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**Rules of**  
**Department of Agriculture**  
**Division 30—Animal Health**  
**Chapter 9—Animal Care Facilities**

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**Title 2—DEPARTMENT OF  
AGRICULTURE  
Division 30—Animal Health  
Chapter 9—Animal Care Facilities**

**2 CSR 30-9.010 Animal Care Facilities  
Definitions**

*PURPOSE: This rule defines terms used in licensing, operating, and inspecting animal care facilities.*

(1) The terms defined in sections 273.325 and 273.345, RSMo, in addition to other relative terms pertaining to animal care will be applied for use in 2 CSR 30-9.020 and 2 CSR 30-9.030.

(2) Definitions. As used in 2 CSR 30-9.020 and 2 CSR 30-9.030, the following terms shall mean:

(A) ACFA means the Animal Care Facilities Act;

(B) Adequate food means the provision, at suitable intervals of not more than twelve (12) hours, unless the dietary requirements of the species requires a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, enough to maintain a reasonable level of nutrition in each animal. All foodstuffs must be served in a safe receptacle, dish, or container;

(C) Adequate housing means the continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation, and appropriate space (depending on the species of animal) as defined by the regulations of the United States Department of Agriculture (USDA) and this rule;

(D) Adequate water means the provision of a supply of potable water in a safe receptacle, dish, or container. Water shall be provided continuously or at intervals suitable to the species (intervals shall not exceed eight (8) hours);

(E) Adequate rest between breeding cycles means, at minimum, ensuring that female dogs are not bred to produce more litters in any given period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;

(F) Adopter means a person who is legally competent to enter into a contract and who is adopting or buying a dog or cat from a releasing agency;

(G) Adult animal means any dog or cat that has reached the age of one hundred eighty (180) days or six (6) months or more;

(H) Animal means any dog or cat used or intended for use for research, teaching, testing, breeding, exhibition purposes, or as a

pet;

(I) Animal shelter means a facility used to house or contain animals, 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. An animal shelter is 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 is also included in this definition;

(J) Animal welfare official means any licensed veterinarian designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the ACFA, or any appointee of the director and shall include all deputy state veterinarians;

(K) Approved flooring means elevated flooring used for a surface on which an animal stands, approved by the state veterinarian, and listed on the department's website by description of manufacturer and specifications, as revised, except that for any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, flooring meeting the definition of wire strand shall be prohibited and ineligible as approved flooring;

(L) Attending veterinarian means any Doctor of Veterinary Medicine who has a valid license to practice veterinary medicine in Missouri issued by the Missouri Veterinary Medical Board and who has a written agreement to perform specified services for a licensee;

(M) Auction means any person selling any consignment of dog(s) or cat(s) to the highest bidder. This shall include any means, procedure, or practice in which the ownership of a dog or cat is conveyed from one (1) person to another by any type or method of bidding process. Auction sales shall be considered as brokers and must be licensed as dealers under the ACFA;

(N) Boarding kennel means 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. This term shall include all boarding activities regardless of name used, such as but not limited to pet sitters. However, boarding kennel shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding the intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals;

(O) Business hours means a reasonable number of hours between seven o'clock in the morning and seven o'clock in the evening (7:00 a.m.–7:00 p.m.), Monday through Friday, except legal state holidays, each week of the year, during which inspections may be made;

(P) Carrier means the operator of any airline, aircraft, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire;

(Q) Cat means any live or dead *Felis catus*;

(R) Commercial breeder means a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three (3) intact females for the primary purpose of breeding animals for sale. Persons engaged in breeding dogs and cats who harbor three (3) or less intact females shall be exempt from the license requirement;

(S) Commercial kennel means any kennel which performs grooming or training services for animals, and may or may not render boarding services in return for a consideration;

(T) Contract kennel means any facility operated by any person or entity other than the state or any political subdivision of the state, 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;

(U) Covered dog means any individual of the species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, that is over the age of six (6) months and has intact sexual organs;

(V) Dealer means any person who is engaged in the business of buying for resale, selling, or exchanging animals, as a principal or agent, or who holds him/herself out to be so engaged or is otherwise classified as a dealer by the USDA as defined by the regulations of the USDA. A dealer shall purchase animals only from persons in the state who are licensed under the ACFA, or from persons who are exempt from licensure;

