

## CHAPTER 347

### DOGS AND CATS

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### DOGS

#### 347.01 OWNER'S LIABILITY; PENALTY.

(a) Owners or keepers of any dog or dogs, that kill, wound, or worry any domestic animal or animals, shall be jointly and severally liable to the owner of such animal or animals for all damages done by such dog or dogs, without proving notice to or knowledge by any such owner or keeper of such dog or dogs, that any or either of them was mischievous or disposed to kill or worry any domestic animal.

(b) The owner of any dog that kills or pursues domestic livestock is guilty of a petty misdemeanor.

**History:** (7284) *RL s 2786; 1915 c 344 s 1; 1985 c 269 s 2*

**347.02 KEEPING AFTER NOTICE; PENALTY.**

Every person who shall keep or harbor a dog which has bitten any domestic animal, after having notice of such fact, shall pay a fine of \$5 for every day the person keeps, harbors, or permits such dog to remain on the person's premises thereafter.

**History:** (7285) *RL s 2787; 1986 c 444*

**347.03 DOGS MAY BE KILLED.**

Any owner or caretaker may kill any dog found chasing, injuring, or worrying sheep or other livestock or poultry owned by or in care of such owner or caretaker, on lands or premises owned or controlled by the owner or caretaker, and any owner or caretaker of sheep may kill any dog found on the owner's or caretaker's premises where sheep are kept, not under human restraint or control.

**History:** (7286) *RL s 2788; 1927 c 217 s 1; 1986 c 444*

**347.04 PUBLIC NUISANCE.**

Any dog that habitually worries, chases, or molests teams or persons traveling peaceably on the public road is a public nuisance. Upon complaint in writing to a district court judge containing a description of the dog, including the name of the dog and its owner, or stating that the name or names are not known, and alleging that the dog is a public nuisance, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge at a specified time, not less than six nor more than ten days from the date of the summons, to answer the complaint. The summons shall be served not less than six days before the day of the hearing in the same manner as other district court summonses.

**History:** (7287) *RL s 2789; 1983 c 359 s 37; 1986 c 444; 1998 c 254 art 2 s 35; 2006 c 260 art 5 s 8*

**347.05 OWNER NOT KNOWN.**

If it appears from the complaint that the owner is not known, ten days' posted notice, containing a description of the dog as given in the complaint, and stating that a complaint has been made, and the time and place of hearing on it, shall be given in the town where the judge presides.

**History:** (7288) *RL s 2790; 1983 c 359 s 38*

**347.06 HEARING; JUDGMENT; EXECUTION.**

The judge shall hear the evidence in the case. Upon finding that the dog is a public nuisance, the judge shall enter judgment accordingly, and shall order the appropriate public official to kill and dispose of the dog.

**History:** (7289) *RL s 2791; 1983 c 359 s 39; 1986 c 444; 2007 c 13 art 1 s 15*

**347.07 COSTS.**

Costs in the first instance shall be paid by the complainant, but if the dog is adjudged a nuisance, and the owner is known, judgment shall be entered against the owner therefor.

**History:** (7290) *RL s 2792; 1986 c 444*

**347.08 COUNTY BOARD MAY LICENSE.**

Subdivision 1. **Establishment of licensing system.** The board of county commissioners of any county is hereby authorized to establish a system of licensing and regulating the running at large of dogs, except in cities of the first class, and create a livestock indemnity fund to be handled and disbursed as hereinafter provided.

Before regulating and licensing, there must be filed with the county auditor a petition signed by at least 25 percent of the persons actually engaged in raising livestock, including poultry, in the county, as shown by the assessors' records, requesting the board to establish such system. When the petition has been filed the board of county commissioners shall establish such system; or the board of county commissioners may, by a majority vote, on their own motion and without petition, establish such system. The board of county commissioners shall exclude from the operation of sections 347.08 to 347.21, statutory cities, second, third, and fourth class cities if such city has in operation a satisfactory law regulating dogs running at large.

Subd. 2. **Revocation of system.** At any time after such system has been in effect for a period of two years from the date of its establishment, it may be revoked by a majority vote of the board of county commissioners, but provided that before such revocation the board shall hold a public hearing and give at least ten days' notice of such hearing by publication in at least one newspaper published or circulating in the county.

**History:** (7297-41) 1939 c 410 s 1; 1943 c 294 s 1; 1973 c 123 art 5 s 7

**347.09 LICENSES.**

In every county in which sections 347.08 to 347.21 shall become operative every dog more than six months of age must have a license. The owner of any dog (the word "owner," when used in sections 347.08 to 347.21, in relation to property in, or possession of, dogs shall include every person who owns, harbors, or keeps a dog) shall, on or before February 1 each year, obtain a license for the dog, and shall pay for such license the fee prescribed by the county commissioners, which shall not be less than 50 cents nor more than \$1 for a male dog and not less than \$1 nor more than \$2 for a female dog; such payments to be made to the town, or city clerk or deputy. The application for such license shall be in such written form as prescribed by the county auditor, and shall state the name, sex, breed, age, color and marking of the dog for which the license is sought.

The license year shall correspond to the calendar year. The sale or transfer of any licensed dog shall carry with it and transfer the license.

