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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3584

02/20/2020 Authored by Lesch, Hansen and Gomez
The bill was read for the first time and referred to the Committee on Government Operations
03/12/2020 Adoption of Report: Re-referred to the Agriculture and Food Finance and Policy Division

1.1 A bill for an act
1.2 relating to state government; establishing the Minnesota Companion Animal Board;
1.3 providing duties and responsibilities; transferring duties; requiring a report;
1.4 authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018,
1.5 sections 35.02, subdivision 1; 347.58, subdivision 4; proposing coding for new
1.6 law in Minnesota Statutes, chapter 347.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 ARTICLE 1
1.9 COMPANION ANIMAL BOARD

1.10 Section 1. 347.66 DEFINITIONS.

1.11 Subdivision 1. Scope. For the purposes of sections 347.66 to 347.72, the terms defined
1.12 in this section have the meanings given them.

1.13 Subd. 2. Animal shelter. "Animal shelter" means any not-for-profit organization with
1.14 tax-exempt status under section 501(c)(3) of the Internal Revenue Code that: (i) accepts
1.15 animals into an animal-designated physical facility; (ii) is devoted to the rescue, care, and
1.16 adoption of stray, abandoned, unwanted, or surrendered animals; (iii) places animals in
1.17 permanent homes or with animal rescue organizations; and (iv) does not breed animals.

1.18 Subd. 3. Board. "Board" means the Companion Animal Board.

1.19 Subd. 4. Companion animal. "Companion animal" means a pet or companion animal
1.20 as defined in section 343.20, subdivision 6.

2.1 Sec. 2. **[347.67] COMPANION ANIMAL BOARD; PURPOSE.**

2.2 (a) The board's purpose is to protect and promote the welfare, social well-being, and
2.3 physical and mental health of companion animals. The board must serve the broader
2.4 community, including the public, state government, local governments, nonprofit animal
2.5 welfare organizations, and those dedicated to promoting and serving the health and welfare
2.6 of companion animals through the administration and enforcement of sections 347.68 to
2.7 347.72.

2.8 (b) The board has primary authority for regulating companion animals in this state.

2.9 (c) Sections 347.67 to 347.72 do not apply to the care or treatment of an agricultural
2.10 animal or farm animal that is used for food, other farm or agricultural products, or other
2.11 agricultural uses.

2.12 Sec. 3. **[347.68] BOARD STRUCTURE.**

2.13 Subdivision 1. **Members; officers.** (a) The Companion Animal Board is created to carry
2.14 out and enforce the purposes, powers, and duties of sections 347.67 to 347.72. The board
2.15 has 13 members appointed by the governor represented by the following companion animal
2.16 interests and experience:

2.17 (1) two members must be accredited, licensed veterinarians who practice veterinary
2.18 medicine in this state;

2.19 (2) one member must be a Minnesota animal control officer, as defined in section 343.20,
2.20 subdivision 5;

2.21 (3) one member must be employed by a Minnesota licensed animal shelter located in
2.22 the seven-county metropolitan area;

2.23 (4) one member must be employed by a Minnesota licensed animal shelter located in
2.24 greater Minnesota;

2.25 (5) one member must be from the College of Veterinary Medicine at the University of
2.26 Minnesota;

2.27 (6) one member must be a current board member for the past two years of a Minnesota
2.28 nonprofit animal rescue and re-homing organization qualifying as a nonprofit under section
2.29 501(c)(3) of the Internal Revenue Code;

2.30 (7) one member must be employed by the board of animal health;

3.1 (8) one member must be employed by a county or municipality representing community
 3.2 needs and local governance;

3.3 (9) one member must represent public human health and welfare issues and the
 3.4 relationship between companion animal and human health and welfare;

3.5 (10) one member must be a companion animal breeder; and

3.6 (11) two members must be at-large public members.

3.7 (b) Appointments to fill unexpired terms must be made from the classes to which the
 3.8 retiring members belong. The board must elect a president and a vice-president from among
 3.9 its members and a nonmember to be the board's executive director for a term of one year
 3.10 and until a successor qualifies. The board must set the duties of the executive director.