(W) Director means the director of the Missouri Department of Agriculture;

(X) Dog means any live or dead *Canis lupus familiaris*;

(Y) Euthanasia means the act of putting an animal to death in a humane manner and shall be accomplished by a method specified as acceptable by the American Veterinary Medical Association Panel on Euthanasia;

(Z) Examination Panel means a complete physical evaluation from head to tail of a covered



dog or cat by a licensed veterinarian to include auscultation, palpation, and a visual inspection in which the heart rate, respiratory rate, breeding soundness, and the results of palpation are assessed and recorded as indicated on the forms provided;

(AA) Exhibitor means any person (public or private) exhibiting any dog or cat to the public for compensation or for a consideration of any kind whether directly or indirectly. This term excludes pet shops who are exhibiting only the animals for sale to the general public if exhibited only within the licensed facility;

(BB) Exotic animals for the purpose of the ACFA means any member of the *families Canidae* or *Felidae* not indigenous to Missouri or any hybrid descendant of any member of the *families Canidae* or *Felidae* crossed with any *Canis lupus familiaris* or *Felis catus*;

(CC) Extreme weather means outdoor temperatures above eighty-five degrees Fahrenheit (85 °F) or below forty-five degrees Fahrenheit (45 °F) or during a severe weather alert;

(DD) Hobby or show breeder means a non-commercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed, or selling the dogs or cats, and having no more than ten (10) intact females. These breeders shall be classified as a hobby or show breeder if they sell only to other breeders or to individuals. Hobby or show breeders are exempt from the licensure and inspection requirements, but must register annually with the director for the purpose of establishing that these persons are hobby or show breeders, at no cost to the hobby or show breeders. A breeder who buys or sells any animal for the primary purpose of resale does not qualify as a hobby or show breeder.

1. Registered hobby or show breeders are those meeting the definition in this subsection.

2. Licensed hobby or show breeders are those meeting the definition in this subsection with the exception of having more than ten (10) intact females. Licensed hobby or show breeders shall be required to pay the same license and per capita fees and meet the same rules, standards, and inspection requirements as the commercial breeders;

(EE) Housing facility means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals;

(FF) Impervious surface means a surface that does not permit the absorption of fluids;

(GG) Indoor housing facility means any structure or building with environmental con-

trols, housing or intended to house animals and meeting the following requirements:

1. It must be capable of controlling the temperature within the building or structure within the limits set forth for that species of animal, of maintaining humidity levels of thirty to seventy percent (30–70%), and of rapidly eliminating odors from within the building;

2. It must be an enclosure created by the continuous connection of a roof, floor, and walls (a shed or barn set on top of the ground does not have a continuous connection between the walls and the ground unless a foundation and floor are provided); and

3. It must have at least one (1) door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material such as glass or hard plastic);

(HH) Inspector means any person employed by the department who is authorized to perform a function under the ACFA and these rules, or any animal welfare official as defined in this rule;

(II) Intact female means, with respect to the dog, a female between the ages of six (6) months and ten (10) years that can be bred. With respect to the cat, a female between the ages of six (6) months and eight (8) years that can be bred;

(JJ) Intermediate handler means any person engaged in any business in which s/he receives custody of animals through boarding, ownership, or brokering in connection with their transportation in commerce. Intermediate handlers shall be licensed under authority of the ACFA. Persons licensed under the ACFA who are transporting animals only in the normal course of conducting their licensed business shall not be required to be licensed as an intermediate handler, but shall be subject to all transportation regulations and standards;

(KK) Licensee means any animal shelter, boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, intermediate handler, pet shop, and pound or dog pound licensed according to the provisions of the ACFA;

(LL) Necessary veterinary care means, at minimum, examination at least once yearly by a licensed veterinarian, prompt treatment of any serious illness or injury by a licensed veterinarian, and where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed acceptable by the American Veterinary Medical Association;

(MM) Outdoor housing facility means any structure, building, land, or premises, housing or intended to house animals, which does not meet the definition of any other type of

housing facility provided in the rules, and in which temperatures cannot be controlled within set limits;

(NN) Person means any individual, partnership, firm, joint venture, corporation, association, limited liability company, trust, estate, receiver, syndicate, or other legal entity;

