

## AMENDMENTS TO SENATE BILL NO. 746

Sponsor: REPRESENTATIVE MIHALEK

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1 Amend Bill, page 10, line 7, by striking out "and (g)" and  
2 inserting

3 , (g) and (h) (2)

4 Amend Bill, page 20, lines 28 through 30; page 21, lines 1  
5 through 4; by striking out all of said lines on said pages and  
6 inserting

7 (3) Primary enclosures must be designed and constructed  
8 so that they are structurally sound, must be kept in good  
9 repair and must meet the following requirements:

10 (i) Have no sharp points or edges that could injure  
11 dogs.

12 (ii) Be maintained in a manner to protect dogs from  
13 injury.

14 (iii) The height of a primary enclosure that is not  
15 fully enclosed on the top shall be sufficient to prevent  
16 dogs from climbing over the walls.

17 (iv) Keep animals, other than dogs, from entering  
18 the enclosure.

19 (v) Enable dogs to remain dry and clean.

20 (vi) Provide shelter and protection from  
21 temperatures and weather conditions that may be  
22 uncomfortable or hazardous to dogs.

23 (vii) Provide sufficient space to shelter dogs  
24 housed at one time in the primary enclosure.

25 (viii) Provide potable water at all times, unless  
26 otherwise directed by a veterinarian in writing that  
27 shall be kept in the kennel records.

28 (ix) Have floors that are constructed in a manner  
29 that protects dogs' feet and legs from injury. The floor  
30 shall not permit the feet of dogs housed in the primary  
31 enclosure to pass through any opening.

32 (x) Provide space to allow each dog to turn about  
33 freely and to stand, sit and lie in a normal position.  
34 The dog must be able to lie down while fully extended  
35 without the dog's head, tail, legs, face or feet touching

1 any side of the enclosure.

2 (xi) The interior height of a primary enclosure  
3 shall be at least six inches higher than the head of the  
4 tallest dog in the enclosure when it is in a normal  
5 standing position.

6 (xii) Have a solid divider around the primary  
7 enclosure no less than half of the height of the primary  
8 enclosure with no gaps or openings on the sides of the  
9 enclosure that would allow for a dog's limbs to extend  
10 into another enclosure.

11 (g.1) Additional requirements for boarding kennels only.--

12 (1) When dogs are present at a boarding kennel and the  
13 boarding kennel is either closed or no employees are present,  
14 a functional video recording surveillance system must be in  
15 operation and record the condition of the dogs at the  
16 boarding kennel.

17 (2) Video footage shall be maintained for no less than  
18 30 days and made available for inspection by police, State  
19 dog wardens and employees of the department.

20 (h) Additional requirements for Kennel Class C license  
21 holders only.--The following shall apply only to primary  
22 enclosures for all dogs in Kennel Class C kennels:

23 \* \* \*

24 (2) Primary enclosures must meet the following  
25 requirements:

26 (i) Have no sharp points or edges that could injure  
27 the dogs.

28 (ii) Be maintained in a manner to protect the dogs  
29 from injury.

30 (iii) The height of a primary enclosure that is not  
31 fully enclosed on the top shall be sufficient to prevent  
32 the dog from climbing over the walls.

33 (iv) Keep animals other than dogs from entering the  
34 enclosure.

35 (v) Enable the dogs to remain dry and clean.

36 (vi) Provide shelter and protection from  
37 temperatures and weather conditions that may be  
38 uncomfortable or hazardous to any dog.

39 (vii) Provide sufficient space to shelter all the  
40 dogs housed in the primary enclosure at one time.

41 (viii) Provide potable water at all times, unless  
42 otherwise directed by a veterinarian in a writing that  
43 shall be kept in the kennel records.

44 (ix) Enable all surfaces in contact with the dogs to  
45 be readily cleaned and sanitized in accordance with  
46 paragraph (14) or be replaceable when worn or soiled.

47 (x) Have floors that are constructed in a manner  
48 that protects the dogs' feet and legs from injury. The  
49 floor shall not permit the feet of a dog housed in the  
50 primary enclosure to pass through any opening.

51 (xi) Provide space to allow each dog to turn about

1 freely and to stand, sit and lie in a normal position.  
2 The dog must be able to lie down while fully extended  
3 without the dog's head, tail, legs, face or feet touching  
4 any side of the enclosure.

5 (xii) The interior height of a primary enclosure  
6 shall be at least six inches higher than the head of the  
7 tallest dog in the enclosure when it is in a normal  
8 standing position.

9 (xiii) Have a solid divider around the primary  
10 enclosure no less than half of the height of the primary  
11 enclosure with no gaps or openings on the sides of the  
12 enclosure that would allow for a dog's limbs to extend  
13 into another enclosure.

14 \* \* \*

15 Amend Bill, page 21, line 6, by striking out "903(b)(1) and  
16 (2)" and inserting

17 903(a)(1) and (2)(i) and (b)(1) and (2)

18 Amend Bill, page 36, line 1, by striking out all of said line  
19 and inserting

20 (a) Civil penalty.--

21 (1) Where the department finds that the first violation  
22 of a provision of this act or a rule or regulation adopted  
23 under this act by a kennel owner or operator has occurred,  
24 unless the violation caused injury to an animal, it will, for  
25 the violations found during that inspection, issue a Notice  
26 of Violation (NOV) to the kennel owner or operator in lieu of  
27 assessing a civil penalty. Where the kennel owner or operator  
28 takes action in the time period provided in the NOV to  
29 correct the violation set forth in the NOV and come into  
30 compliance, no civil penalty shall be issued for a violation  
31 which is corrected. The time period to come into compliance  
32 shall be based on the time reasonably necessary to correct  
33 the violation.

34 (2) (i) The department may assess a civil penalty of  
35 not less than [\$100] \$500 nor more than [\$1,000] \$10,000 per  
36 day for each offense where the kennel owner or operator:

37 (A) has not taken the remedial measures required  
38 by and necessary to comply with the NOV issued under  
39 paragraph (1); or

40 (B) where the kennel owner or operator has  
41 already been issued one NOV in any calendar year and  
42 the department finds a subsequent violation of this  
43 act or a rule or regulation adopted under this act.

44 \* \* \*