

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

PROPOSED AMENDMENT

2 CSR 30-9.020 Animal Care Facility Rules Governing Licensing, Fees, Reports, Record Keeping, Veterinary Care, Identification, and Holding Period. The director is amending sections (1)-(17) and deleting section (18) and renumbering as necessary

PURPOSE: This amendment removes regulations which are obsolete or duplicative. Further, this amendment removes the requirements of the voluntary Blue Ribbon Kennel program in order that kennels recognized with this designation can have best management practices defined in policy.

(1) Application for License and Conditions of Issuing.

(B) Any person seeking a license under the provisions of the ACFA shall -

1. [a]Apply on a form furnished by the director[.];

2. [An individual must b]Be at least eighteen (18) years of age[to be issued a valid license.];

3. [The applicant shall p]Provide all information requested on the application form, including a valid mailing address through which the licensee or applicant can always be reached and a valid premises address where animals, animal facilities, equipment, and records shall be inspected for compliance[. All premises, facilities, or sites where a person operates, has an interest in, or keeps animals shall be shown on the application form or on a separate sheet attached to it. The applicant shall f];

4. File the completed application form with the director[. Applications must be accompanied with];

5. **Submit** the appropriate fee as [required]calculated in section (2) of this rule[.]; **and**

[(C) An applicant shall o]6. **Obtain** a separate license for each separate physical facility requiring a license according to the ACFA.

[(D)](C) The following persons are exempt from the licensing fees and inspection requirements:

1. Persons engaged in breeding dogs and cats who harbor three (3) or less intact females; and
2. Registered hobby and show breeders, with proof of show.

[(E)](D) Pounds or dog pounds are exempt from the licensing fees but must meet all other standards in 2 CSR 30-9 and will be inspected at least annually.

[(F)](E) Any person exempt from the licensing requirements may voluntarily apply for a license, but shall [agree in writing to comply with the requirements set forth in the specifications for humane handling, care, treatment, and transportation of dogs and cats. Each person shall] comply with all rules and standards of the ACFA. A voluntary license may be surrendered at any time the licensee so desires.

[(G) A license shall be issued to any applicant, who has met the requirements of the ACFA, has paid the required annual license fee and the provisional license fee (if required), and has passed the initial or annual inspection.]

[(H)](F) The director may refuse to issue [or renew or may revoke or suspend a license on any one (1) or more of the following grounds:

1. Material and deliberate misstatement on the application for any original license or for any renewal license;

2. Conviction of any violation of any state or federal law on the disposition or treatment of animals;

3. The failure of any person to comply with any provision of the ACFA, or any of the provisions of the standards in 2 CSR 30-9; or

4. The refusal to allow the inspector free and unrestricted access to inspect any ACFA required records, or any animal, premises, facility, area, equipment, or vehicle.

[(I)](G) An applicant whose check is returned by the bank will be charged a fee of fifteen dollars (\$15) for each returned check. [*One (1) returned check will be deemed nonpayment of fees and will result in denial of license. Payment of fees must then be made by certified check, cashier's check, or money order.*] An applicant shall not receive a license until payment has cleared normal banking procedures. A delay of up to thirty (30) days or more may be expected if a personal check is used for payment of fees.

[(J)](H) Operation of an animal shelter, boarding kennel, commercial kennel, contract kennel, pet shop, pound or dog pound, or activity as a commercial breeder, dealer, intermediate handler, or exhibitor (other than a limited show or exhibit) without a valid license is a class A misdemeanor.

[(K)](I) All premises licensed under the ACFA shall be inspected at least once each year, or upon a complaint to the department about a particular facility. The validity of the complaint will be determined by the state veterinarian.

[(L)](J) All licensees or applicants for a license or license renewal must make his/her facilities, animals, premises, and records available for inspection during business hours or at other times mutually agreeable, in writing, to the applicant and the animal welfare official designated by the state veterinarian. [*The licensee or applicant shall also provide the inspector with sufficient space and facilities, such as a room, a table, and a chair to use in examining records and writing his/her report.*] If the licensee's or applicant's facilities, animals, premises, procedures, or records do not meet the requirements in 2 CSR 30-9.020 through 2 CSR 30-9.030, the applicant will be advised in writing of existing deficiencies and the corrective measures that must be completed in a timely manner to be in compliance with the standards[*in 2 CSR 30-9*]. Persons or facilities which subsequently fail two (2) consecutive reinspections for an original violation shall be charged a fee of one hundred dollars (\$100), which shall be paid before subsequent inspections will be made or the renewal of that person's or facility's license.

[(M)](K) The Department of Agriculture shall not retain, contract with, or otherwise utilize the services of the personnel of any nonprofit organization for the purpose of inspection or licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, commercial breeder, hobby or show breeder, or pet shop under sections 273.325 to 273.357, RSMo.

[(N)](L) A licensee or applicant for a license shall not interfere with, threaten, abuse (including verbal abuse), or harass any inspector or state or federal official while carrying out his/her duties.

[(O)](M) A license shall be issued to specific persons for specific premises, facilities, and operations and does not transfer upon change of ownership[*or any other significant change of business or operation*], nor is it valid at a different location. Otherwise, a license issued under 2 CSR 30-9 shall be valid and effective unless—

1. The license has been revoked or suspended pursuant to section 273.329, RSMo;
2. The license is voluntarily terminated by the written request of the licensee to the director;
3. The license has expired or has otherwise been terminated under 2 CSR 30-9.020; or
4. The applicant did not pay the license fee as required.

[(P)](N) There will be no refund of fees if a license is terminated for any reason before its expiration.