(OO) Pet means any species of the domestic dog, *Canis lupus familiaris*, or resultant hybrids, normally maintained in or near the household of the owner thereof;

(PP) Pet shop means any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public;

(QQ) Pound or dog pound means a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;

(RR) Primary enclosure means any structure or device used to restrict an animal(s) to a limited amount of space, such as a room, pen, run, cage, compartment, pool, hutch, or tether;

(SS) Registrant means any hobby or show breeder who has properly registered with the director according to the provisions of the ACFA;

(TT) Regular exercise means the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with regulations regarding exercise promulgated by the Missouri Department of Agriculture, and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits;

(UU) Retail pet store means a person or retail establishment open to the public where dogs are bought, sold, exchanged, or offered for retail sale directly to the public to be kept as pets, but that does not engage in any breeding of dogs for the purpose of selling any offspring for use as a pet;

(VV) Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health;

(WW) Serious illness or injury means a condition or injury that would likely result in significant pain or progression of disease if not addressed within twenty-four (24) hours and would require daily or continuing treatment as determined by a veterinarian;

(XX) Sheltered housing facility means a housing facility which provides the animal with shelter, protection from the elements, and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs



or pens with the inside pens in a totally enclosed building;

(YY) Standards means the requirements with respect to humane housing, exhibiting, handling care, treatment, temperature, and transportation of animals by animal shelters, boarding kennels, commercial breeders, commercial kennels, contract kennels, dealers, intermediate handlers, exhibitors, pet shops, and pounds or dog pounds as set forth in 2 CSR 30-9;

(ZZ) State means Missouri;

(AAA) State veterinarian means the state veterinarian of Missouri;

(BBB) Sufficient food and clean water means access to appropriate nutritious food at least twice a day sufficient to maintain good health, and continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants;

(CCC) Sufficient housing, including protection from the elements, means the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by regulations of the Missouri Department of Agriculture;

(DDD) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs means having appropriate space depending on the species of animal as required by regulations of the Missouri Department of Agriculture;

(EEE) Transporting vehicle means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals;

(FFF) USDA means the United States Department of Agriculture;

(GGG) Weaned means that an animal has become accustomed to taking solid food and has done so, without nursing, for a period of at least five (5) days; and

(HHH) Wire strand flooring means pliable metallic strands in any length or diameter, mesh or grill-type, with or without a coating, and used for a surface on which an animal stands.

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*AUTHORITY: sections 273.344 and 273.346, RSMo 2000.\* Original rule filed Jan. 13, 1994, effective Aug. 28, 1994. Amended: Filed Oct. 24, 1994, effective May 28, 1995. Emergency amendment filed July 11, 2011, effective July 21, 2011, expired Feb. 23, 2012. Amended: Filed July 22, 2011, effective Jan. 30, 2012.*

*\*Original authority: 273.344, RSMo 1992 and 273.346, RSMo 1992.*

## **2 CSR 30-9.020 Animal Care Facility Rules Governing Licensing, Fees, Reports, Record Keeping, Veterinary Care, Identification, and Holding Period**

*PURPOSE: This rule sets forth the standards and requirements for the licensing and operation of animal care facilities.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material, which is incorporated by reference as a portion of this rule, would be unduly cumbersome or expensive. Therefore, the material, which is so incorporated, is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. The publication for 2000 Report of the AVBMA Panel in Eutanasia can be accessed at <http://www.avma.org>.*

### (1) Application for License and Conditions of Issuing.

(A) Any person or organization operating an animal shelter, boarding kennel, commercial kennel, contract kennel, pet shop, pound or dog pound, or acting as a dealer, commercial breeder, intermediate handler or exhibitor in Missouri, must have a valid license issued by the director in accordance with the Animal Care Facilities Act (ACFA).

(B) Any person seeking a license under the provisions of the ACFA shall apply on a form furnished by the director. An individual must be at least eighteen (18) years of age to be issued a valid license. The applicant shall provide all information requested on the application form, including a valid mailing address through which the licensee or applicant can always be reached and a valid premises address where animals, animal



facilities, equipment, and records shall be inspected for compliance. All premises, facilities, or sites where a person operates, has an interest in, or keeps animals shall be shown on the application form or on a separate sheet attached to it. The applicant shall file the completed application form with the director. Applications must be accompanied with the appropriate fee as required in section (2) of this rule.

