



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 241

Chairperson: Tom Carlson
Committee: Agriculture
Date of Hearing: February 3, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 241 strengthens the state Department of Agriculture's authority to enforce the provisions of the Commercial Dog and Cat Operator Inspection Act.

1. The Agriculture Department's current authority to enter a premises is broadened.
 - The department shall be authorized to inspect buildings, vehicles, equipment, cages, kennels, containers, and pens, but not the private residence, unless dogs or cats are housed therein.
 - The department shall be authorized to inspect all records.
 - The department shall have the authority to gather evidence.
 - The department shall have authority to obtain inspection warrants.
 - When the department has reasonable cause to believe unreasonable sanitation or housing conditions exist, it shall have authority to issue and enforce written stop-movement orders. A stop-movement order may require a violator to: maintain dogs or cats, do an inventory, provide identification documents, and to notify the department of any deaths or births.
2. A definition is added for a "stop-movement order". It means a directive preventing the movement or removal of any dog or cat from a premises. A stop-movement order is an addition to the arsenal of authority of the Agriculture Department to enforce the Act.
3. The new definition for a "commercial breeder" is defined as *any one of the following*:
 - Any person who sells, exchanges, leases, or transfers 31 or more dogs or cats in a year.
 - Any person who owns or harbors four or more dogs or cats for breeding purposes in a year.
 - Any person whose dogs or cats produce a total of four or more litters within a year.
 - Any person who sells, exchanges or leases dogs or cats for later retail sale or brokered trading.

A commercial breeder shall not own more than 250 unaltered dogs or cats over one year of age. Any commercial breeder exceeding that amount on the effective date of the bill will be allowed to continue operation.

4. New requirements are added for any commercial breeder, dealer, boarding kennel, animal control facility, or animal shelter.
 - If the facility is not located at the owner’s residence, the name and address shall be posted on the premises.
 - Each licensee shall make its premises available for inspection during normal business hours.
 - Each dealer or pet shop owner shall maintain a written veterinary care plan in conjunction with an attending veterinarian.
 - Each animal control facility, animal shelter, or boarding kennel shall maintain a written emergency veterinary care plan.
5. A definition is added for “premises”, which means “all public or private buildings, kennels, pens, and cages used by a facility” and the grounds upon which a facility is located, if the buildings, kennels, pens, cages, or grounds are used in the course of the business.
6. The definition of an “animal control facility” is changed to include a facility “under contract with the state or any political subdivision”.
7. The definition of a boarding kennel is changed to specify that it does not include training, grooming, or other nonveterinarian services *unless dogs or cats are housed overnight*.

Principal Introducer:

Senator Rich Pahls