[(Q)](O) Licensees must accept delivery of registered mail or certified mail notice and provide the director notice of any change of address.

[(R)](P) All licenses will expire on January 31 each year and will automatically terminate at midnight on that date unless the properly completed application with the appropriate fee has been received by the director. A person whose license has been automatically terminated shall not conduct any activity [*for which a license is required by the ACFA until all requirements for issuing the license have been met and*]**unless** a valid license has been duly issued.

[(S)] Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license.

(T)(Q) A license which is [*invalid*] **suspended or revoked** under 2 CSR 30-9 shall be surrendered to the director. If the license cannot be found, the licensee shall provide a written statement so stating to the director.

[(U)](R) Contested cases and other matters involving licensees and the director, or his designee, may be informally resolved by consent agreement, settlement, stipulation, consent order, or default.

[(V)](S) Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357, RSMo, have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, RSMo, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for each violation. Each violation shall constitute a separate offense.

[(W)](T) A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357, RSMo, so as to pose a substantial risk to the health and welfare of animals in such person's custody or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or *nolo contendere* to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

1. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357, RSMo, in circuit court in the county where the crime has occurred for criminal punishment.

2. No action under this section shall prevent or preclude action taken under section 578.012, RSMo, or under subsection 3 of section 273.329, RSMo.

[(X)] *Facilities designated as Blue Ribbon Kennels shall meet the following additional requirements:*

1. *The licensee must have no violations cited during the past year;*
2. *The premise must be neat and free of clutter, it must be mowed and kept free of junk, the buildings must be in good repair, and it should reflect a positive image to the general public;*
3. *The kennel must have a written biosecurity plan with signs posted that contain instructions for entry;*
4. *All dogs must be identified by microchip upon change in ownership; and*
5. *The licensee must be a member of the Missouri Pet Breeders Association or the Professional Pet Association and they must maintain twenty (20) hours of continuing education.]*

(2) License Fees.

(A) In addition to the application for a license or license renewal, each person shall submit to the director the annual license fee [*and provisional license fee (if required)*] prescribed in this section[, *which shows the method used to calculate the appropriate fee. The license fee shall be computed in accordance with the following and based*]**and calculated** upon the previous year's business -

1. Animal shelter—One hundred dollars (\$100), plus the annual animal shelter per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

2. Pound/dog pound—No fee, but must meet the standards in 2 CSR 30-9;

3. Commercial kennel—One hundred dollars (\$100), plus the annual commercial kennel per capita fee for each board day, up to a maximum of two thousand five hundred dollars (\$2,500);

4. Boarding kennel—One hundred dollars (\$100), plus the annual boarding kennel per capita fee for each board day, up to a maximum of two thousand five hundred dollars (\$2,500);

5. Commercial breeder—One hundred dollars (\$100), plus the annual commercial breeder per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

6. Contract kennel—One hundred dollars (\$100), plus the annual contract kennel per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

7. Dealer (also auction sale operator or broker)—One hundred dollars (\$100), plus the annual dealer per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

8. Pet shop—One hundred dollars (\$100), plus the annual pet shop per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

9. Intermediate handler—One hundred dollars (\$100), plus a per capita fee for each board day and each animal purchased or brokered and transported up to a maximum of two thousand five hundred dollars (\$2,500). Animals which are transported only will be considered as carrier-transported and not subject to a per capita fee[;

10. *Voluntary licensee (persons/facilities not required to be licensed by definition of the law but desire to obtain a license anyway)*—One hundred dollars (\$100)]; and

[11.]10. Hobby or show breeder—Exempt from fees and inspection requirements, [but must register annually and certify status] **provided that such breeder qualifies annually for the purpose of establishing status for registration.**

(B) Per Capita Fees.

1. Per capita fees [shall be assessed annually and based upon the budgetary needs of the program. Per capita fees shall be the same for all licensees of the same type license, but may vary by type of license at the discretion of the director. The amount of the annual per capita fee shall be determined by the director and announced each year. The licensees will be notified by mail of the amount of the annual per capita fee, which shall accompany the new application forms] **assessed for previous year's sales are one dollar (\$1.00) for every animal sold, traded, bartered, brokered, adopted out, or given away.**

2. Per capita fees [shall range from zero cents (0¢) to not more than one dollar (\$1) for each service performed or board day per animal, or animal sold, traded, bartered, brokered, auctioned, given away, or otherwise disposed of other than by euthanasia or death] **assessed for previous year's services are ten cents (\$.10) for every board day.**

(C) [In the case of a new applicant for a license, the initial license fee shall be] **An initial application fee is one hundred dollars (\$100).** [Annual renewal of license shall be] **The renewal application fee is based upon the calculations stated previously in this section.**

[(D) A separate license shall be obtained for each physical facility operated by the applicant.]

[(E)](D) Operation Bark Alert. Each licensee subject to sections 273.325 to 273.357, RSMo, shall pay an additional annual fee of twenty-five dollars (\$25) to be used by the Department of Agriculture for the purpose of administering Operation Bark Alert or any successor program.

(3) Annual Report by Licensee.

(A) Each year, [within thirty (30) days prior to the expiration date of his/her license,] the licensee shall [file with the state veterinarian an application for license renewal and an annual report] **renew their license** on forms furnished by the state veterinarian.

(B) Each year, the licensee shall submit the total number of animals sold, traded, bartered, brokered, **adopted out**, given away, **or** boarded[, or exhibited] during the previous year, January through December, and any other information required on the form.