(C) An applicant shall obtain a separate license for each separate physical facility requiring a license according to the ACFA.

(D) The following persons are exempt from the licensing fees and inspection requirements:

1. Persons engaged in breeding dogs and cats who harbor three (3) or less intact females; and

2. Registered hobby and show breeders, with proof of show.

(E) Pounds or dog pounds are exempt from the licensing fees but must meet all other standards in 2 CSR 30-9 and will be inspected at least annually.

(F) Any person exempt from the licensing requirements may voluntarily apply for a license, but shall agree in writing to comply with the requirements set forth in the specifications for humane handling, care, treatment, and transportation of dogs and cats. Each person shall comply with all rules and standards of the ACFA. A voluntary license may be surrendered at any time the licensee so desires.

(G) A license shall be issued to any applicant, who has met the requirements of the ACFA, has paid the required annual license fee and the provisional license fee (if required) and has passed the initial or annual inspection.

(H) The director may refuse to issue or renew or may revoke or suspend a license on any one (1) or more of the following grounds:

1. Material and deliberate misstatement on the application for any original license or for any renewal license;

2. Conviction of any violation of any state or federal law on the disposition or treatment of animals;

3. The failure of any person to comply with any provision of the ACFA, or any of the provisions of the standards in 2 CSR 30-9; or

4. The refusal to allow the inspector free and unrestricted access to inspect any ACFA required records, or any animal, premises, facility, area, equipment, or vehicle.

(I) An applicant whose check is returned by the bank will be charged a fee of fifteen dollars (\$15) for each returned check. One (1) returned check will be deemed nonpayment of fees and will result in denial of

license. Payment of fees must then be made by certified check, cashier's check, or money order. An applicant shall not receive a license until payment has cleared normal banking procedures. A delay of up to thirty (30) days or more may be expected if a personal check is used for payment of fees.

(J) Operation of an animal shelter, boarding kennel, commercial kennel, contract kennel, pet shop, pound or dog pound, or activity as a commercial breeder, dealer, intermediate handler, or exhibitor (other than a limited show or exhibit) without a valid license is a class A misdemeanor.

(K) All premises licensed under the ACFA shall be inspected at least once each year, or upon a complaint to the department about a particular facility. The validity of the complaint will be determined by the state veterinarian.

(L) All licensees or applicants for a license or license renewal must make his/her facilities, animals, premises, and records available for inspection during business hours or at other times mutually agreeable, in writing, to the applicant and the animal welfare official designated by the state veterinarian. The licensee or applicant shall also provide the inspector with sufficient space and facilities, such as a room, a table, and a chair to use in examining records and writing his/her report. If the licensee's or applicant's facilities, animals, premises, procedures, or records do not meet the requirements in 2 CSR 30-9, the applicant will be advised in writing of existing deficiencies and the corrective measures that must be completed in a timely manner to be in compliance with the standards in 2 CSR 30-9. Persons or facilities which subsequently fail two (2) consecutive reinspections for an original violation shall be charged a fee of one hundred dollars (\$100), which shall be paid before subsequent inspections will be made or the renewal of that person's or facility's license.

(M) The Department of Agriculture shall not retain, contract with, or otherwise utilize the services of the personnel of any nonprofit organization for the purpose of inspection or licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel, contract kennel, commercial breeder, hobby or show breeder, or pet shop under sections 273.325 to 273.357, RSMo.

(N) A licensee or applicant for a license shall not interfere with, threaten, abuse (including verbal abuse), or harass any inspector, state or federal official while carrying out his/her duties.

(O) A license shall be issued to specific persons for specific premises, facilities, and operations and does not transfer upon change

of ownership or any other significant change of business or operation nor is it valid at a different location. Otherwise, a license issued under 2 CSR 30-9 shall be valid and effective unless—

1. The license has been revoked or suspended pursuant to section 273.329, RSMo;

2. The license is voluntarily terminated by the written request of the licensee to the director;

3. The license has expired or has otherwise been terminated under 2 CSR 30-9; or

4. The applicant did not pay the license fee as required.

(P) There will be no refund of fees if a license is terminated for any reason before its expiration.

