

Comparison of Prop B and SB 113

| Issue | Prop B Requirements | SB 113 | Why Proposed Changes Weaken Prop B |
|------------------------|---|---|---|
| <u>Water</u> | <ul style="list-style-type: none"> • Continuous access to non-frozen water | <ul style="list-style-type: none"> • Reverts to existing law. | <ul style="list-style-type: none"> • The current law, which requires water in 8-hour intervals, is unenforceable. If an inspector finds the dogs without water, the kennel owner only has to say that they had water a few hours ago. There is no way for an inspector to prove that the dogs haven't been given water within 8 hours. |
| <u>Veterinary Care</u> | <ul style="list-style-type: none"> • Annual examination by vet. • Treatment of illness or injury only by vet. • Humane euthanasia only by vet. | <ul style="list-style-type: none"> • Two visual inspections by vet, and examination only if vet sees sign of disease or injury. • Treatment need not be performed by vet. • Humane euthanasia only by vet • Prudent attention to skin, coat, and nails. | <ul style="list-style-type: none"> • A visual inspection of a dog is insufficient to adequately check dogs' health, including for body score condition, infections, swellings, parasites, and other diseases. Many times, a disease or condition is not visible to the naked eye. A hands-on examination is necessary for proper health care of dogs. • If illness and injury aren't treated by a vet, the untrained person treating the dog can often make the situation worse and put the dog's life in danger. • While attention to skin, coat, and nails is a worthy goal, its inclusion in the bill is mere window-dressing, as no standard is set up and, thus, it is unenforceable. |
| <u>Housing</u> | <ul style="list-style-type: none"> • Full enclosure must be solid flooring • No stacking of cages • Minimum and maximum temperature requirements apply constantly. | <ul style="list-style-type: none"> • Only part of enclosure must be solid flooring. • Stacking of cages allowed with an impervious barrier. • Temperature minima and maxima only apply if endured for greater than 4 hour period. • Dogs must be removed from enclosures during cleaning. • Dogs in same enclosure must be compatible. | <ul style="list-style-type: none"> • Solid flooring is vital so that dogs can easily move around their cages without getting their feet stuck, enabling dogs to exercise more. SB 113 does not specify how much of the floor must be solid, making it very difficult to enforce. • While impervious barriers will help solve one of the problems posed by stacked cages—waste falling onto dogs below—they do not change the fact that dogs will continue to be confined in tiny, uncomfortable, stacked wire cages for their entire lives. Stacked cages are a hallmark of overcrowding, which causes sanitation problems, air quality concerns, stress, and disease. • The current law on protection of extreme weather—which only bans confinement in extreme temperatures for more than 4 hour intervals—is both cruel and unenforceable. It is cruel because it allows dogs to be kept in extreme temperatures for hours at a time. It is unenforceable because an inspector has no way to determine how long a dog has been in an extreme temperature. The kennel owner will just say that the dog had protection a few hours ago. • Removal from enclosures during cleaning is a worthy goal, but almost impossible to enforce unless the inspector witnesses a cleaning. • Compatibility of dogs is important, but SB 113 is too vague here for enforcement. |
| <u>Space</u> | <ul style="list-style-type: none"> • Three standard minimum enclosure sizes based on length of dog, essentially doubling the size of current enclosures. | <ul style="list-style-type: none"> • Removes Prop B requirements and reverts to existing law. | <ul style="list-style-type: none"> • Under current law, dogs' enclosures are not large enough to allow them to walk even a few inches in any direction, let alone achieve a running stride. Considering that they spend the majority of their lives in these enclosures, adequate space to move around is vital. Increasing the size of many cages may be accomplished simply by removing existing dividers between cages. Thus, breeders may not have to <i>replace</i> all existing cages that would not meet the space requirements but instead <i>supplement</i> their current inventory with additional adequately-sized cages. |

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| <u>Exercise</u> | <ul style="list-style-type: none"> Eliminates requirements for individualized plans for each dog and creates uniform standard of outdoor access | <ul style="list-style-type: none"> Removes Prop B requirements and reverts to existing law, with a requirement that exercise plan must be vet-approved and provide maximum opportunity for outdoor exercise. | <ul style="list-style-type: none"> Under current law, kennels are only required to have a written exercise plan for the dogs. This requirement is unenforceable because an inspector has no way to tell during a visit whether a dog is actually being exercised or the plan is being followed. The kennel owner can say that the dogs were walked a few hours ago. Increasing the requirements for the plans is mere window-dressing, because the fact remains that the plans are unenforceable. Breeders with hundreds of dogs in tiny cages are certainly not exercising the dogs daily. Prop B's requirement of access to an outdoor exercise space ensures that dogs will be able to go stretch their legs and exercise whenever they want. |
| <u>Breeding Frequency</u> | <ul style="list-style-type: none"> Creates limit on breeding frequency | <ul style="list-style-type: none"> Removes limit on breeding frequency, as it leaves the decision up to a licensed veterinarian. | <ul style="list-style-type: none"> Because the changes to Prop B would remove the requirement that dogs be individually examined by a vet, it would be impossible for that same vet to advise on whether individual dogs should be bred. Without limits on breeding frequency, dogs' health suffers from being bred too many heat cycles in a row. |
| <u>Number of Breeding Dogs</u> | <ul style="list-style-type: none"> No more than 50 breeding dogs may be kept by any one kennel. | <ul style="list-style-type: none"> Removes limit on number of breeding dogs a breeder may have. | <ul style="list-style-type: none"> With no limit on the size of breeding facilities, Missouri will continue to suffer from a puppy mill problem that outpaces local enforcement's ability to oversee it. Non-profit shelters and municipalities in the state are often unfairly burdened with the expense involved in shutting down enormous puppy mills with hundreds of dogs. |
| <u>Penalties</u> | <ul style="list-style-type: none"> Criminal Class C misdemeanors for all violations. Class A misdemeanors for repeat violators. | <ul style="list-style-type: none"> Criminal Class C misdemeanors but only for "repeated violations" that pose "substantial risk to health and welfare" of dogs or violating remedial order. Class A misdemeanor for stacking cages without impervious barrier and for repeat violators. | <ul style="list-style-type: none"> Requiring repeated violations and that such violations pose a substantial risk to the health and welfare of the dogs make it very unlikely that any case would be prosecuted. It leaves it up to a court to decide if the violation has posed a "substantial risk" to the dogs' health and welfare, and some judges might almost never find a "substantial risk." Many of the more "minor" violations of the law will be ignored. Also, serious violations of law couldn't be prosecuted unless repeated, giving each offender a free pass or two. Thus, much of the enforcement would likely continue to be in the hands of the Department of Agriculture, which has allowed the current deplorable conditions to exist unchecked. |
| <u>License Fees</u> | <ul style="list-style-type: none"> No additional license fees. | <ul style="list-style-type: none"> Increases range of license fees and includes an additional fee for Operation Bark Alert. | <ul style="list-style-type: none"> The additional license fees shouldn't weaken Prop B in any way, and the increased revenue should theoretically help with enforcement. But trying to better enforcing the weak, watered down standards will not help many dogs because of the difficulties in enforcing many of the standards highlighted above. |
| <u>Records</u> | <ul style="list-style-type: none"> No record retention requirements | <ul style="list-style-type: none"> All vet and sales records must be retained for 2 years. | <ul style="list-style-type: none"> Requiring record retention is a good thing and could possibly make breeders think twice about skipping vet visits, but the vet records will be much less informative with only visual inspections required than they would have been under Prop B's individual examination scheme. |