

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 677

Introduced by Haar, 21.

Read first time January 21, 2009

Committee: Agriculture

A BILL

1 FOR AN ACT relating to animals; to amend sections 54-640 and
2 54-641, Reissue Revised Statutes of Nebraska, and section
3 54-627, Revised Statutes Cumulative Supplement, 2008; to
4 change provisions of the Commercial Dog and Cat Operator
5 Inspection Act; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-627, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 54-627 (1) A person shall not operate as a commercial
4 breeder, a dealer, a boarding kennel, an animal control facility,
5 or an animal shelter unless the person obtains the appropriate
6 license as a commercial breeder, dealer, boarding kennel, animal
7 control facility, or animal shelter. A person shall not operate
8 as a pet shop unless the person obtains a license as a pet
9 shop. A pet shop shall only be subject to the Commercial Dog and
10 Cat Operator Inspection Act and the rules and regulations adopted
11 and promulgated pursuant thereto in any area or areas of the
12 establishment used for the keeping and selling of pet animals.

13 (2) An applicant for a license shall submit an
14 application for the appropriate license to the department, on a
15 form prescribed by the department, together with the annual license
16 fee. Such fee is nonreturnable. Upon receipt of the application and
17 annual license fee and upon completion of a qualifying inspection
18 if required pursuant to section 54-630 for an initial license
19 applicant or if a qualifying inspection is deemed appropriate by
20 the department before a license is issued for any other applicant,
21 the appropriate license may be issued by the department. Such
22 license shall not be transferable to another person or location.

23 (3)(a) Except as otherwise provided in this subsection,
24 the annual license fee shall be determined according to the
25 following fee schedule based upon the daily average number of dogs

1 or cats housed by the licensee over the previous annual licensure
2 period:

3 (i) Ten or fewer dogs or cats, one hundred fifty dollars;

4 (ii) Eleven to fifty dogs or cats, two hundred dollars;

5 and

6 (iii) More than fifty dogs or cats, two hundred fifty
7 dollars.

8 (b) The initial license fee for any person required to
9 be licensed pursuant to the act shall be one hundred twenty-five
10 dollars.

11 (c) The annual license fee for a licensee that does not
12 house dogs or cats shall be one hundred fifty dollars.

13 (d) The fees charged under this subsection may be
14 increased or decreased by the director after a public hearing
15 is held outlining the reason for any proposed change in the fee.
16 The maximum fee shall not exceed three hundred fifty dollars.

17 (4) A license to operate as a commercial breeder, a
18 license to operate as a dealer, a license to operate as a boarding
19 kennel, or a license to operate as a pet shop shall be renewed by
20 filing with the department at least thirty days prior to April 1
21 of each year a renewal application and the annual license fee. A
22 license to operate as an animal control facility or animal shelter
23 shall be renewed by filing with the department at least thirty
24 days prior to October 1 of each year a renewal application and
25 the annual license fee. Failure to renew a license prior to the

1 expiration of the license shall result in an additional fee of
2 twenty dollars required upon application to renew such license.

3 (5) A person licensed to operate as a commercial breeder
4 cannot renew a license after April 1, 2010, if such commercial
5 breeder owns, possesses, controls, or otherwise has charge or
6 custody of more than seventy-five unaltered dogs over the age of
7 four months at any time.

8 Sec. 2. Section 54-640, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 54-640 A commercial breeder shall:

11 (1) Maintain housing facilities and primary enclosures in
12 a sanitary condition. Housing facilities where dogs are kept shall
13 be sufficiently ventilated at all times to minimize odors, drafts,
14 ammonia levels, and to prevent moisture condensation. Housing
15 facilities shall be equipped with a working smoke alarm and have a
16 means of fire suppression, such as functioning fire extinguishers
17 or a functioning sprinkler system on the premises, and shall have
18 sufficient lighting to allow for observation of the dogs;

19 (2) Enable all dogs and cats to remain dry and clean;

20 (3) Provide shelter and protection from extreme
21 temperatures and weather conditions that may be uncomfortable or
22 hazardous to the dogs and cats. Ambient temperature shall not fall
23 below fifty degrees Fahrenheit or rise above eighty-five degrees
24 Fahrenheit;

25 (4) Provide sufficient shade to shelter all the dogs and

1 cats housed in the primary enclosure at one time;