(Q) Licensees must accept delivery of registered mail or certified mail notice and provide the director notice of any change of address.

(R) All licenses will expire on January 31 each year and will automatically terminate at midnight on that date unless the properly completed application with the appropriate fee has been received by the director. A person whose license has been automatically terminated shall not conduct any activity for which a license is required by the ACFA until all requirements for issuing the license have been met and a valid license has been duly issued.

(S) Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license.

(T) A license which is invalid under 2 CSR 30-9 shall be surrendered to the director. If the license cannot be found, the licensee shall provide a written statement so stating to the director.

(U) Contested cases and other matters involving licensees and the director, or his designee, may be informally resolved by consent agreement, settlement, stipulation, consent order, or default.

(V) Whenever the state veterinarian or a state animal welfare official finds past violations of sections 273.325 to 273.357, RSMo, have occurred and have not been corrected or addressed, including operating without a valid license under section 273.327, RSMo, the director may request the attorney general or the county prosecuting attorney or circuit attorney to bring an action in circuit court in the county where the violations have occurred for a temporary restraining order, preliminary injunction, permanent injunction, or a remedial order enforceable in a circuit court to correct such violations and, in addition, the court may assess a civil penalty in an amount not to exceed one thousand dollars



(\$1,000) for each violation. Each violation shall constitute a separate offense.

(W) A person commits the crime of canine cruelty if such person repeatedly violates sections 273.325 to 273.357, RSMo, so as to pose a substantial risk to the health and welfare of animals in such person's custody or knowingly violates an agreed-to remedial order involving the safety and welfare of animals under this section. The crime of canine cruelty is a class C misdemeanor, unless the person has previously pled guilty or *nolo contendere* to or been found guilty of a violation of this subsection, in which case, each such violation is a class A misdemeanor.

1. The attorney general or the county prosecuting attorney or circuit attorney may bring an action under sections 273.325 to 273.357, RSMo, in circuit court in the county where the crime has occurred for criminal punishment.

2. No action under this section shall prevent or preclude action taken under section 578.012, RSMo, or under subsection 3 of section 273.329, RSMo.

(X) Facilities designated as Blue Ribbon Kennels shall meet the following additional requirements:

1. The licensee must have no violations cited during the past year;

2. The premise must be neat and free of clutter, it must be mowed and kept free of junk, the buildings must be in good repair, and it should reflect a positive image to the general public;

3. The kennel must have a written biosecurity plan with signs posted that contain instructions for entry;

4. All dogs must be identified by microchip upon change in ownership; and

5. The licensee must be a member of the Missouri Pet Breeders Association or the Professional Pet Association and they must maintain twenty (20) hours of continuing education.

#### (2) License Fees.

(A) In addition to the application for a license or license renewal, each person shall submit to the director the annual license fee and provisional license fee (if required) prescribed in this section, which shows the method used to calculate the appropriate fee. The license fee shall be computed in accordance with the following and based upon the previous year's business:

1. Animal shelter—One hundred dollars (\$100), plus the annual animal shelter per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

2. Pound/dog pound—No fee, but must meet the standards in 2 CSR 30-9;

3. Commercial kennel—One hundred dollars (\$100), plus the annual commercial kennel per capita fee for each board day, up to a maximum of two thousand five hundred dollars (\$2,500);

4. Boarding kennel—One hundred dollars (\$100), plus the annual boarding kennel per capita fee for each board day, up to a maximum of two thousand five hundred dollars (\$2,500);

5. Commercial breeder—One hundred dollars (\$100), plus the annual commercial breeder per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

6. Contract kennel—One hundred dollars (\$100), plus the annual contract kennel per capita fee for every animal sold, traded, bartered, brokered, adopted out, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

7. Dealer (also auction sale operator or broker)—One hundred dollars (\$100), plus the annual dealer per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

8. Pet shop—One hundred dollars (\$100), plus the annual pet shop per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of two thousand five hundred dollars (\$2,500);

9. Intermediate handler—One hundred dollars (\$100), plus a per capita fee for each board day and each animal purchased or brokered and transported up to a maximum of two thousand five hundred dollars (\$2,500). Animals which are transported only will be considered as carrier-transported and not subject to a per capita fee;

10. Voluntary licensee (persons/facilities not required to be licensed by definition of the law but desire to obtain a license anyway)—One hundred dollars (\$100); and

11. Hobby or show breeder—Exempt from fees and inspection requirements but must register annually and certify status.

#### (B) Per Capita Fees.

1. Per capita fees shall be assessed annually and based upon the budgetary needs of the program. Per capita fees shall be the same for all licensees of the same type license, but may vary by type of license at the discretion of the director. The amount of the annual per capita fee shall be determined by the director and announced each year. The licensees will be notified by mail of the amount of the annual per capita fee, which shall accompany the new application forms.