(4) Acknowledgment of Rules and Standards. The director will supply a copy of the ACFA and the rules and standards **upon request of any prospective applicant or licensee.** *[to all new applicants. All applicants must acknowledge receipt of the rules and the standards prior to issuance of a license.]*

(5) Notification of Change in Business Licensed. *[A licensee shall promptly notify the state veterinarian by certified mail of a]*Any change in the name, address, management, substantial control and ownership of the business or operation, *[of any significant change in the operation of the business or operation,]* or of additional sites, **shall be provided to the state veterinarian** within ten (10) days of the change.

(6) Activity by Persons/Facilities Whose Licenses Have Been Suspended or Revoked.

(B) Any facility involved in an order of suspension or revocation shall -

1. *[n]*Not be used for licensed activity[.]; **and**

[(C) Any person whose license has been suspended or revoked for any reason shall]

2. *[n]*Not be licensed under his/her name, or in any other manner within the period during which the suspension or revocation is in effect. *[No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed during that period.]*

[(D) Any person whose license has been suspended or revoked shall]

3. *[n]*Not buy, sell, trade, barter, broker, transport, board, exhibit, or deliver for transportation any animal during the period of license suspension or revocation.

[(E)](C) Any person whose license has been suspended or revoked may apply in writing to the director for reinstatement of his/her license.

(7) Denial of Initial License Application.

(A) A license will not be issued to any applicant who—

1. Is not in total compliance with the rules and the standards set forth in 2 CSR 30-9, including the payment of fees[.];

A. An initial applicant for license will be allowed a maximum of three (3) inspections and a period of up to ninety (90) days from the date of the first inspection in which to attain total compliance with the rules and standards prior to denial of license. Failure of these inspections would not subject an initial applicant to the one hundred dollar (\$100)-penalty fee for failed inspections. However, initial license fee will not be returned and subsequent applications must be accompanied with another initial license fee; **and**[.

B. *An initial applicant shall not conduct any activity for which an ACFA license is required until the license has been issued.*

C. *Subsequent applications by a person who has been denied a license under subparagraph (7)(A)1.A. shall also be considered an initial application.*

D.]**B.** Persons denied a license under subparagraph (7)(A)1.A. may reapply after six (6) months from the date of the last failed inspection[;].

2. Has had a license revoked or is currently under suspension;

3. Has been fined, sentenced to jail, or pled no contest under state or local animal cruelty laws within one (1) year of application, except that if no penalty is imposed as a result of a no contest plea, the applicant may reapply immediately; or

4. Has made any false or fraudulent statements or provided any false or fraudulent records to the department.

(B) Any applicant whose initial license has been denied may request an administrative hearing in accordance with Chapter 536, RSMo, for the purpose of showing why the application should not be denied. If the license denial is upheld, the applicant may reapply for license one (1) year from the date of the denial.[

(C) No partnership, firm, corporation, or other legal entity in which a person whose license application has been denied has a substantial interest, financial or otherwise, will be licensed within one (1) year of denial.

(8) Attending Veterinarian and Adequate Veterinary Care.

(A) Each licensee shall have an attending veterinarian who shall provide adequate veterinary care to animals covered under the rules in 2 CSR 30-9.020 through 2 CSR 30-9.030;

(B) Each licensee shall establish and maintain programs of adequate veterinary care that include:

1. The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions in 2 CSR 30-9.020 through 2 CSR 30-9.030;

2. The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

3. Individual health records shall be maintained on all animals above the age of eight (8) weeks or that have been weaned or that have been treated with a medical procedure, whichever occurs first. Litter health records may be kept on litters when littermates are treated with the same medication or procedure. Health records (or a copy) may accompany all animals upon the transfer of ownership;

4. Daily observation of all animals to assess their health and well-being. Provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian; and provided further, that [*a mechanism of direct and frequent communication is required so that timely and accurate information on*] problems of animal health, behavior, and well-being is conveyed to the attending veterinarian **in a timely manner**;

5. Adequate training and guidance to personnel involved in the care and use of animals. The employer must be certain his/her employees can perform at the level required by these rules; and

6. Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

(C) Each licensee subject to the provisions of section 273.345, RSMo, shall establish and maintain programs of veterinary care that include:

1. Examination as defined in 2 CSR 30-9.010(2)([Z]Y) at least once yearly by a licensed veterinarian, and upon detection of any affliction, a comprehensive examination, diagnosis, and appropriate treatment. Provided however, at the discretion of the attending veterinarian, any subsequent treatment may be carried out by somebody other than the attending veterinarian. An individual health examination shall be prescribed, conducted, and recorded on forms furnished by the state veterinarian;

2. Consultation on sound breeding practices, including a written and signed recommendation on reproductive health for individual female covered dogs that accounts for species, age, and health of the breeding dogs under care of the licensee. An individual recommendation shall be recorded on forms furnished by the state veterinarian;

3. Animal health and husbandry. Review of disease prevention techniques, vaccination protocols, parasite protocols, pest control, nutrition, euthanasia, and guidance on preventative care. Approval of these practices must be certified by the attending veterinarian and included with the written program of veterinary care; and

4. Approval of an exercise plan developed in accordance with regulations regarding exercise prescribed in these rules and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits.

(D) Each licensee subject to the provisions of section 273.345, RSMo, shall ensure that animals with serious illness or injury as defined in 2 CSR 30-9.010(2) ([WW]UU) receive prompt treatment by a licensed veterinarian.