3.11 (c) The board must meet at least quarterly. Officers must be elected each April.

3.12 Subd. 2. **Terms; compensation; removal; vacancies.** The membership terms,
 3.13 compensation, removal of members, and filling of vacancies on the board are governed by
 3.14 section 15.0575.

3.15 Sec. 4. **[347.69] DUTIES OF BOARD.**

3.16 Subdivision 1. **Enforcement.** The board's enforcement duties include but are not limited
 3.17 to:

3.18 (1) the licensing, enforcement, and inspection of kennels and dealers under sections
 3.19 347.31 to 347.40 and any rules adopted pursuant to the authority of those sections; and

3.20 (2) the licensing, enforcement, and inspection of commercial breeders under sections
 3.21 347.57 to 347.64.

3.22 Subd. 2. **Education and communication.** The board's education and communication
 3.23 duties include but are not limited to:

3.24 (1) establishing and maintaining an online website that provides information and
 3.25 educational resources for the public on issues related to companion animal care and welfare;

3.26 (2) providing expertise to state government and local governments on issues related to
 3.27 companion animals; and

3.28 (3) supporting and promoting humane education and outreach campaigns related to
 3.29 companion animal care and welfare.

3.30 Subd. 3. **Services and resources.** The board must, at a minimum, provide the following
 3.31 services and resources:

4.1 (1) assistance with companion animal emergency and disaster relief services;

4.2 (2) the collection, analysis, and dissemination of quantitative and qualitative data as it
 4.3 relates to companion animals in Minnesota; and

4.4 (3) resources to Minnesota nonprofit animal welfare organizations.

4.5 **EFFECTIVE DATE.** This section is effective January 1, 2021.

4.6 **Sec. 5. [347.70] AUTHORITY OF BOARD; REPORTS.**

4.7 Subdivision 1. **Rulemaking authority.** The board may make rules necessary to carry
 4.8 out the powers, duties, and responsibilities given to the board under sections 347.68 to
 4.9 347.70.

4.10 Subd. 2. **Advisory task force.** The board may create an advisory task force under section
 4.11 15.014 with a majority of members who have a working knowledge of companion animal
 4.12 health and welfare issues.

4.13 Subd. 3. **Report.** On or before November 1 of each year the board must publish and
 4.14 make available an annual report.

4.15 Subd. 4. **Certificates of veterinary inspection.** The Board of Animal Health must
 4.16 provide a copy of each new certificate of veterinary inspection for companion animals to
 4.17 the Companion Animal Board within 30 days of the receipt of the certificate of veterinary
 4.18 inspection.

4.19 **Sec. 6. [347.71] FUNDS RECEIVED FROM OTHER SOURCES; GIFTS.**

4.20 The board may accept and use gifts, grants, or contributions from any source to support
 4.21 the purposes of the board. The board may apply for and accept grants of money from the
 4.22 United States, the state, a subdivision of the state, any foundation, or any person for any of
 4.23 the board's purposes.

4.24 **Sec. 7. [347.72] COMPANION ANIMAL ACCOUNT; APPROPRIATION.**

4.25 A companion animal account is created in the special revenue fund. All fees and penalties
 4.26 collected by the board under this chapter or any money received by the board as gifts or
 4.27 grants or other private or public funds obtained for the purposes of sections 347.68 to 347.71,
 4.28 must be deposited in the state treasury and credited to the companion animal account in the
 4.29 special revenue fund. Money in the account, including interest on the account, is annually
 4.30 appropriated to the board to administer those sections.

5.1 Sec. 8. **TRANSFER OF DUTIES.**

5.2 The responsibility to administer the duties listed in clauses (1) and (2) are transferred
5.3 pursuant to Minnesota Statutes, section 15.039, from the Board of Animal Health to the
5.4 Companion Animal Board on January 1, 2021:

5.5 (1) the licensing, enforcement, and inspection of kennels and dealers under Minnesota
5.6 Statutes, sections 347.31 to 347.40, and Minnesota Rules, part 1721.0520; and

5.7 (2) the licensing, enforcement, and inspection of commercial breeders under sections
5.8 347.57 to 347.64.

