

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 30—Animal Health
Chapter 9—Animal Care Facilities**

PROPOSED AMENDMENT

2 CSR 30-9.010 Animal Care Facilities Definitions. The director is amending sections (2) and (3).

PURPOSE: This amendment removes language which is duplicative or otherwise unnecessary for use in licensing, operating, and inspecting animal care facilities, and in some instances replacing redundant language with concise wording.

(2) Definitions. As used in 2 CSR 30-9.020 and 2 CSR 30-9.030, the following terms shall mean:

[(K)] *Approved flooring means elevated flooring used for a surface on which an animal stands, approved by the state veterinarian, and listed on the department's website by description and specifications, as revised, except that flooring meeting the definition of wire strand flooring shall be prohibited and ineligible as approved flooring;*

[(L)](K) **Attending veterinarian** means any Doctor of Veterinary Medicine who has a valid license to practice veterinary medicine in Missouri issued by the Missouri Veterinary Medical Board and who has a written agreement to perform specified services for a licensee;

[(M)](L) **Auction** means any person selling any consignment of dog(s) or cat(s) to the highest bidder. This shall include any means, procedure, or practice in which the ownership of a dog or cat is conveyed from one (1) person to another by any type or method of bidding process. Auction sales shall be considered as brokers and must be licensed as dealers under the ACFA;

[(N)](M) **Boarding kennel** means a place or establishment, other than a pound or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration. This term shall include all boarding activities regardless of name used, such as, but not limited to, pet sitters. However, boarding kennel shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding the intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals;

[(O)](N) **Business hours** means a reasonable number of hours between seven o'clock in the morning and seven o'clock in the evening (7:00 a.m.–7:00 p.m.), Monday through Friday, except legal state holidays, each week of the year, during which inspections may be made;

[(P)](O) **Carrier** means the operator of any airline, aircraft, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire;

[(Q)](P) **Cat** means any live or dead *Felis catus*;

[(R)](Q) **Commercial breeder** means a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three (3) intact females for the primary purpose of breeding animals for sale. *Persons engaged in breeding dogs and cats who harbor three (3) or less intact females shall be exempt from the license requirement;*

[(S)](R) **Commercial kennel** means any kennel which performs grooming or training services for animals, and may or may not render boarding services in return for a consideration;

[(T)](S) **Contract kennel** means any facility operated by any person or entity other than the state or any political subdivision of the state, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision;

[(U)](T) Covered dog means any individual of the species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is over the age of six (6) months and has intact sexual organs;

[(V)](U) Dealer means any person who is engaged in the business of buying for resale, selling, or exchanging animals, as a principal or agent, or who holds him/herself out to be so engaged or is otherwise classified as a dealer by the USDA as defined by the regulations of the USDA[. *A dealer shall purchase animals only from persons in the state who are licensed under the ACFA, or from persons who are exempt from licensure*];

[(W)](V) Director means the director of the Missouri Department of Agriculture;

[(X)](W) Dog means any live or dead *Canis lupus familiaris*;

[(Y)](X) Euthanasia means the act of putting an animal to death in a humane manner and shall be accomplished by a method specified as acceptable by the American Veterinary Medical Association Panel on Euthanasia;

[(Z)](Y) Examination means a complete physical evaluation from head to tail of a covered dog or cat by a licensed veterinarian to include auscultation, palpation, and a visual inspection in which the heart rate, respiratory rate, breeding soundness, and the results of palpation are assessed and recorded as indicated on the forms provided;

[(AA)](Z) Exhibitor means any person (public or private) exhibiting any dog or cat to the public for compensation or for a consideration of any kind whether directly or indirectly. This term excludes pet shops who are exhibiting only the animals for sale to the general public if exhibited only within the licensed facility;

[(BB)](AA) Exotic animals for the purpose of the ACFA means any member of the families Canidae or Felidae not indigenous to Missouri or any hybrid descendant of any member of the families Canidae or Felidae crossed with any *Canis lupus familiaris* or *Felis catus*;

[(CC)](BB) Extreme weather means outdoor temperatures above eighty-five degrees Fahrenheit (85 °F) or below forty-five degrees Fahrenheit (45 °F) or during a severe weather alert;

[(DD)](CC) Hobby or show breeder means a noncommercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling the dogs or cats, and having no more than ten (10) intact females. These breeders shall be classified as a hobby or show breeder if they sell only to other breeders or to individuals. Hobby or show breeders are exempt from the licensure and inspection requirements, but must register annually with the director for the purpose of establishing that these persons are hobby or show breeders, at no cost to the hobby or show breeders. A breeder who buys or sells any animal for the primary purpose of resale does not qualify as a hobby or show breeder.

