

117TH CONGRESS
1ST SESSION

S. 1385

To amend the Animal Welfare Act to establish additional requirements for dealers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2021

Mr. DURBIN (for himself, Mr. CARPER, Mrs. SHAHEEN, Mr. BLUMENTHAL, Ms. WARREN, Mr. LEAHY, Mrs. FEINSTEIN, Mr. CASEY, Mr. REED, Ms. SMITH, Mr. BOOKER, Mrs. GILLIBRAND, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Welfare Act to establish additional requirements for dealers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puppy Protection Act
5 of 2021”.

6 **SEC. 2. ADDITIONAL REQUIREMENTS FOR DEALERS.**

7 (a) HUMANE TREATMENT OF DOGS BY DEALERS.—
8 Section 13(a) of the Animal Welfare Act (7 U.S.C.
9 2143(a)) is amended by adding at the end the following:

1 “(9) In addition to the requirements under paragraph
2 (2), the standards described in paragraph (1) shall, with
3 respect to dealers, include requirements—

4 “(A) that the dealer provide adequate housing
5 for dogs that includes—

6 “(i) completely solid flooring;

7 “(ii) indoor space sufficient to allow the
8 tallest dog in an enclosure to stand on his or
9 her hind legs without touching the roof of the
10 enclosure;

11 “(iii) with respect to dogs over 8 weeks in
12 age, primary enclosures that, with the length of
13 the dog measured from the tip of the nose to
14 the base of the tail, provide at least—

15 “(I) 12 square feet of indoor floor
16 space per each dog measuring not more
17 than 25 inches long;

18 “(II) 20 square feet of indoor floor
19 space per each dog measuring more than
20 25 but less than 35 inches long; and

21 “(III) 30 square feet of indoor floor
22 space per each dog measuring not less
23 than 35 inches long;

1 “(iv) enclosures that are not stacked or
2 otherwise placed on top of or below another en-
3 closure; and

4 “(v) temperature control that—

5 “(I) is appropriate for the age, breed,
6 and condition of each dog in the enclosure;
7 and

8 “(II) is between 45 and 85 degrees
9 Fahrenheit, when dogs are present in the
10 enclosure;

11 “(B) that appropriate and nutritious food be
12 provided to each dog at least twice per day, in an
13 amount sufficient to maintain the good health and
14 physical condition of each dog;

15 “(C) that each dog has continuous access to po-
16 table water that is not frozen and is free of feces,
17 algae, and other contaminants;

18 “(D) that each dog has adequate exercise, in-
19 cluding, for each dog over the age of 12 weeks—

20 “(i) except as provided in clause (ii), unre-
21 stricted access from the primary enclosure of
22 the dog during daylight hours to an outdoor ex-
23 ercise area that—

24 “(I) is at ground-level;

25 “(II) is a solid surface;

1 “(III) is enclosed by a fence or other
2 structure;

3 “(IV) is properly controlled for the
4 safety of the dog; and

5 “(V) allows the dog to extend to full
6 stride, play, and engage in other types of
7 mentally stimulating and social behaviors;
8 or

9 “(ii) if the dealer obtains a certification
10 from the attending veterinarian stating that a
11 dog should not have unrestricted access to an
12 outdoor exercise area for a specific medical rea-
13 son, an alternative exercise plan prescribed by
14 the veterinarian for the dog that meets the ap-
15 plicable requirements under section 3.8 of title
16 9, Code of Federal Regulations (or successor
17 regulations);

18 “(E) that each dog has meaningful socialization
19 with humans and compatible dogs for at least 30
20 minutes each day that—

21 “(i) includes positive interaction with a
22 human such as petting, stroking, grooming,
23 feeding, playing with, exercising, or other
24 touching of the dog that is beneficial to the
25 well-being of the dog; and

1 “(ii) does not include time spent in veteri-
2 nary care;

3 “(F) that each dog receives adequate veterinary
4 care, including—

5 “(i) prompt treatment of any disease, ill-
6 ness, or injury by a licensed veterinarian;

7 “(ii) a thorough, hands-on examination by
8 a licensed veterinarian at least once each year,
9 which shall include a dental exam;

10 “(iii) core vaccinations recommended by
11 the latest version of the American Animal Hos-
12 pital Association Canine Vaccination Guidelines;
13 and

14 “(iv) medications to prevent intestinal
15 parasites, heartworm disease, fleas, and ticks
16 that are approved by a licensed veterinarian for
17 canine use;

18 “(G) with respect to safe breeding practices for
19 dogs, including—

20 “(i) a screening program for known preva-
21 lent inheritable diseases that may be disabling
22 or likely to significantly affect the lifespan or
23 quality of life of the mother or the offspring;

24 “(ii) prohibiting breeding, unless each dog
25 bred—

1 “(I) has been screened by a licensed
2 veterinarian prior to each attempt to
3 breed; and

4 “(II) is found in the screening under
5 subclause (I) to be free from health condi-
6 tions that may be disabling to, or likely to
7 significantly affect the lifespan or quality
8 of life of, the mother or the offspring;

9 “(iii) prohibiting the breeding of a female
10 dog to produce—

11 “(I) more than 2 litters in any 18-
12 month period; or

13 “(II) more than 6 litters during the
14 lifetime of the dog;

15 “(iv) that a female dog of any small breed
16 (having a maximum weight range at maturity
17 that is less than 40 pounds) not be bred—

18 “(I) before reaching the age of 18
19 months; or

20 “(II) after reaching the age of 9
21 years;

22 “(v) that a female dog of any large breed
23 (having an expected weight range at maturity
24 that includes 40 or more pounds) not be bred—

1 “(I) before reaching the age of 2
2 years; or

3 “(II) after reaching the age of 7
4 years; and

5 “(vi) that any canine caesarian section be
6 performed by a licensed veterinarian;

7 “(H) that dogs be housed with other dogs, un-
8 less health or behavioral issues make group housing
9 unsafe; and

10 “(I) to make all reasonable efforts to find hu-
11 mane placement for retired breeding dogs—

12 “(i) such as with an adoptive family, res-
13 cue organization, or other appropriate owner for
14 that dog; and

15 “(ii) not including selling at auction or
16 otherwise placing a retired breeding dog with
17 another breeder for breeding purposes.”.

18 (b) CONFORMING AMENDMENT.—Section
19 13(a)(2)(B) of the Animal Welfare Act (7 U.S.C.
20 2143(a)(2)(B)) is amended by inserting “subject to para-
21 graph (9),” before “for exercise of dogs”.

22 (c) REGULATIONS.—Not later than 18 months after
23 the date of enactment of this Act, the Secretary shall issue
24 final regulations establishing the standards for the care

1 of dogs by dealers, as required by this section and the
2 amendments made by this section.

