinarian which certifies that the dog is in suitable health for breeding and is under the age of eight years.

Section 47-3-1050. Any investigator may, upon receiving a complaint or upon their own suspicion, investigate any potential violation of the provisions of this article. The investigation may include the inspection of the books and records of the commercial dog breeder, the inspection of any companion animal owned by the commercial dog breeder, and the inspection of any place where animals are bred or maintained. The investigator may enter any premises, including the residence of the commercial breeder, where animals may be bred or maintained during daytime hours while conducting the investigation.

Section 47-3-1060. A person who violates a provision contained in this article, for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars and not more than one thousand dollars. A person convicted of a second or subsequent offense must be imprisoned not more than thirty days. Each violation shall constitute a separate offense. The provisions of this article are in addition to, and not in lieu of, any other State or federal laws protecting animal welfare. This article shall not be construed to limit any State law or regulation protecting the welfare of animals, nor shall anything in this article prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations in addition to this section.

Section 47-3-1070. This article does not apply to a person, kennel or boarding facility in which the majority of the dogs are:

- (1) being bred or trained primarily for hunting, sporting, field trials, or show;
- (2) being maintained primarily for hunting, sporting, field trials, or show;
- (3) kept primarily for purposes other than the sale of offspring as pets; or
- (4) not bred or kept for the purpose of sale to a pet store as defined in Section 47-3-1010(3). "

SECTION 2. This act takes effect upon approval by the Governor.

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