5.9 **EFFECTIVE DATE.** This section is effective January 1, 2021.

5.10 Sec. 9. **REVISOR INSTRUCTION.**

5.11 The revisor of statutes shall change the term "Board of Animal Health" or "board" to
5.12 "Companion Animal Board" wherever it appears in Minnesota Statutes, chapter 347, and
5.13 sections 346.55 and 346.58.

5.14 Sec. 10. **RULEMAKING AUTHORITY.**

5.15 The Companion Animal Board must amend Minnesota Rules, parts 1721.0490, subpart
5.16 3, and 1721.0520, to make conforming changes related to the transfer of duties under section
5.17 8. The Companion Animal Board may use the good cause exemption under Minnesota
5.18 Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and
5.19 Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota
5.20 Statutes, section 14.388.

5.21 Sec. 11. **APPROPRIATION; COMPANION ANIMAL BOARD.**

5.22 \$..... in fiscal year 2021 is appropriated from the general fund to the Companion Animal
5.23 Board for the purposes of carrying out the board's duties under Minnesota Statutes, chapter
5.24 347.

5.25 Sec. 12. **EFFECTIVE DATE.**

5.26 Unless otherwise specified, this article is effective July 1, 2020.

ARTICLE 2**BOARD OF ANIMAL HEALTH CHANGES**

Section 1. Minnesota Statutes 2018, section 35.02, subdivision 1, is amended to read:

Subdivision 1. **Members; officers.** The board has five members appointed by the governor with the advice and consent of the senate, three of whom are producers of livestock in the state, and two of whom are practicing veterinarians licensed in Minnesota. The commissioners of agriculture, natural resources, and health, the dean of the College of Veterinary Medicine, the executive director of the Companion Animal Board, and the director of the Veterinary Diagnostic Laboratory of the University of Minnesota may serve as consultants to the board without vote. Appointments to fill unexpired terms must be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among its members and a veterinarian licensed in Minnesota who is not a member to be its executive director for a term of one year and until a successor qualifies. The board shall set the duties of the director.

EFFECTIVE DATE. This section is effective July 1, 2020.

Sec. 2. Minnesota Statutes 2018, section 347.58, subdivision 4, is amended to read:

Subd. 4. **Veterinary protocol.** (a) A commercial breeder must establish and maintain a written protocol for disease control and prevention, euthanasia, and veterinary care of animals at each facility. The initial protocol must be developed under the direction and supervision of the board. A commercial breeder must maintain a written protocol that is updated at least every 12 months and that is signed and dated by the board or by a veterinarian along with the commercial breeder. The written protocol must be available to the board upon request or at the time of inspection. The Companion Animal Board must consult with the Board of Animal Health on matters related to disease control and prevention.

(b) An animal sold or otherwise distributed by a commercial breeder must be accompanied by a veterinary health certificate completed by a veterinarian. The certificate must be completed within 30 days prior to the sale or distribution and must indicate that the animal is current with vaccinations and has no signs of infectious or contagious diseases. The certificate accompanying an adult dog that was not spayed or neutered must indicate that the dog has no signs of infectious or contagious diseases and was tested for canine brucellosis with a test approved by the board and found to be negative. The Companion Animal Board must provide copies of any disease-related testing, including canine brucellosis and other reportable diseases, to the Board of Animal Health.

7.1 **EFFECTIVE DATE.** This section is effective July 1, 2020.

7.2 Sec. 3. **COOPERATION WITH COMPANION ANIMAL BOARD.**

7.3 The Board of Animal Health must cooperate with the Companion Animal Board in the
7.4 transference of duties under article 1, section 8. This cooperation must include providing
7.5 the Companion Animal Board with access to any documentation or record keeping:

7.6 (1) related to the duties being transferred from the Board of Animal Health to the
7.7 Companion Animal Board; and

7.8 (2) collected and maintained by the Board of Animal Health relating to companion
7.9 animals.

7.10 **EFFECTIVE DATE.** This section is effective July 1, 2020.