**History:** (7297-42) 1939 c 410 s 2; 1943 c 294 s 2; 1973 c 123 art 5 s 7; 1986 c 444

**347.10 OWNERS OF DOGS AND KENNELS; LICENSES.**

The term "kennel" shall mean any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by sections 347.08 to 347.21, apply to the town or city treasurer for a kennel license for the keeping or operating of such kennel. For such a kennel license the person shall pay a fee of \$10 for the license year. With the kennel license the clerk shall issue a number of metal tags equal to the number of dogs kept in the kennel. The tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over six months old kept under a kennel license. The tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The clerk may appoint

a deputy or deputies to issue such licenses. The clerk shall receive ten cents for each license issued, to be paid by the town out of the revenue fund.

A license shall be issued by the clerk or the clerk's deputy upon application being made therefor and upon payments made as herein provided. The license shall be in the form prescribed by the county auditor and shall be executed by the proper town, or city clerk or deputy. The license shall state the year for which it was issued, shall bear a serial number, the owner's name and address, and the name, sex, breed, and color of the dog licensed.

**History:** (7297-43) 1939 c 410 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 1993 c 375 art 3 s 41

### **347.11 DOG COLLARS TO BE TAGGED.**

Subdivision 1. **Metal tags and license blanks.** The clerk or the clerk's deputy issuing a license shall at the same time deliver to the licensee a metal tag, which shall bear the same serial number as the license. The tag shall also bear the name of the county in which issued and the license year. The county auditor shall contract for and have prepared and furnished, annually, a sufficient number of such metal tags, and a sufficient supply of suitable blank licenses to be bound in books of proper size and perforated so that a duplicate of each license may be kept upon the stub thereof. The cost of making, printing, and furnishing the tags and blank license receipts shall be paid out of the dog license fund.

Subd. 2. **Distribution.** The several county auditors shall distribute these tags and license blanks to the several town and city treasurers in proper amounts, together with blank license receipts. The licensee shall securely attach the tag to a collar and this collar, with the tag attached, shall at all times be kept on the dog for which the license is issued. A new tag, with a new number, shall be furnished to the licensee by the town or city clerk, or deputy, in place of the original tag, upon presentation of the license and proof of the loss of the original tag. The town clerk or deputy shall then endorse the new tag number on the license and shall enter it upon the register. The clerk shall receive for services rendered in issuing the new tag the sum of ten cents, to be paid by the person obtaining the new tag.

Subd. 3. **Duplicates to be kept; accounting.** Every town or city clerk, or clerk's deputy, shall, at the time of issuing a license and before delivering it, make a complete duplicate thereof upon the stub portion of the license blank. The clerk shall, annually, during the month of January, return to the county auditor all unused tags of the preceding year, together with license books therefor and all duplicate licenses of the preceding year, and the county auditor shall carefully check the returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county auditor have been accounted for; and to enable the county auditor to do that, the county auditor shall charge each town or city clerk with all tags and blank licenses furnished or delivered to the clerk and credit the clerk with those returned. In case of discrepancy, the county auditor shall notify the county attorney, who shall investigate and take steps to enforce the law.

**History:** (7297-44) 1939 c 410 s 4; 1973 c 123 art 5 s 7; 1986 c 444

### **347.12 FEES PAID TO COUNTY TREASURER MONTHLY.**

Every town, or city clerk, or clerk's deputy, shall at the end of each month pay all license fees received and not before paid, to the county treasurer and, at the same time, report, in writing, to the county auditor the licenses issued during the month and for which the license fees so deposited with the county treasurer were paid. The report shall be in the form prescribed and furnished by the several county auditors.

**History:** (7297-45) 1939 c 410 s 5; 1973 c 123 art 5 s 7; 1986 c 444

**347.13 FEES, DOG LICENSE FUND; DISBURSAL; ACCOUNTING.**

The license fees so paid to the county treasurer shall be kept in a separate account, which shall be known as the dog license fund and shall be appropriated and disbursed for the purposes and in the manner herein set forth.

Expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in the administering of the dog license law shall be paid out of the dog license fund. The amount remaining thereafter in the fund shall be available for and may be used as necessary for paying claims allowed by the county to the owners of domestic animals on account of damages done by dogs during the license year for which the fees were paid. Any surplus in excess of \$1,000 which may remain from the license fees of any license year shall, on March 1 of the succeeding year, belong and be credited to and paid by the county treasurer to the towns and cities of the county for their use in the proportion in which the towns and cities shall have contributed and paid to the fund out of which the surplus arises. It shall be used as the governing body of the town or city shall determine. When any county operating under the provisions of sections 347.08 to 347.21 shall discontinue its dog licenses and livestock indemnity fund, any money remaining shall be distributed among the various towns in proportion to license money paid in.

**History:** (7297-46) 1939 c 410 s 6; 1973 c 123 art 5 s 7

**347.14 UNLICENSED DOGS.**

Subdivision 1. **Seizure; impoundment; presumption.** Any person may seize, impound, or restrain any unlicensed dog which the person may find running at large. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. The sheriff and sheriff's deputies or other police officer shall seize, impound or restrain any dog for which no license has been issued and for which one is required. Any officer who shall seize, restrain, impound, or kill any dog found in any place without a license, as required under sections 347.09 to 347.20, upon delivery of such dog or carcass and the proper disposal of the carcass and after making a report to the town or city treasurer of the town or city in which the dog was seized or killed, showing that the dog did not have a license, shall receive therefor a payment of \$2, the same to be made from any funds in the town or city treasury not otherwise appropriated.

The county auditor shall reimburse the town for any expense incurred under section 347.10 and shall charge such expense to the dog license fund.