2. Per capita fees shall range from zero cents (0¢) to not more than one dollar (\$1) for each service performed or board day per animal, or animal sold, traded, bartered, brokered, auctioned, given, or otherwise disposed of other than by euthanasia or death.

(C) In the case of a new applicant for a license, the initial license fee shall be one hundred dollars (\$100). Annual renewal of license shall be based upon the calculations stated previously in this section.

(D) A separate license shall be obtained for each physical facility operated by the applicant.

(E) Operation Bark Alert. Each licensee subject to sections 273.325 to 273.357, RSMo, shall pay an additional annual fee of twenty-five dollars (\$25) to be used by the Department of Agriculture for the purpose of administering Operation Bark Alert or any successor program.

#### (3) Annual Report by Licensee.

(A) Each year, within thirty (30) days prior to the expiration date of his/her license, the licensee shall file with the state veterinarian an application for license renewal and an annual report on forms furnished by the state veterinarian.

(B) Each licensee shall submit the total number of animals sold, traded, bartered, brokered, given away, boarded, or exhibited during the previous year, January through December, and any other information required on the form.

(4) Acknowledgment of Rules and Standards. The director will supply a copy of the ACFA and the rules and standards to all new applicants. All applicants must acknowledge receipt of the rules and the standards prior to issuance of a license.

(5) Notification of Change in Business Licensed. A licensee shall promptly notify the state veterinarian by certified mail of any change in the name, address, management, substantial control and ownership of the business or operation, of any significant change in the operation of the business or operation, or of additional sites, within ten (10) days of the change.

#### (6) Activity by Persons/Facilities Whose Licenses Have Been Suspended or Revoked.

(A) Any person who has been an officer, agent, direct family member, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the license was suspended or revoked will not be



licensed within the same period during which the suspension or revocation is in effect.

(B) Any facility involved in an order of suspension or revocation shall not be used for licensed activity.

(C) Any person whose license has been suspended or revoked for any reason shall not be licensed under his/her name, or in any other manner within the period during which the suspension or revocation is in effect. No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed during that period.

(D) Any person whose license has been suspended or revoked shall not buy, sell, trade, barter, broker, transport, board, exhibit, or deliver for transportation any animal during the period of license suspension or revocation.

(E) Any person whose license has been suspended or revoked may apply in writing to the director for reinstatement of his/her license.

#### (7) Denial of Initial License Application.

(A) A license will not be issued to any applicant who—

1. Is not in total compliance with the rules and the standards set forth in 2 CSR 30-9, including the payment of fees.

A. An initial applicant for license will be allowed a maximum of three (3) inspections and a period of up to ninety (90) days from the date of the first inspection in which to attain total compliance with the rules and standards prior to denial of license. Failure of these inspections would not subject an initial applicant to the one hundred dollar (\$100)-penalty fee for failed inspections. However, initial license fee will not be returned and subsequent applications must be accompanied with another initial license fee.

B. An initial applicant shall not conduct any activity for which an ACFA license is required until the license has been issued.

C. Subsequent applications by a person who has been denied a license under subparagraph (7)(A)1.A. shall also be considered an initial application.

D. Persons denied a license under subparagraph (7)(A)1.A. may reapply after six (6) months from the date of the last failed inspection;

2. Has had a license revoked or is currently under suspension;

3. Has been fined, sentenced to jail, or pled no contest under state or local animal cruelty laws within one (1) year of application, except that if no penalty is imposed as a result of a no contest plea, the applicant may reapply immediately; or

4. Has made any false or fraudulent statements or provided any false or fraudulent records to the department.

(B) Any applicant whose initial license has been denied may request an administrative hearing in accordance with Chapter 536, RSMo, for the purpose of showing why the application should not be denied. If the license denial is upheld, the applicant may reapply for license one (1) year from the date of the denial.