(E) If the state veterinarian or his/her designee finds that an animal or group of animals is suffering from a contagious, communicable, or infectious disease or exposure to a disease, a

quarantine to the premises may be issued until the animals **meet the provisions for release as established by the state veterinarian.** *[are*

1. *Recovered and no longer capable of transmitting the disease;*
2. *Isolated;*
3. *Humanely euthanized and properly disposed of;*
4. *Tested, vaccinated, or otherwise treated; or*
5. *Otherwise released by the state veterinarian.*

A. Animals under quarantine shall not be removed from the premises without written consent of the state veterinarian, nor shall any other animals be allowed to enter the premises.

B. A quarantine issued by the state veterinarian shall remain in effect until released in writing by the state veterinarian.]

(F) Animals with obvious signs of disease or injury shall not be sold **or shipped** (except on the advice of the attending veterinarian and with the knowledge and consent of the purchaser), abandoned, or disposed of in an inhumane manner.

[(G) A person licensed or registered under the ACFA shall not knowingly sell or ship a diseased animal, except on the advice of their attending veterinarian and with the knowledge and consent of the purchaser.]

(9) Identification of Animals.

(B) All licensees without a USDA license shall identify all dogs and cats held on the premises, purchased, boarded, sheltered, or otherwise acquired, sold, released, given away, or otherwise disposed of or removed from the premises for any reason to or through any person, by one (1) or more of the appropriate methods as follows:

1. By an official tag of the type described in this section affixed to the animal's neck by means of a collar made of a material generally considered acceptable to pet owners. In general, well fitting collars made of plastic or leather will be acceptable. The use of certain types of chains presently used by some dealers may also be acceptable if sharp edges cannot be felt which may reasonably be expected to cause discomfort to the animal. The use of materials such as wire, elastic, or any other material which may seem to cause discomfort to the animal shall not be used;

2. A distinctive and legible tattoo marking *[approved by the director]*;

3. Puppies or kittens, less than sixteen (16) weeks of age, may be identified by a plastic type collar acceptable to the director which has the information legibly placed on the collar *[as required for an official tag]* pursuant to this section;

4. Animal shelters, contract kennels, pounds or dog pounds may use distinctive cage cards. Cage cards, if used, must be sequentially numbered, used in sequential order and placed in an area which will prevent animals, water, or cleaning solutions from contacting them or damaging the cards. If cage cards cannot be protected, or if licensee fails to provide proper protection, all animals in his/her facility must be identified by a more permanent method as described in paragraph (9)(B)1. Each cage card must fully and completely describe the animal to which it is assigned including breed (or an estimate of predominant breed and cross, and the like), size, date of birth or approximate age, sex, color and markings, and any other distinctive feature or marking;

5. Boarding kennels and commercial kennels *[shall be authorized to]* **may use distinctive cage cards. Boarding kennels and commercial kennels may use any abbreviated form of information on the cage cards that meets the needs of their business if all of the information listed in this paragraph is immediately available to the animal caretaker and inspector.** Cage cards, if used, must:

A. *[b]* Be placed in an area which will prevent animals, water, or cleaning solutions from contacting or damaging the cards*[. Cage cards must]*;

B. *[p]* Provide a brief description of the animal including name, breed, sex, color, and distinctive markings*[. Cage cards must also]*; **and**

C. [s]Specify any medications with directions for administering, any special needs or instructions, and emergency instructions stating veterinarian of choice and telephone number[. *Boarding kennels and commercial kennels may use any abbreviated form of information on the cage cards that meets the needs of their business if all of the information listed in this paragraph is immediately available to the animal caretaker and inspector*]; and

6. Pet shops may use distinctive cage cards. Cage cards, if used as the primary identification, must be:

A. [s]Sequentially numbered and used in sequential order[. *Cage cards, if used, must be*];

B. [p]Placed in an area which will prevent animals, water, or cleaning solutions from contacting them or damaging the cards[. *Cage cards, if used as the primary identification, must*]; **and**

C. [p]Provided **with** enough information to assure proper identification of all animals in the enclosure and may include information such as a brief description of the animal including breed, sex, date of birth or approximate age, color, and distinctive markings.

[(G) The official tag shall be made of a durable alloy such as brass, bronze, steel, or a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used. The tag shall be one (1) of the following shapes:

1. *Circular in shape and not less than one and one-fourth inches (1 1/4") in diameter; or*

2. *Oblong and flat in shape, not less than two inches long by three-fourths inch (2" × 3/4") wide and riveted to an acceptable collar.]*

[(H)](G) Each official tag shall have the following information embossed or stamped on one (1) side that is easily readable:

1. The *[letters MO;*

2. *The letters and numbers]***information** identifying the licensee or facility, for example, AC[FA]123456; and

[3]2. The *[number]***information** identifying the animal, for example, 0006.

[(I)](H) Licensees must obtain the official tags or cage cards at their own expense. *[Tags and cards are available from commercial manufacturers. At the time a licensee is issued a license, the director will assign a license number to be used on official tags.]*

[(J)](I) Each licensee shall be held accountable for all official tags acquired. In the event an official tag is lost from an animal while in the possession of the licensee, the licensee will make every diligent effort to locate and reapply the tag to the proper animal. If the lost tag is not located, the licensee shall affix another official tag to the animal and record both the old and new tag numbers on the official records. Only the new number will be used on subsequent transactions.

[(K) When an animal with an official tag is euthanized or dies from any other cause, the official tag shall be removed from the animal and saved for a period of one (1) year following the death. If the official tag is removed from an animal at the time of disposition of the animal, the official tag shall be saved for a period of one (1) year following the disposition.

(10) Prohibition on the Purchase, Sale, Use or Transportation of Stolen Animals. No person shall buy, sell, exhibit, transport, or offer for transport any stolen animal.

(11)](10) Records.