Subd. 2. **Prohibition; enforcement.** It is unlawful for a person to harbor or permit to remain about the person's premises a dog for which no license exists and for which one is required. Any person who has seized or impounded a dog with or without license under this section shall deliver the dog to the humane officer of the town or city, if a humane officer exists; or, if there is not a humane officer, to the town or city peace officer. The officer to whom the dog is delivered shall, without delay, notify the owner, personally or through the United States mail, if the owner is known to the officer or can be ascertained with reasonable effort. If, after five regular business days of the impounding agency, the owner does not claim the dog, the officer may dispose of the dog in a proper and humane manner. For the purpose of this section, "regular business day" means a day during which the establishment having custody of the dog is open to the public at least four consecutive hours between 8:00 a.m. and 7:00 p.m.

Subd. 3. **Penalties.** Any person who shall violate any of the provisions of sections 347.08 to 347.21 shall be liable to a penalty of not less than \$5 nor more than \$50 for such violation.

**History:** (7297-47) 1939 c 410 s 7; 1943 c 294 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 2005 c 10 art 2 s 4; 2006 c 223 s 1

**347.15 PERSONS DAMAGED, CLAIMS FILED.**

Subdivision 1. **Presentation and investigation.** The owner of any domestic animals, including poultry and game birds, attacked, chased, worried, injured, or killed by a dog or dogs may, within ten days after the owner shall have knowledge or notice thereof, file a written claim for damages with the clerk of the town or city in which the damage occurred. The form of such claim may be prescribed by the county auditor. Upon presentation of such claim the supervisors of the town, the board of trustees of the statutory city, or the council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees or the council, shall promptly investigate the claim and may subpoena witnesses, administer oaths, and take testimony relative thereto and shall, within 30 days after the filing of the claim, make, certify, and return to the county auditor the claim, a report of the investigation, the testimony taken, and the amount of damages, if any, suffered by the owner of the animals.

Subd. 2. **Form; proof; allowances; appeal.** The form of the report and certification shall be prescribed by the county auditor and shall be subscribed by the supervisors, board, or committee making the same. The county auditor shall lay before the county board, at its first meeting following the receipt of the claim, all claims so filed and reported and the same shall be acted upon and determined by the county board as other claims are determined and acted upon, and the county board shall equalize the values and claims between and within the various towns of the county. The amount of damages filed and reported to the county auditor shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claims as in other cases, and appeals from the action of the county board shall lie as in other cases. On appeal from the action of the county board, the trial shall be by the court without a jury.

Subd. 3. **Payment.** Such claims shall be solely against the dog license fund and shall create no other liability on the part of the county.

Subd. 4. **Limitation of amount.** The amount allowed by the county board upon any such claim shall in no case exceed \$100 for each horse, mule, or bovine; \$15 for each sheep or goat; \$30 for each swine; or \$3 for each fowl. When the claimant shall furnish conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant shall be paid the full amount of the claim submitted.

Subd. 5. **Distribution.** Distribution of the dog license fund among claimants for loss of animals by dogs within the license year shall be made at the close of the license year.

**History:** (7297-48) 1939 c 410 s 8; 1973 c 123 art 5 s 7

**347.16 CLAIMS, HEARINGS, NOTICE.**

No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant shall first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of the claim.

**History:** (7297-50) 1939 c 410 s 10; 1986 c 444

**347.17 KILLING DOGS IN CERTAIN CASES.**

Any person may kill any dog that the person knows is affected with the disease known as hydrophobia, or that may suddenly attack while the person is peacefully walking or riding and while being out of the enclosure of its owner or keeper, and may kill any dog found killing, wounding, or worrying any horses, cattle, sheep, lambs, or other domestic animals.

**History:** (7297-49) 1939 c 410 s 9; 1986 c 444

**347.18 TAGS; RESTRICTIONS, PROHIBITIONS.**

No person, except the owner or the owner's authorized agent, shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered, or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog.

**History:** (7297-51) 1939 c 410 s 11; 1986 c 444

**347.19 FAILURE TO OBTAIN LICENSE.**

Every town or city clerk shall notify the county attorney of the clerk's county of every refusal or failure of an owner to obtain a license for keeping a dog, and it shall be the duty of the county attorney to institute proceedings against such owner and against every owner within the county who has violated any of the provisions of sections 347.08 to 347.21.

**History:** (7297-51) 1939 c 410 s 11; 1973 c 123 art 5 s 7; 1986 c 444

**347.20 EXEMPTIONS.**

Dogs brought into this state temporarily for a period not to exceed 30 days shall be exempt from the provisions of sections 347.08 to 347.21.

**History:** (7297-52) 1939 c 410 s 12

**347.21 INTERPRETATION.**

Sections 347.08 to 347.21 are supplemental to all other laws relating to dogs not expressly referred to therein, and to all laws relating to taxation of dogs as personal property, and shall not be construed as to modify, repeal, or in anywise affect any part or provision of any such laws not expressly repealed therein or to prevent municipalities from prohibiting, licensing, or regulating the running at large of dogs within their respective limits by law or ordinance now or hereafter provided.

**History:** (7297-56) 1939 c 410 s 16

**347.22 DAMAGES, OWNER LIABLE.**

If a dog, without provocation, attacks or injures any person who is acting peaceably in any place where the person may lawfully be, the owner of the dog is liable in damages to the person so attacked or injured to the full amount of the injury sustained. The term "owner" includes any person harboring or keeping a dog but the owner shall be primarily liable. The term "dog" includes both male and female of the canine species.

