



# MU Guide

## The Animal Care Facilities Act

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The "Animal Care Facilities Act," passed by the state of Missouri, became effective August 28, 1992. Under this act, a person who operates a shelter, kennel or breeding facility must be licensed. Each facility that houses or maintains dogs and cats, whether permanently or temporarily for boarding or breeding, even if owned by the same individual, must be licensed. Organizations that provide for the adoption of dogs or cats also must arrange for these animals to be sterilized at the time of adoption or within a designated period of time soon after.

Applications for licensure are available from the director of the Missouri Department of Agriculture. Provisional licenses will be issued until an inspection of the facilities can be performed by the director, the director's appointee or a veterinarian licensed in Missouri. A license will be awarded only after the inspection has been completed. The fee for licensure will be collected at the time of application. Licenses expire annually unless they are revoked due to any of the following violations:

1. Falsification of the application for the original or renewal license
2. Failure to abide by the provisions of the Animal Care Facilities Act
3. Conviction on any violation of any state or federal law relating to the disposition or treatment of animals
4. Failure to provide adequate food, water, housing or sanitary facilities for dogs and cats under the control of the licensee.

### Who must apply?

Any person who operates an animal shelter, pound, boarding or commercial kennel, pet shop or exhibition facility, other than a limited show or exhibit, must have a license. Any person acting as a dealer or commercial breeder also must be licensed. To see if a license is required, see Table 2 for definitions.

A dealer may purchase animals only from other licensed individuals or those exempt from licensure as described below. The knowing purchase of dogs and cats from non-licensed sources constitutes a Class A misdemeanor and may result in loss of the license.

Table 1. Definitions for adequate food, water and housing.

<b>Food</b>	The provision, at intervals of not more than 12 hours, of a quantity of wholesome food stuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition, served in a safe receptacle, dish or container.
<b>Water</b>	The provision, either continuously or at intervals not to exceed eight hours, of a supply of potable water.
<b>Housing</b>	The continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation and appropriate space.

A person engaged in breeding dogs or cats who houses three or fewer intact females is exempt from the provisions of this act. Hobby or show breeders are exempt from the licensure and inspection requirements, but are required to register annually with the director of the Department of Agriculture at no cost to the breeder. An intact female is defined as a female dog between the ages of six months and 10 years, or a female cat between the ages of six months and eight years, which is capable of being bred.

Upon receiving a person's complaint, the state veterinarian or an animal welfare official may investigate during business hours any premises or vehicle upon which an animal may be found, and may determine if any violation exists. This official may then issue an order to the person responsible for the violation to appear at an administrative hearing. If violations are discovered, orders may be issued to correct them and an administrative penalty may be assessed in an amount not to exceed \$1,000 for each violation.

For a license to be issued, a health and veterinary care program must be maintained for each animal facility. Records of veterinary services provided should be maintained and made available if requested by the director or the director's appointee. Additional provisions are outlined in the Animal Care Facilities Act for the quarantine of an animal or group of animals suffering from any highly conta-

**Table 2. Definitions of animal care facilities and operators.**

<b>Animal shelter</b>	A facility used to house or contain animals, which is owned, operated or maintained by an incorporated Humane Society, Animal Welfare Society, Society for the Prevention of Cruelty to Animals or other not-for-profit organization devoted to the welfare, protection and humane treatment of animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.
<b>Boarding kennel</b>	A place or establishment, other than a pound or animal shelter, where animals not owned by the proprietor are sheltered, fed and watered in return for a consideration.
<b>Commercial breeder</b>	A person other than a hobby or show breeder engaged in the business of breeding animals for sale or exchange and who harbors more than three intact females for the primary purpose of breeding animals for sale.
<b>Commercial kennel</b>	A kennel that performs grooming or training services for animals and may or may not render boarding services in return for consideration.
<b>Contract kennel</b>	A facility operated by any person or entity other than the state or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision.
<b>Dealer</b>	A person who is engaged in the business of buying for resale, selling or exchanging animals as a principal or agent or who holds himself or herself out to be so engaged.
<b>Hobby/show breeder</b>	A non-commercial breeder who breeds dogs or cats for the primary purpose of exhibiting or showing, improving the breed or selling only to other breeders or private individuals, and who houses no more than 10 intact females.
<b>Pet shop</b>	A facility where animals are bought, sold, exchanged or offered for retail sale to the general public.
<b>Pound</b>	A facility operated by the state or any political subdivision for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals.

gious, communicable or infectious disease. It will be unlawful for any licensee to knowingly ship a diseased animal subject to a fine of not more than \$100 for each animal.

✎ This act does not apply to a place or establishment that operates under the immediate supervision and control of a duly licensed veterinarian as a facility where animals are hospitalized or boarded. This act does not apply to research facilities and does not affect the design, outlining, guidelines or performance of actual research or experimentation by a research facility. Such requirements are determined by the individual research facility's animal care and use committee.

### **Animal adoption**

All dogs and cats sold or released for adoption or purchased from any public or private animal shelter or animal control agency operated by a Humane Society must be sterilized at the time of adoption or purchase or upon reaching an age where sterilization can be safely performed. Sterilization is defined in the Animal Care Facilities Act as the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce, or the use of an approved compound that will permanently render the animal unable to reproduce.

Written verification from the licensed veterinarian performing the sterilization procedure must be filed with the releasing agency. A releasing agency is defined as a public or private animal pound, shelter, humane organization or animal control agency, but does not include persons who occasionally render humane assistance or shelter in their homes to a dog or cat. The costs associated with sterilization procedures will be the responsibility of the adopter or purchaser. This policy does not apply to the release of animals to former owners who are reclaiming their own animals.

### **Rationale**

The Animal Care Facilities Act was instituted to establish the minimum standards for acceptable animal care and housing. The provisions of this act will help to ensure the movement and commercial trade of healthy dogs and cats. The well-being of the animals involved is of primary importance. It is hoped that this act will promote humane care, sound breeding practices and responsible pet ownership of dogs and cats.

Additional information regarding the Animal Care Facilities Act can be obtained by writing the Missouri Department of Agriculture, Animal Health Division, ACFA Program, P.O. Box 630, Jefferson City, Missouri 65102, or by calling (314) 751-2540.



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