(A) Records for Commercial Breeders, Dealers, Exhibitors, Intermediate Handlers, and Voluntary Licensees.

1. Each commercial breeder, dealer (other than operators of auction sales and brokers to whom animals are consigned), intermediate handlers, exhibitors, and voluntary licensees shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his/her possession or control which is transported, euthanized, sold, or otherwise disposed of by that licensee. These records shall include any offspring born of any animal while in his/her possession or under his/her control:

A. The name and complete mailing address of the person from whom a dog or cat was purchased or otherwise received or acquired whether or not the person is required to be licensed or registered under this Act;

B. The USDA and the ACFA license or registration number of the person if s/he is licensed or registered under the Acts. Both USDA and ACFA numbers are required if seller is licensed or registered under both Acts;

C. The vehicle license number and the state, *[and]* or the driver's license number and state if s/he is not licensed or registered under either of the Acts;

D. The name and complete mailing address of the person to whom a dog or cat was sold, given, or delivered, and that person's license or registration number(s) if s/he is licensed or registered under the Acts;

E. The date a dog or cat was acquired or disposed of, or both, and the method of disposition, including by death or euthanasia;

F. The official USDA or ACFA tag number or tattoo assigned to a dog or cat;

G. A description of each dog or cat which shall include:

(I) The species and breed or type;

(II) The sex;

(III) The date of birth or approximate age; and

(IV) The color and any distinctive markings;

H. The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;

I. Records of Dogs and Cats on hand (*[VS Form 18-5]*APHIS Form 7005 or similar form may be used) and Records of Disposition of Dogs or Cats (*[VS Form 18-6]*APHIS Form 7006 or similar form may be used) shall be maintained by commercial breeders, dealers, exhibitors, and voluntary licensees;

J. *[The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1)]* **State approved forms** may be used by dealers and exhibitors to make, keep, and maintain the information required by subsection (11)(A) of this rule; and

K. One (1) copy of the record containing the information required by this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a commercial breeder, dealer, or exhibitor. One (1) copy of the record containing the information required by this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a commercial breeder, dealer, or exhibitor; *provided, however, that information which indicates the source and date of acquisition of a dog or cat need not appear on the copy of the record accompanying the shipment*. One (1) copy of the record *[containing the information required by this section]* shall be retained by the commercial breeder, dealer, or exhibitor.

2. Individual medical records shall be maintained on all animals bought, raised, or otherwise obtained, held, kept, maintained, sold, donated, or otherwise disposed of, including by death or euthanasia, which shall specify all treatments and medications given and all procedures performed on the animal, to include reasons for or the condition requiring the treatment, medication, or procedure, and the results of the treatment, medication, or procedure will be included in this record. Litter health records may be kept on litters when all littermates are treated with the same medication or procedure. Medical records (or a copy) may accompany the animal when sold.

3. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(B) Records of Operators of Auction Sales and Brokers.

1. Every broker or operator of an auction sale shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal sold, whether or not a fee or commission is charged:

A. The name and complete mailing address of the person who owned or consigned the animal(s) for sale;

B. The name and complete mailing address of the buyer or consignee who received the animal;

C. The USDA and ACFA license or registration number of the person(s) selling, consigning, buying, or receiving the animals if s/he is licensed or registered under the Acts;

D. The vehicle license number and state [*and*] or the driver's license number and state of the person, if s/he is not licensed or registered under the Acts;

E. The date of the consignment;

F. The official USDA or ACFA tag number assigned to the animal(s) under this rule;

G. A description of the animal(s) which shall include:

(I) The species and breed or type;

(II) The sex of the animal;

(III) The date of birth or approximate age; and

(IV) The color and any distinctive markings;

H. The auction sales number or records number assigned to the animal; and

I. The name, mailing address, any USDA/ACFA license number of all people registering at the auction to buy animals.

2. One (1) copy of the record [*containing the information required by this section*] shall be given to the consignor of each animal, one (1) copy of the record shall be given to the purchaser of each animal, [*provided however, that information which indicates the source and date of consignment of any animal need not appear on the copy of the record given to the purchaser of any animal. O*] **and** one (1) copy of the record [*containing the information required by this section*] shall be retained by the broker or operator of the auction sale for each animal sold.

3. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(C) Records for Boarding Kennels and Commercial Kennels.

1. Every operator of a boarding kennel or commercial kennel shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal boarded, or otherwise kept or maintained, sold, given, or otherwise disposed of:

A. Name, address, and phone number of pet owner;

B. Emergency contact number;

C. Animal's name, age, sex, and breed;

D. Vaccination information, with official rabies;

E. Preexisting physical problems;

F. Medication information and instructions;

G. Veterinarian of choice;

H. Special feeding instructions, if needed;

I. Special boarding instructions, if needed;

J. Any additional services to be performed;

K. Date animal received; and

L. Date animal released.

2. Animal cage card must be attached to the primary enclosure of every animal being boarded, kept, or maintained.

3. The record of daily health observations, medications, and treatments given and exercise periods shall be maintained.

4. The name and complete mailing address of the person to whom the animal was sold or given, and the USDA or ACFA license numbers, or both, if that person was licensed under the Acts.

5. A copy of the health certificate for each animal shipped interstate.

6. All records shall be maintained for a period of sixty (60) days except on those animals on which a complaint was made by the owner or if some other problem occurred during boarding, those records shall be kept for one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(D) Records for Animal Shelters, Contract Kennels, and Pounds or Dog Pounds.