**History:** 1951 c 315 s 1; 1980 c 347 s 1; 1986 c 444

**347.23 [Renumbered 343.40]****KENNELS AND DEALERS****347.31 DEFINITIONS.**

Subdivision 1. **Terms.** For the purpose of sections 347.31 to 347.40 the terms defined in this section have the meanings given to them.

Subd. 2. **Kennel.** "Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets.

Subd. 3. **Premises.** "Premises" means any building, structure, shelter, or land wherein or whereon dogs or cats are kept or confined.

Subd. 4. **Dealer.** "Dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a "Class B dealer" under United States Code, title 7, sections 2131 to 2155, as amended through December 31, 1986, who sells or transfers dogs or cats to institutions or to other dealers who sell or transfer to institutions.

Subd. 5. **Institution.** "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

**History:** 1967 c 695 s 1; 1969 c 363 s 1; 1987 c 380 art 3 s 2; 1988 c 537 s 1

### **347.32 LICENSE FOR KENNEL OR DEALER.**

No person, firm, or corporation shall establish, maintain, conduct, or operate a kennel or operate as a dealer within this state without first obtaining a license therefor from the board of animal health. The license shall be issued for a term of one year.

**History:** 1967 c 695 s 2; 1980 c 467 s 37; 1987 c 380 art 3 s 3

### **347.33 LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION.**

Subdivision 1. **Application.** The application for a license to operate and maintain a kennel or operate as a dealer shall be made to the Board of Animal Health, in the manner prescribed by rules of the board.

Subd. 2. **Contents.** The application for a license shall be in writing and on a form as the board may by rule provide, and shall set forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the address of the corporation.

(2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a kennel.

Subd. 3. **Fees; issuance of license.** The annual license fee is \$15 for each kennel and \$100 for each dealer licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund.

When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of



the premises, the board determines that the kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to those sections.

**History:** 1967 c 695 s 3; 1975 c 204 s 84; 1980 c 467 s 38; 1987 c 380 art 3 s 4

#### **347.34 LICENSES REQUIRED.**

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a kennel or operate as a dealer without first having received a license to maintain, conduct, carry on, and operate a kennel, or operate as a dealer, duly signed and executed in the name of the state of Minnesota and signed by the Board of Animal Health. The license shall be conspicuously displayed upon the licensed premises.

All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

**History:** 1967 c 695 s 4; 1980 c 467 s 39; 1987 c 380 art 3 s 5

#### **347.35 BOARD OF ANIMAL HEALTH RULES.**

The Board of Animal Health shall promulgate rules as it deems necessary for the operation of kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for cooperation with the United States Department of Agriculture Animal Plant Health Inspection Service program and for reference of complaints to local enforcement authorities. Rules must include, but are not limited to, requirements governing the care of dogs and cats, minimum conditions, and maintenance of quarters and kennels, the humane treatment of dogs and cats while in the kennels, maintenance of detailed records showing the person from whom any dog or cat aged over three months has been received, and in the case of a dealer, including address, driver's license number or Social Security number, and to whom it has been transferred, and preservation of the records for a minimum period of two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data collected.

A payment from a dealer to a person from whom the dealer buys dogs or cats must be by check, payable only to that person. The check must contain the dealer's name and address.

**History:** 1967 c 695 s 5; 1980 c 467 s 40; 1987 c 380 art 3 s 6

#### **347.36 ADVERTISING.**

All advertising by any person, firm, or corporation licensed hereunder shall include the number of the current license issued to such licensee.

**History:** 1967 c 695 s 6

#### **347.37 PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT.**

The Board of Animal Health shall cause to be inspected from time to time all kennels and dealers licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.

Any duly authorized agent of the board, any sheriff, or sheriff's deputy, or police officer, or humane agent appointed pursuant to section 343.01 is granted the power and the authority to enter upon the premises of any kennel or dealer at any time during the daylight hours for the purposes herein set forth, and for the

purposes of inspecting the compliance with the provisions of sections 346.55, 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40; except that humane agents shall not enter upon the premises of a licensed veterinarian acting as a kennel.

Each dealer shall post a conspicuous notice in a format no less than 24 by 36 inches and easily readable by the general public, that states: (1) that the person is a licensed dealer in dogs and cats; (2) that dogs and cats left with the dealer may be used for research purposes; and (3) the hours the dealer is open to the public. The notice must be placed in at least two locations on the premises, one of which must be on or near the exterior mail delivery point and one of which must be at the regularly used point of exchange of dogs and cats. A person may view dogs and cats in the custody of a dealer during the time the premises is open to the public. Dealers are required to be open to the public on a regular basis at least four hours between 7:00 a.m. and 10:00 p.m. on at least four of the seven days of each week including at least one Saturday or Sunday. Any advertisement placed by a dealer seeking dogs or cats must inform the public that dogs and cats brought to the dealer may be used for research purposes.

**History:** 1967 c 695 s 7; 1980 c 467 s 41; 1986 c 444; 1987 c 380 art 3 s 7; 1987 c 394 s 11; 1988 c 537 s 2

### **347.38 REVOCATION OF LICENSE.**

The Board of Animal Health may as hereinafter set forth revoke or suspend the license of any person, firm, or corporation, for violation of sections 346.55 and 347.31 to 347.40 or the rules issued pursuant to sections 347.31 to 347.40.