2 (5) Provide dogs and cats with easy and convenient access
3 to adequate amounts of clean food and water. Food and water
4 receptacles shall be readily cleaned and sanitized. Enclosures
5 shall contain potable water that is not frozen, is free from
6 debris, and is readily accessible to all dogs at all times;

7 (6) Provide adequate space appropriate to the age, size,
8 weight, and breed of dog or cat. For purposes of this subdivision,
9 adequate space means sufficient space to allow each dog and cat to
10 turn about freely, to stand, sit, and lie in a comfortable, normal
11 position, and to walk in a normal manner without the head of such
12 animal touching the top of the cage which shall be at least six
13 inches above the head of the tallest animal when the animal is
14 standing. The cage shall be at least three times the length of the
15 longest dog, measured from tip of nose to base of tail;

16 (7) Provide dogs with adequate socialization and
17 exercise. For the purpose of this subdivision, adequate
18 socialization means physical contact with other dogs and with human
19 beings, other than being fed, and adequate exercise means providing
20 the opportunity for exercise at least two times per day outside of
21 a cage or similar small enclosure except during inclement weather
22 that may be hazardous to dogs;

23 (8) Assure that a handler's hands are washed before and
24 after handling each infectious or contagious dog or cat; and

25 (9) Provide veterinary care without delay when necessary.

1 A male unaltered dog shall be examined by a veterinarian at least
2 once a year and a female unaltered dog shall be examined by a
3 veterinarian at least once a year or prior to each attempt at
4 breeding, whichever occurs more frequently. The veterinarian shall
5 use appropriate methods to prevent, control, diagnose, and treat
6 diseases and injuries. A dog shall not be bred if a veterinarian
7 determines that the dog is unfit for breeding purposes. Only
8 dogs between the ages of eighteen months and eight years of age
9 may be used for breeding. Female dogs shall only be allowed to
10 whelp one litter per year. Ear cropping, tail docking, debarking,
11 and surgical births are prohibited except under anesthesia and
12 by a licensed veterinarian. Animals requiring euthanasia shall be
13 euthanized only by a licensed veterinarian.

14 Sec. 3. Section 54-641, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 54-641 The primary enclosures of all licensees shall meet
17 the following requirements:

18 (1) A primary enclosure shall have floors that are
19 constructed in a manner that protects the dogs' and cats' feet
20 and legs from injury. Floors should be a solid surface or a solid
21 and slatted combination. Floors shall be constructed with slats
22 that are flat and no less than three-fifths of an inch in width.
23 The spaces between slats shall run the length of the floor and
24 have spaces in between that are no more than one-half inch in
25 width. Slats shall be level with the slat next to it within a

1 single enclosure and shall be strong enough so that the floor
2 does not sag or bend between structural supports. All flooring
3 shall be constructed of a material impervious to moisture and able
4 to be cleaned and sanitized; and that, if of mesh or slatted
5 construction, do not allow the dogs' and cats' feet to pass through
6 any openings in the floor;

7 ~~(2) If a primary enclosure has a suspended floor~~
8 ~~constructed of metal strands, the strands shall either be greater~~
9 ~~than one-eighth of an inch in diameter (nine gauge) or coated with~~
10 ~~a material such as plastic or fiberglass; and~~

11 ~~(3) The suspended floor of any primary enclosure shall be~~
12 ~~strong enough so that the floor does not sag or bend between the~~
13 ~~structural supports.~~

14 (2) Primary enclosures shall be placed no higher than
15 twelve inches above the floor and shall not be placed over or
16 stacked on top of another cage or primary enclosure;

17 (3) Feces, hair, dirt, debris, and food waste shall be
18 removed from primary enclosures at least daily, or more often if
19 necessary, to prevent accumulation of feces, hair, dirt, debris,
20 and food waste and to reduce disease hazards, insects, pests, and
21 odors. Dogs shall be removed from enclosures during cleaning; and

22 (4) All dogs housed in the same enclosure shall be
23 compatible, as determined by observation. Dogs with a vicious
24 or aggressive disposition shall be housed individually. Breeding
25 females in heat shall not be housed in the same enclosure with

1 sexually mature males, except for breeding. Breeding females with
2 litters shall not be housed in the same enclosure with other adult
3 dogs. Puppies under twelve weeks of age shall not be housed in the
4 same enclosure with other adult dogs, other than the dam or foster
5 dam.

6 Sec. 4. Original sections 54-640 and 54-641, Reissue
7 Revised Statutes of Nebraska, and section 54-627, Revised Statutes
8 Cumulative Supplement, 2008, are repealed.