1. Every operator of an animal shelter, contract kennel, pound, or dog pound shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal boarded, housed, retained, or otherwise kept or maintained, transported, sold, given, adopted out, released, or otherwise disposed of:

A. The date of acquisition;

B. The name and complete mailing address of the person from whom the animal was obtained;

C. The vehicle license number and state, [*and*]or the driver's license number and state of the person delivering the animal;

D. A complete description of the animal including breed or type, sex, size, approximate weight, approximate age, color, and any distinctive markings;

E. Date of disposition and method;

F. The name and complete mailing address of the person to whom the animal was sold, given, released to, or adopted by, and the USDA or ACFA license numbers, or both, if the person was licensed under the Acts;

G. Spay or neuter contract; and

H. Veterinary certification of spay or neuter.

2. Animal cage card must be attached to the primary enclosure of every animal being held, retained, kept, or maintained.

3. The record of daily health observations, medications and treatments given, and exercise periods shall be maintained.

4. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(E) Records for Pet Shops.

1. Every operator of a pet shop shall make, keep, and maintain records or forms which fully and correctly disclose the following concerning each animal purchased or otherwise acquired, kept or maintained, transported, sold, given, released, or otherwise disposed of:

A. The name and complete mailing address of the person from whom the animal was obtained;

B. The USDA or ACFA license number, or both, of the seller if s/he was licensed under the Acts;

C. The vehicle license number and state, [*and*]or the driver's license number and state of the person delivering the animal if the seller is not licensed under the Acts;

D. A complete description of the animal, including breed or type, sex, size, approximate weight, or a combination of these, date of birth or approximate age, color, and any distinctive markings, including any official tag number or tattoo markings;

E. Date of acquisition;

F. Date of disposition and method; and

G. The name and complete mailing address and telephone number of the person to whom the animal was sold, given, released to, or otherwise disposed of.

2. Animal cage card, if used, must be attached to the primary enclosure of every animal being held, retained, kept, or maintained.

3. The record of daily health observations, medications, and treatments given shall be maintained.

4. Shot records and a copy of treatment, medications, and medical procedures performed on the animal, while in the possession of the licensee, may be furnished to the retail pet purchaser. Medical records, to the extent possible may accompany the animal when sold.

5. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(F) Records for Carriers and Intermediate Handlers.

[1. In connection with all live animals accepted for shipment on a cash on delivery (C.O.D.) basis or other arrangement or practice under which the cost of the animals or the transportation of the animals is to be paid and collected upon delivery of the animals to the consignee, the accepting carrier or intermediate handler, if any, shall keep and maintain a copy of the consignor's written guarantee for the payment of transportation charges for any animal not claimed as provided in USDA regulations including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for out-of-pocket expenses incurred for the care, feeding, and storage of the animal. The carrier or intermediate handler at destination shall also keep and maintain a copy of the shipping document containing the time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee as provided in USDA regulations.

2.] In connection with all live dogs or cats delivered for transportation, in commerce to any carrier or intermediate handler, by any commercial breeder, dealer, research facility, exhibitor, operator of an auction sale, broker, pet shop, or any other person licensed under the ACFA, or department, agency, or instrumentality of the United States or of any state or local government, the accepting carrier or intermediate handler shall keep and maintain a copy of the health certificate completed *[as required by USDA regulations and Missouri]* **in accordance with state and federal regulations**, tendered with each live dog or cat.

(G) Health Certification and Identification.

1. No commercial breeder, dealer, exhibitor, operator of an auction sale, broker, pet shop, research facility, voluntary licensee, or any department, agency, or instrumentality of the United States or of any state or local government shall deliver to any intermediate handler or carrier for transportation in interstate commerce or shall transport in interstate commerce any dog or cat unless the dog or cat is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate shall state that—

A. The licensed veterinarian inspected the dog or cat on a specified date which shall not be more than ten (10) days prior to the delivery of the dog or cat for transportation; and

B. When so inspected, the dog or cat appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or endanger public health.

[2. The United States Secretary of Agriculture, with concurrence of the director, may provide exception to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for certification.

3.] **2.** No intermediate handler or carrier to whom any live dog or cat is delivered for transportation by any commercial breeder, dealer, exhibitor, broker, pet shop, research facility, operator of an auction sale, or any department, agency, or instrumentality of the United States or any state or local government shall receive a live dog or cat for transportation in interstate commerce, unless and until it is accompanied by a health certificate issued by a licensed veterinarian.

[4.] **3.** [*The United States Interstate and International Certificate of Health Examination of Small Animals (VS Form 18-1)*] **State approved forms** may be used for health certification by a licensed veterinarian as required by this section.

[5.] **4.** Intrastate shipments, which at no time leave the state, may utilize an owner/shipper statement in lieu of a health certificate. The owner/shipper statement must specify the date of shipment, name, address, phone number, and ACFA/USDA license numbers of consignor and consignee of the shipment, specify species and list each animal in the shipment by its individual ACFA/USDA number, breed, age, sex, color, and distinctive markings, vaccination history, and certify—“To the best of my knowledge, all animals in this shipment are healthy and have not been exposed to an infectious or contagious disease.” The statement must contain the signature, printed name, address, and phone number of the certifying individual. [*APHIS Form 7001 may be used as a guide to produce individual forms, if desired.*]

(H) C.O.D. Shipments.