Upon written complaint made to the board by any person, firm, or corporation alleging any violation of sections 347.31 to 347.40 or any rules pursuant thereto by any licensee, the board may cause an investigation to be made upon matters related in said complaint.

Thereupon the board shall in its discretion either dismiss the complaint or require the kennel or dealer against whom the complaint is made to correct the conditions or violations complained of within ten days after receipt of written notice of the same. If upon termination of the ten-day period the licensee has failed to correct or to remedy the violation or violations of sections 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or if the board considers it appropriate under the circumstances the board shall, upon a minimum of 30 days' notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a kennel or as a dealer should be revoked or temporarily suspended. If after notice and hearing the board finds that any provision of sections 346.55 or 347.31 to 347.40 has been violated by the licensee or any rule issued by the board has been violated by the licensee, the board may revoke and suspend the license. The possession or transfer of a dog or cat by a dealer to an institution, without the permission of the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license revocation. The licensee whose license is revoked or suspended may within 20 days after the board's decision appeal to the district court. The district court shall upon 20 days' notice to the board hear the appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the decision of the board in a manner as though reviewed by certiorari, except that new or additional evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the disposition of the case.

**History:** 1967 c 695 s 8; 1980 c 467 s 42; 1987 c 380 art 3 s 8

**347.39 PENALTIES.**

Violation of any provision of sections 347.31 to 347.40 or of any rule of the Board of Animal Health issued pursuant to sections 347.31 to 347.40, or operation of a kennel or as a dealer without a license, or operation of a kennel or as a dealer after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

**History:** 1967 c 695 s 9; 1980 c 467 s 43; 1987 c 380 art 3 s 9

**347.40 EXCEPTIONS.**

Sections 347.31 to 347.40 shall in no way apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

**History:** 1967 c 695 s 11; 1969 c 363 s 2; 1987 c 380 art 3 s 10

**REGULATION OF DANGEROUS DOGS****347.50 DEFINITIONS.**

Subdivision 1. **Terms.** For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meanings given them.

Subd. 2. **Dangerous dog.** "Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 3. **Potentially dangerous dog.** "Potentially dangerous dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 4. **Proper enclosure.** "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Subd. 5. **Owner.** "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Subd. 6. **Substantial bodily harm.** "Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

Subd. 6a. **Great bodily harm.** "Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

Subd. 7. **Animal control authority.** "Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Subd. 8. **Provocation.** "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

**History:** 1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1; 1Sp2001 c 8 art 8 s 14,15; 2008 c 325 s 2

### 347.51 DANGEROUS DOGS; REGISTRATION.

Subdivision 1. **Requirement.** No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subd. 2. **Registration.** An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

Subd. 2a. **Warning symbol.** If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

Subd. 3. **Fee.** The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subd. 3a. **Dangerous dog designation review.** Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment,

completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

Subd. 4. **Law enforcement; exemption.** The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subd. 5. **Exemption.** Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

Subd. 6. [Repealed, 1Sp2001 c 8 art 8 s 30]

Subd. 7. **Tag.** A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

Subd. 8. **Local ordinances.** A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Subd. 9. **Contracted services.** An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the animal control authority and all certificates of registration must be issued in the name of the animal control authority.

**History:** 1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2; 1997 c 187 art 3 s 32; 1Sp2001 c 8 art 8 s 16-18; 2008 c 325 s 3-7

### **347.515 MICROCHIP IDENTIFICATION.**

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

**History:** 1Sp2001 c 8 art 8 s 19

### **347.52 DANGEROUS DOGS; REQUIREMENTS.**

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that

will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

**History:** 1988 c 711 s 3; 1Sp2001 c 8 art 8 s 20; 2008 c 325 s 8

### **347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

**History:** 1988 c 711 s 4; 1989 c 37 s 11; 2008 c 325 s 9

### **347.54 CONFISCATION.**

Subdivision 1. **Seizure.** (a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure;

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or

(5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2. **Reclaimed.** A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of in a manner permitted by law, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. **Subsequent offenses; seizure.** If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of in a manner permitted by law.

**History:** 1988 c 711 s 5; 1989 c 37 s 12; 2008 c 325 s 10,11; 2012 c 244 art 1 s 74,75

### **347.541 DISPOSITION OF SEIZED ANIMALS.**

Subdivision 1. **Hearing.** The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

Subd. 2. **Security.** A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

Subd. 3. **Notice.** The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

(1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;

(2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;

(3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;

(4) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of sections 347.51, 347.515, and 347.52;

(5) a form to request a hearing under this subdivision; and

(6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

Subd. 4. **Right to hearing.** Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

**History:** 2008 c 325 s 12

### 347.542 RESTRICTIONS.

Subdivision 1. **Dog ownership prohibited.** Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or

(5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 347.515, 347.52, or 609.226, subdivision 2.

Subd. 2. **Household members.** If any member of a household is prohibited from owning a dog in subdivision 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

Subd. 3. **Dog ownership prohibition review.** Beginning three years after a conviction under subdivision 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this state.

**History:** 2008 c 325 s 13; 2009 c 86 art 1 s 62

### 347.55 PENALTY.

(a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.



(b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

(c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.

(d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.