1. Registered hobby or show breeders are those meeting the definition in this subsection.

2. Licensed hobby or show breeders are those meeting the definition in this subsection with the exception of having more than ten (10) intact females. Licensed hobby or show breeders shall be required to pay the same license and per capita fees and meet the same rules, standards, and inspection requirements as the commercial breeders;

[(EE)](DD) Housing facility means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals;

[(FF)](EE) Impervious surface means a surface that does not permit the absorption of fluids;

[(GG)](FF) Indoor housing facility means any structure or building with environmental controls, housing or intended to house animals and meeting the following requirements:

1. It must be capable of controlling the temperature within the building or structure within the limits set forth for that species of animal, of maintaining humidity levels of thirty to seventy percent (30–70%), and of rapidly eliminating odors from within the building;

2. It must be an enclosure created by the continuous connection of a roof, floor, and walls (a shed or barn set on top of the ground does not have a continuous connection between the walls and the ground unless a foundation and floor are provided); and

3. It must have at least one (1) door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material such as glass or hard plastic);

[(*HH*)](**GG**) Inspector means any person employed by the department who is authorized to perform a function under the ACFA and these rules, or any animal welfare official as defined in this rule;

[(*II*)](**HH**) Intact female means, with respect to the dog, a female between the ages of six (6) months and ten (10) years that can be bred. With respect to the cat, a female between the ages of six (6) months and eight (8) years that can be bred;

[(*JJ*)](**II**) Intermediate handler means any person engaged in any business in which s/he receives custody of animals through boarding, ownership, or brokering in connection with their transportation in commerce[. *Intermediate handlers shall be licensed under authority of the ACFA. P*], **excluding** persons licensed under the ACFA who are transporting animals only in the normal course of conducting their licensed business[*shall not be required to be licensed as an intermediate handler, but shall be subject to all transportation regulations and standards*];

[(*KK*)](**JJ**) Licensee means any animal shelter, boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, intermediate handler, pet shop, and pound or dog pound licensed according to the provisions of the ACFA;

[(*LL*)](**KK**) Necessary veterinary care means, at minimum, examination at least once yearly by a licensed veterinarian, prompt treatment of any serious illness or injury by a licensed veterinarian, and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association;

[(*MM*)](**LL**) Outdoor housing facility means any structure, building, land, or premises, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the rules, and in which temperatures cannot be controlled within set limits;

[(*NN*)](**MM**) Person means any individual, partnership, firm, joint venture, corporation, association, limited liability company, trust, estate, receiver, syndicate, or other legal entity;

[(*OO*)](**NN**) Pet means any species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, normally maintained in or near the household of the owner thereof;

[(*PP*)](**OO**) Pet shop means any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public;

[(*QQ*)](**PP**) Pound or dog pound means a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;

[(*RR*)](**QQ**) Primary enclosure means any structure or device used to restrict an animal(s) to a limited amount of space, such as a room, pen, run, cage, compartment, pool, hutch, or tether;

[(*SS*)](**RR**) Registrant means any hobby or show breeder who has properly registered with the director according to the provisions of the ACFA;

[(*TT*)](**SS**) Regular exercise means the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri Department of Agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits;

[(*UU*)](**TT**) Retail pet store means a person or retail establishment open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring for use as a pet;

[(*VV*)](**UU**) Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health;

[(*WW*)](**VV**) Serious illness or injury means a condition or injury that would likely result in significant pain or progression of disease if not addressed within twenty-four (24) hours and would require daily or continuing treatment as determined by a veterinarian;

[(XX)](WW) Sheltered housing facility means a housing facility which provides the animal with shelter, protection from the elements, and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building;

[(YY)](XX) Standards means the requirements [*with respect to humane housing, exhibiting, handling care, treatment, temperature, and transportation of animals by animal shelters, boarding kennels, commercial breeders, commercial kennels, contract kennels, dealers, intermediate handlers, exhibitors, pet shops, and pounds or dog pounds as*] set forth in 2 CSR 30-9.020 through 2 CSR 30-9.030;

[(ZZ)](YY) State means Missouri;

[(AAA)](ZZ) State veterinarian means the state veterinarian of Missouri;

[(BBB)](AAA) Sufficient food and clean water means access to appropriate nutritious food at least twice a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants;

[(CCC)](BBB) Sufficient housing, including protection from the elements, means the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from the extremes of weather conditions, proper ventilation, and appropriate space [*depending on the species of animal as required by*] **in accordance with** regulations of the Missouri Department of Agriculture;

[(DDD)](CCC) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs means having appropriate space [*depending on the species of animal as required by*] **in accordance with** regulations of the Missouri Department of Agriculture;

[(EEE)](DDD) Transporting vehicle means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals;

[(FFF)](EEE) USDA means the United States Department of Agriculture;

[(GGG)](FFF) Weaned means that an animal has become accustomed to taking solid food and has done so, without nursing, for a period of at least five (5) days; and

[(HHH)](GGG) Wire strand flooring means pliable metallic strands in any length or diameter, mesh or grill-type, with or without a coating, and used for a surface on which an animal stands.

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AUTHORITY: sections 273.344 and 273.346, RSMo 2000. Original rule filed Jan. 13, 1994, effective Aug. 28, 1994. Amended: Filed Oct. 24, 1994, effective May 28, 1995. Emergency amendment filed July 11, 2011, effective July 21, 2011, expired Feb. 23, 2012. Amended: Filed July 22, 2011, effective Jan. 30, 2012. Amended: Filed Jan. 21, 2016, effective Aug. 30, 2016. Amended: Filed November 25, 2019*

**Original authority: 273.344, RSMo 1992 and 273.346, RSMo 1992.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COSTS: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Animal Care Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the **Missouri Register**. No public hearing is scheduled.*