1. *No carrier or intermediate handler shall accept any animal for transportation in commerce upon any C.O.D. or other basis where any money is to be paid and collected upon delivery of the animal to the consignee, unless the consignor guarantees in writing the payment of all transportation, including any return transportation, if the shipment is unclaimed or the consignee cannot be notified in accordance with this section, including reimbursing the carrier or intermediate handler for all out-of-pocket expenses incurred for the care, feeding, and storage or housing of the animals.*

2. *Any carrier or intermediate handler receiving an animal at a destination on a C.O.D. or other basis any money is to be paid and collected upon delivery of the animal to the consignee shall attempt to notify the consignee at least once every six (6) hours for a period of twenty-four (24) hours after arrival of the animal at the animal holding area of the terminal cargo facility. The carrier or intermediate handler shall record the time, date, and method of each attempted notification and the final notification to the consignee, and the name of the person notifying the consignee on the shipping document and on the copy of the shipping document accompanying the C.O.D. shipment. If the consignee cannot be notified of the C.O.D. shipment within twenty-four (24) hours after its arrival, the carrier or intermediate handler shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in this section and shall notify the consignor. Any carrier or intermediate handler which has notified a consignee of the arrival of a C.O.D. or other shipment of an animal, where any money is to be paid and collected upon delivery of the animal to the consignee, which is not claimed by the consignee within forty-eight (48) hours from the time of notification shall return the animal to the consignor or to whomever the consignor has designated, on the next practical available transportation in accordance with the written agreement required in this section and shall notify the consignor.*

3. *It is the responsibility of any carrier or intermediate handler to hold, feed, and care for any animal accepted for transportation in commerce under a C.O.D. or other arrangement where any money is to be paid and collected upon delivery of the animal until the consignee accepts shipment at destination or until returned to the consignor or his/her designee should the consignee fail to accept delivery of the animal or if the consignee could not be notified as prescribed in this section.*

4. *Nothing in this section shall be construed as prohibiting any carrier or intermediate handler from requiring any guarantee in addition to that required in this section for the payment of the cost of any transportation or out-of-pocket or other incidental expenses incurred in the transportation of any animal.*

(I)](H) Disposition of Records.

1. No licensee, for a period of one (1) year, shall destroy or dispose of, without the consent in writing of the director, any books, records, documents, or other papers required to be kept and maintained under the ACFA and this rule.

2. Unless otherwise specified, the records required to be kept and maintained under this rule shall be held for one (1) year after an animal is euthanized or disposed of and for any period in excess of one (1) year as necessary to comply with any applicable federal, state, or local laws. Whenever the director notifies the licensee in writing that specified records shall be retained pending completion of an investigation or proceeding under the ACFA, the licensee shall hold those records until their disposition is authorized by the director.

3. Any person subject to the provisions of section 273.345, RSMo, shall maintain all veterinary records and sales records for the most recent previous two (2) years. These records shall be made available to the state veterinarian, a state or local animal welfare official, or a law enforcement agent upon request.

[(12)](11) Compliance With Standards and Holding Periods. Each licensee shall comply in all respects with the standards set forth in 2 CSR 30-9.020 through 2 CSR 30-9.030 for the humane handling, care, treatment, housing, and transportation of animals.

[(13)](12) Holding Period.

(A) Any live dog or cat, other than owner-relinquished or feral animals which are not known to have bitten anyone within the preceding ten (10) days, acquired by an animal shelter or contract kennel shall be held for a period of not less than five (5) business days before offering for adoption or euthanasia[*except that before releasing an animal to a dealer, the holding period must include at least one (1) full Saturday and a period of not less than five (5) full days excluding time in transit*].

(B) Any live dog or cat acquired by a commercial breeder, dealer, exhibitor, or pet shop shall be held under his/her supervision and control, for a period of not less than five (5) full days, not including the day of acquisition, after acquiring the animal, excluding time in transit[; *provided, however—*

1. That any live dog or cat acquired by a commercial breeder, dealer, exhibitor, or pet shop from any private or contract animal pound, animal shelter, pound or dog pound shall be held by that commercial breeder, dealer, exhibitor, or pet shop for a period of not less than ten (10) full days, not including the day of acquisition, after acquiring the animal, excluding time in transit].

(C) Any dog or cat presented for euthanasia by its owner or any animal suffering from disease, emaciation, or injury may be destroyed by euthanasia prior to the completion of the holding period required by this section.

(D) Any dog or cat, one hundred twenty (120) days of age or less, that was obtained from the person that bred and raised the animal, may be exempted from the five- (5-) day holding requirement and may be sold or otherwise disposed of by a licensee after a minimum holding period of twenty-four (24) hours, excluding time in transit. Each subsequent licensee must also hold that animal for a minimum of twenty-four (24) hours excluding time in transit. Intermediate handlers who obtain an animal one hundred twenty (120) days of age or less, only in conjunction with its transportation in commerce will be exempt from the twenty-four- (24-) hour holding period.

(E) During the period in which any animal is being held as required by this section, the animal shall be unloaded from any means of conveyance in which it was received, for food, water, and rest, and shall be handled, cared for, and treated in accordance with 2 CSR 30-9.020 through 2 CSR 30-9.030.

[(14)](13) Miscellaneous.

(A) Information as to business shall be furnished by all licensees. [

1.] Each licensee shall furnish to any department official any information concerning the business of the licensee which the department official may request in connection with the enforcement of the provisions of the ACFA and 2 CSR 30-9.020 through 2 CSR 30-9.030. [*The information shall be furnished within a reasonable time and as may be specified in the request for information.*]

[2. *Each operator of an auction sale shall furnish in writing to the director the sale dates of all activities covered under the ACFA at least two (2) weeks prior to the scheduled event.*]

(B) Access and Inspection of Records and Property. [

1.]Each licensee, during business hours, shall allow department officials to—

[A.] 1. Enter its place of business;

[B.] 2. Examine records required to be kept in accordance with the ACFA and this rule;

[C.] 3. Make copies of the records;

[D.] 4. Inspect and photograph the facilities, property, and animals as the department officials consider necessary to enforce the provisions of the ACFA and the standards in 2 CSR 30-9.020 through 2 CSR30-9.030; and

[E.] 5. Document, by the taking of photographs and other means, conditions and areas of noncompliance.