(e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

**History:** 1988 c 711 s 7; 1Sp2001 c 8 art 8 s 21; 2008 c 325 s 14

### **347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

Subdivision 1. **Circumstances.** Notwithstanding sections 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

(1) inflicted substantial or great bodily harm on a human on public or private property without provocation;

(2) inflicted multiple bites on a human on public or private property without provocation;

(3) bit multiple human victims on public or private property in the same attack without provocation; or

(4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subd. 2. **Hearing.** The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

**History:** 1Sp2001 c 8 art 8 s 22; 2008 c 325 s 15

### **347.565 APPLICABILITY.**

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance.

**History:** 2008 c 325 s 16

## **COMMERCIAL BREEDERS LICENSING AND ENFORCEMENT**

### **347.57 DEFINITIONS.**

Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57 to 347.64.

Subd. 2. **Animal.** "Animal" means a dog or a cat.

Subd. 3. **Board.** "Board" means the Board of Animal Health.

Subd. 4. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis domesticus*. An adult cat is a cat 28 weeks of age or older. A kitten is a cat under 28 weeks of age.

Subd. 5. **Commercial breeder.** "Commercial breeder" means a person who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses ten or more adult intact animals and whose animals produce more than five total litters of puppies or kittens per year.

Subd. 6. **Confinement area.** "Confinement area" means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.

Subd. 7. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis familiaris*. An adult dog is a dog 28 weeks of age or older. A puppy is a dog under 28 weeks of age.

Subd. 8. **Facility.** "Facility" means the place used by a commercial breeder for breeding animals, and includes all buildings, property, confinement areas, and vehicles.

Subd. 9. **Local animal control authority.** "Local animal control authority" means an agency of the state, county, municipality, or other political subdivision of the state that is responsible for animal control operations in its jurisdiction.

Subd. 10. **Person.** "Person" means a natural person, firm, partnership, corporation, or association, however organized.

Subd. 11. **Possess.** "Possess" means to have custody of or have control over.

Subd. 12. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and licensed in the state of Minnesota.

**History:** 2014 c 312 art 13 s 32

### **347.58 LICENSING AND INSPECTIONS.**

Subdivision 1. **Licensing.** (a) The board may grant an operating license to a commercial breeder and must enforce sections 347.58 to 347.64.

(b) Beginning July 1, 2015, a commercial breeder must obtain an annual license for each facility it owns or operates. More than one building on the same premises is considered one facility. The initial prelicense inspection fee and the annual license fee is \$10 per adult intact animal, but each fee must not exceed \$250.

(c) The board must perform an announced initial prelicense inspection within 60 days from the date of receiving a license application. A commercial breeder is not in violation of this section if the commercial breeder has filed a completed license application with the board and the board has not performed the initial prelicense inspection. The board must inspect a commercial breeder's facility before an initial license is issued. The initial prelicense inspection fee must be included with the license application. Upon completion of the inspection, the inspector must provide the commercial breeder an inspection certificate signed by the inspector in a format approved by the board.

(d) The license application must indicate if a commercial breeder operates under more than one name from a single location or has an ownership interest in any other facility. License holders must keep separate records for each business name.

(e) The application must include a statement that includes the following information:

(1) whether any license held by an applicant under this section or under any other federal, state, county, or local law, ordinance, or other regulation relating to breeding cats or dogs was ever suspended, revoked, or denied; and

(2) whether the applicant was ever convicted of animal cruelty.

(f) An application from a partnership, corporation, or limited liability company must include the name and address of all partners, directors, officers, or members and must include a notation of any partners, directors, officers, members, or others authorized to represent the partnership, corporation, or limited liability company.

(g) A nonresident applicant must consent to adjudication of any violation under the laws of the state of Minnesota and in Minnesota courts.

(h) A license issued under this section is not transferable.

(i) A license holder must apply for license renewal annually by submitting a renewal application on a form approved by the board. The license renewal application must be postmarked or submitted electronically in a method approved by the board by July 1 of each year. The board may assess a late renewal penalty of up to 50 percent of the license fee. If a license is not renewed by August 1, the board may require the commercial breeder to reapply for an initial license.

(j) A commercial breeder must submit to the board an annual report by July 1 on a form prepared by the board. The form must include the current number of cats and dogs at the facility on the date of the report, the number of animals during the preceding year that were sold, traded, bartered, leased, brokered, given away, euthanized, or deceased from other causes, and any other information required by the board.

(k) If a commercial breeder is required to be licensed by the United States Department of Agriculture, United States Department of Agriculture inspection reports and records relating to animal care plans and veterinary care must be made available during an inspection, upon request.

(l) A commercial breeder must prominently display the commercial breeder's license at each facility.

(m) A commercial breeder's state license number or a symbol approved by the board must be included in all of the commercial breeder's advertisements or promotions that pertain to animals being sold or traded including, but not limited to, all newspapers, Internet, radio, or flyers.

(n) A commercial breeder must notify the board by certified mail or electronically in a method approved by the board within ten days of any change in address, name, management, or substantial control and ownership of the business or operation.

(o) The board must refuse to issue an initial license when a commercial breeder:

(1) is in violation of section 343.21; 343.24; 343.27; 343.28; 343.31; 343.37; 346.37; 346.38; 346.39; 346.44; or 346.155;

(2) has failed to meet any of the requirements of this section and section 347.59;

(3) is in violation of a local ordinance regarding breeders;

(4) has been convicted, other than a petty misdemeanor conviction, of cruelty to animals under Minnesota law or a substantially similar animal cruelty law of another jurisdiction;

(5) has had a substantially similar license denied, revoked, or suspended by another federal or state authority within the last five years; or

(6) has falsified any material information requested by the board.

