

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3424

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

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## 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

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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”.

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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