[2. *The use of a room, table, or other facilities necessary for the proper examination of the records and inspections of the property or animals shall be extended to department officials by the licensee.*]

(C) Inspection for Missing Animals. Each licensee shall allow, upon request and during business hours, police or officers of other law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal rules) to enter his/her place of business to inspect animals and records for the purpose of seeking animals that are missing, under the following conditions:

1. The police or other law officer shall furnish to the licensee a written description of the missing animal and the name and address of its owner before making a search; and

2. The police or other law officer shall abide by all security measures required by the licensee to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

(D) Confiscation and Destruction of Animals.

1. If an animal being held by a licensee or transported by a carrier is found by a department official to be suffering as a result of the failure of the licensee or carrier to comply with any provisions of the ACFA or the standards set forth in 2 CSR 30-9.020 through 2 CSR 30-9.030, the department official shall make a reasonable effort to notify the licensee of the condition of the animal(s) and request that the condition be corrected and that adequate care be given to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the licensee refuses to comply with this request, the department official may confiscate the animal(s) for care, treatment, or disposal as indicated in this section, if, in the opinion of the director, the circumstances indicate the animal's health is in danger.

2. In the event that the department official is unable to locate or notify the licensee as required in this section, the department official shall contact a local police or other law officer to accompany him/her to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering. If in the opinion of the director, the condition of the animal(s) cannot be corrected by this temporary care, the department official shall confiscate the animal(s).

3. Confiscated animals may be placed, by sale or donation, with other licensees or registrants who are in compliance with the ACFA and the standards in 2 CSR 30-9.020 through 2 CSR 30-9.030 and can provide proper care, or they may be euthanized. The licensee from whom the animals were confiscated shall bear all costs incurred in performing the placement or euthanasia activities authorized by this rule.

(E) Minimum Age Requirements. No dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation, in commerce, or shall be transported in commerce by any person, except to a registered research facility, unless that dog or cat is at least eight (8) weeks of age and has been weaned.

(F) Handling of Animals.

1. *[Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral distress, physical harm, or unnecessary discomfort.]*

2. *Physical abuse shall not be used to train, work, or otherwise handle animals.*

3. *Deprivation of food or water shall not be used to train, work, or otherwise handle animals; provided however, that the short-term withholding of food or water from animals by exhibitors is allowed by this rule as long as each of the animals affected receives its full dietary and nutrition requirements each day.*

4. *During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance or barriers, or both, between the animal and the general viewing public so as to assure the safety of animals and the public.*

A. *Performing animals shall be allowed a rest period between performances at least equal to the time for one (1) performance.*

B. *Young or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.*

C. *Drugs, such as tranquilizers, shall not be used to facilitate, allow, or provide for public handling of the animals.*

D. *Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.*

E. *A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.*

F. *During public exhibitions, dangerous animals such as lions, tigers, or wolves must be under the direct control and supervision of a knowledgeable and experienced animal handler.*

G. *If public feeding of animals is allowed, the food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.]* **All handling and public exhibition of animals shall be in accordance with Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, Part 2, Subpart I, Section 2.131.**

[5.]2. All euthanasia of animals shall be accomplished by a method approved by the *AVMA Guidelines for the Euthanasia of Animals*: 2013 Edition, as incorporated by reference in this rule, as published by the American Veterinary Medical Association, 1931 N Meacham Road, Schaumburg, IL 60173, phone number: 1-800-248-2862, website: www.avma.org. This rule does not incorporate any later amendments or additions.

[(15)](14) Procurement of Dogs and Cats by Licensees.

(A) A dealer may obtain dogs and cats from within this state only from other licensees who are licensed under the ACFA in accordance with this rule or exempt sources.

(B) No person shall obtain live dogs or cats by use of false pretenses, misrepresentation, or deception.

[(C) Any licensee or exhibitor who also operates a public or private pound, animal shelter, contract pound, pound or dog pound shall comply with the following:

1. The animal pound or shelter shall be located on premises that are physically separated from all other licensed facilities. The animal housing facility of the pound or shelter shall not be adjacent to any other licensed facility.

2. Accurate and complete records shall be separately maintained by the licensee and by the pound or shelter. All records shall be in accordance with those specified in this rule. If the animals are lost or stray, the pound or shelter records shall provide:

A. An accurate description of the animal;

B. How, where, from whom and when the dog or cat was obtained;

C. How long the dog or cat was held by the pound or shelter before being transferred to the dealer; and

D. The date the dog or cat was transferred to the dealer.

(16) Licensees Restricted in Sales to Brokers, Dealers, and Pet Shops. Licensees shall not sell to brokers, dealers, or pet shops operating within the state who are not licensed under the ACFA in accordance with this rule.]

[(17)] (15) Exotic Animals. Exotic animals as defined in rules promulgated under the ACFA shall be permitted, as may be required by, and maintained under the rules and standards of the Missouri Department of Conservation and the regulations and standards of the USDA.

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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. Amended: Filed Nov. 30, 1995, effective July 30, 1996. Amended: Filed May 15, 2003, effective Dec. 30, 2003. Emergency amendment filed Dec. 7, 2010, effective Dec. 17, 2010, expired June 14, 2011. Amended: Filed Dec. 7, 2010, effective July 30, 2011. 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.*