(p) A person who has been an officer, agent, direct family member, or employee of a commercial breeder whose license was revoked or suspended and who was responsible for or participated in the violation that was a basis for the revocation or suspension may not be licensed while the revocation or suspension is in effect.

**Subd. 2. Inspections.** (a) The board must inspect each licensed facility at least annually. The inspection must be with the commercial breeder or an agent of the commercial breeder present. The inspector must submit an inspection report to the board within ten days of each inspection on a form prepared by the board. The inspection report form must list separately each law, rule, regulation, and ordinance the facility is not in compliance with and what correction is required for compliance. The inspection report form must document the animal inventory on the date of the inspection.

(b) If, after the prelicense inspection, the commercial breeder has two consecutive years of inspections with no violations, the board must inspect the commercial breeder at least every two years. If the commercial breeder has any violations during an inspection or if the board has cause, the board must inspect the commercial breeder at least annually.

(c) If a license to operate is suspended, revoked, or denied, the board must be granted access to the facility during normal business hours to verify that it is not operating.

**Subd. 3. Record requirements.** (a) The commercial breeder must keep records on each animal at the facility that includes:

(1) the name, address, and United States Department of Agriculture license number, if applicable, from whom an animal was received; the date the commercial breeder received the animal; the date of the animal's birth; the breed, sex, color, and identifying marks of the animal; any identifying tag, tattoo, microchip, or collar number; worming treatments, vaccinations, and name of the person who administered the vaccination; medication received by the animal while in the possession of the commercial breeder; and any disease conditions diagnosed by a veterinarian; and

(2) the name and address of the person or entity to whom an animal was transferred.

(b) The commercial breeder must maintain a copy of the records required to be kept under this subdivision for two years.

**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.

(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.

Subd. 5. **Posting of information.** The board must maintain and post in a timely manner on its website a list of commercial breeders licensed and in good standing under this section.

**History:** 2014 c 312 art 13 s 33

### **347.59 STANDARDS OF CARE.**

(a) A commercial breeder must comply with chapters 343 and 346.

(b) A commercial breeder must ensure that animals that are part of the commercial breeder's breeding business operations are cared for as follows:

(1) cats must not be housed in outdoor confinement areas;

(2) animals exercised in groups must be compatible and show no signs of contagious or infectious disease;

(3) females in estrus must not be housed in the same confinement area with unneutered males, except for breeding purposes;

(4) animals must be provided daily enrichment and must be provided positive physical contact with human beings and compatible animals at least twice daily unless a veterinarian determines such activities would adversely affect the health or well-being of the animal;

(5) animals must not be sold, traded, or given away before the age of eight weeks unless a veterinarian determines it would be in the best interests of the health or well-being of the animal;

(6) the commercial breeder must provide identification and tracking for each animal, which is not transferable to another animal; and

(7) the commercial breeder must provide adequate staff to maintain the facility and observe each animal daily to monitor each animal's health and well-being, and to properly care for the animals.

(c) A commercial breeder must not knowingly hire staff or independent contractors who have been convicted of cruelty to animals under the law of any jurisdiction.

(d) A commercial breeder must comply with any additional standards the board considers necessary to protect the public health and welfare of animals covered under sections 347.57 to 347.61. The standards must be established by rule.

(e) A United States Department of Agriculture (USDA) licensed breeder or dealer who is in compliance with the minimum USDA regulations governing the license holder as they relate to animal confinement areas as of July 1, 2014, does not have to comply with the minimum confinement area measurements under section 346.39, subdivision 4, for existing confinement areas in each facility the breeder or dealer owns. If a USDA-licensed breeder or dealer builds a new confinement area after July 1, 2014, those minimum standards must meet or exceed the minimum specifications as they relate to confinement area size under section 346.39, subdivision 4.

**History:** 2014 c 312 art 13 s 34

**347.60 INVESTIGATIONS.**

(a) The board must initiate an investigation upon receiving a formal complaint alleging violations of section 347.58 or 347.59.

(b) When a local animal control authority, a peace officer, or a humane agent appointed under section 343.01 is made aware of an alleged violation under this chapter or chapter 343 or 346, committed by a commercial breeder, the local animal control authority, peace officer, or humane agent appointed under section 343.01 must report the alleged violation in a timely manner to the board.

**History:** 2014 c 312 art 13 s 35

**347.61 CIVIL ENFORCEMENT.**

Subdivision 1. **Correction orders.** (a) The board may issue a correction order requiring a commercial breeder to correct a violation of state statutes, rules, and regulations governing breeding facilities. The correction order must state the deficiencies that constitute the violation; the specific statute, rule, or regulation violated; and when the violation must be corrected.

(b) A commercial breeder may ask the board to reconsider any portion of the correction order that the commercial breeder believes is in error. The request for reconsideration must be made in writing by certified mail or electronically in a method approved by the board within seven days after receipt of the correction order. The request for reconsideration does not stay the correction order. The board must respond to the request for reconsideration within 15 days after receiving a request. The board's disposition of a request for reconsideration is final. The board may extend the time for complying with a correction order after receiving a request for reconsideration if necessary.

(c) The board must reinspect the facility within 15 days after the time for correcting the violation has passed to determine whether the violation has been corrected. If the violation has been corrected, the board must notify the commercial breeder in writing that the commercial breeder is in compliance with the correction order. The board may charge a reinspection fee to determine if a previous violation has been corrected.

Subd. 2. **Administrative penalty orders.** After the inspection required under subdivision 1, paragraph (c), the board may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations. The administrative penalty order must include a citation of the statute, rule, or regulation violated; a description of the violation; and the amount of the penalty for each violation. A single correction order may assess a maximum administrative penalty of \$5,000.

Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the board may bring an action for injunctive relief in the district court in Ramsey County or in the county in which a violation of the statutes, rules, or regulations governing the breeding of cats and dogs occurred to enjoin the violation.

Subd. 4. **Cease and desist.** The board must issue an order to cease a practice if its continuation would result in an immediate risk to animal welfare or public health. An order issued under this subdivision is effective for a maximum of 72 hours. The board or its designated agent must seek an injunction or take other administrative action authorized by law to restrain a practice beyond 72 hours. The issuance of a cease-and-desist order does not preclude other enforcement action by the board.

Subd. 5. **Refusal to reissue license; license suspension or revocation.** (a) The board may suspend, revoke, or refuse to renew a license as follows:

(1) for failure to comply with a correction order;

- (2) for failure to pay an administrative penalty;
- (3) for failure to meet the requirements of section 347.58 or 347.59; or
- (4) for falsifying information requested by the board.

A license suspension, revocation, or nonrenewal may be appealed through the Office of Administrative Hearings. A notice of intent to appeal must be filed in writing with the board within 20 days after receipt of the notice of suspension, revocation, or nonrenewal.

(b) The board must revoke a license if a commercial breeder has been convicted of cruelty to animals under Minnesota law or a substantially similar animal cruelty law of another jurisdiction, or for the denial, revocation, or suspension of a similar license by another federal or state authority. A license revocation under this subdivision may be appealed through the Office of Administrative Hearings. A notice of intent to appeal must be filed in writing with the board within 20 days after receipt of the notice of revocation.

(c) A commercial breeder whose license is revoked may not reapply for licensure for two years after the date of revocation. The license is permanently revoked if the basis for the revocation was a gross misdemeanor or felony conviction for animal cruelty.

(d) A commercial breeder whose license is suspended or revoked two times is permanently barred from licensure.

**Subd. 6. Administrative hearing rights.** (a) Except as provided in paragraph (b), if the board proposes to refuse to renew, suspend, or revoke a license, the board must first notify the commercial breeder in writing of the proposed action and provide an opportunity to request a hearing under the contested case provisions of chapter 14. If the commercial breeder does not request a hearing within 20 days after receipt of the notice of the proposed action, the board may proceed with the action without a hearing.

(b) The contested case provisions of chapter 14 do not apply when the board denies a license based on an applicant's failure to meet the minimum qualifications for licensure.

(c) A commercial breeder may appeal the amount of an administrative penalty order through the Office of Administrative Hearings pursuant to the procedures set forth in chapter 14. A commercial breeder wishing to file an appeal must notify the board in writing within 20 days after receipt of the administrative penalty order.

**Subd. 7. Other jurisdictions.** The board may accept as prima facie evidence of grounds for an enforcement action under this section any enforcement or disciplinary action from another jurisdiction, if the underlying violation would be grounds for a violation under the provisions of this section.

**Subd. 8. Appeals.** A final order by the board may be appealed to the Minnesota Court of Appeals.

**History:** 2014 c 312 art 13 s 36

### **347.615 BIOSECURITY; ENTRY INTO FACILITIES.**

No law enforcement officer, agent of the board, or other official may enter a commercial breeder facility unless the person follows either the biosecurity procedure issued by the board or a reasonable biosecurity procedure maintained and prominently posted by the commercial breeder at each entry to a facility, whichever is more stringent. This section does not apply in emergency or exigent circumstances.

**History:** 2014 c 312 art 13 s 37

**347.62 PENALTIES.**

(a) A violation of section 347.58 or 347.59 that results in cruelty or torture to an animal, as those terms are defined in section 343.20, subdivision 3, is subject to the penalties in section 343.21, subdivisions 9 and 10, relating to pet or companion animals.

(b) It is a misdemeanor to falsify information in a license application, annual report, or record.

(c) It is a misdemeanor for an unlicensed commercial breeder to advertise animals for sale.

(d) It is a misdemeanor for a commercial breeder to operate without a license.

**History:** 2014 c 312 art 13 s 38

**347.63 DOG AND CAT BREEDERS LICENSING ACCOUNT; APPROPRIATION.**

A dog and cat breeders licensing account is created in the special revenue fund. All fees and penalties collected by the board under sections 347.58 to 347.62 must be deposited in the state treasury and credited to the dog and cat breeders licensing account in the special revenue fund. Money in the account, including interest on the account, is annually appropriated to the board to administer those sections.

**History:** 2014 c 312 art 13 s 39

**347.64 APPLICABILITY.**

Sections 347.57 to 347.63 do not apply to:

(1) any species other than dogs and cats as they are defined in section 347.57; and

(2) veterinary clinics or veterinary hospitals.

**History:** 2014 c 312 art 13 s 40

**347.65 RECOGNITION; COMMERCIAL BREEDER EXCELLENCE.**

The Board of Animal Health, in consultation with representatives of the licensed commercial breeder industry, must develop a program to recognize persons who demonstrate commercial breeder excellence and exceed the standards and practices required of commercial breeders under sections 347.57 to 347.64.

**History:** 2014 c 312 art 13 s 45