(C) No partnership, firm, corporation, or other legal entity in which a person whose license application has been denied has a substantial interest, financial or otherwise, will be licensed within one (1) year of denial.

#### (8) Attending Veterinarian and Adequate Veterinary Care.

(A) Each licensee shall have an attending veterinarian who shall provide adequate veterinary care to animals covered under the rules in 2 CSR 30-9.

1. Each licensee shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the licensee. Boarding kennels in large metropolitan areas, where twenty-four (24) hour emergency veterinary clinics are in operation, and rotation of veterinary practitioners is essential for good will and referral services, may be exempted from the requirement of a formal arrangement if approved by the state veterinarian. This exemption must be requested in writing and will be approved only on an individual basis.

2. Each licensee shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

(B) Each licensee shall establish and maintain programs of adequate veterinary care that include:

1. The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions in 2 CSR 30-9;

2. The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

3. Individual health records shall be maintained on all animals above the age of eight (8) weeks or that have been weaned or that have been treated with a medical procedure, whichever occurs first. Litter health records may be kept on litters when littermates are treated with the same medication or

procedure. Health records (or a copy) may accompany all animals upon the transfer of ownership;

4. Daily observation of all animals to assess their health and well-being. Provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian; and provided further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

5. Adequate training and guidance to personnel involved in the care and use of animals. The employer must be certain his/her employees can perform at the level required by these rules; and

6. Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

(C) Each licensee subject to the provisions of section 273.345, RSMo, shall establish and maintain programs of veterinary care that include:

1. Examination as defined in 2 CSR 30-9.010(2)(Z) at least once yearly by a licensed veterinarian, and upon detection of any affliction, a comprehensive examination, diagnosis, and appropriate treatment. Provided however, at the discretion of the attending veterinarian, any subsequent treatment may be carried out by somebody other than the attending veterinarian. An individual health examination shall be prescribed, conducted, and recorded on forms furnished by the state veterinarian;

2. Consultation on sound breeding practices, including a written and signed recommendation on reproductive health for individual female covered dogs that accounts for species, age, and health of the breeding dogs under care of the licensee. An individual recommendation shall be recorded on forms furnished by the state veterinarian;

3. Animal health and husbandry. Review of disease prevention techniques, vaccination protocols, parasite protocols, pest control, nutrition, euthanasia, and guidance on preventative care. Approval of these practices must be certified by the attending veterinarian and included with the written program of veterinary care; and

4. Approval of an exercise plan developed in accordance with regulations regarding exercise prescribed in these rules and where such plan affords the dog maximum opportunity for outdoor exercise as weather permits.

(D) Each licensee subject to the provisions of section 273.345, RSMo, shall ensure that



animals with serious illness or injury as defined in 2 CSR 30-9.010(2)(WW) receive prompt treatment by a licensed veterinarian.

(E) If the state veterinarian or his/her designee finds that an animal or group of animals is suffering from a contagious, communicable, or infectious disease or exposure to a disease, a quarantine to the premises may be issued until the animals are—

1. Recovered and no longer capable of transmitting the disease;
2. Isolated;
3. Humanely euthanized and properly disposed of;
4. Tested, vaccinated, or otherwise treated; or
5. Otherwise released by the state veterinarian.

A. Animals under quarantine shall not be removed from the premises without written consent of the state veterinarian, nor shall any other animals be allowed to enter the premises.

B. A quarantine issued by the state veterinarian shall remain in effect until released in writing by the state veterinarian.

(F) Animals with obvious signs of disease or injury shall not be sold (except on the advice of the attending veterinarian and with the knowledge and consent of the purchaser), abandoned, or disposed of in an inhumane manner.

(G) A person licensed or registered under the ACFA shall not knowingly sell or ship a diseased animal, except on the advice of their attending veterinarian and with the knowledge and consent of the purchaser.

#### (9) Identification of Animals.

(A) All licensees with a United States Department of Agriculture (USDA) license shall identify their animals as prescribed in the USDA regulations.

(B) All licensees without a USDA license shall identify all dogs and cats held on the premises, purchased, boarded, sheltered, or otherwise acquired, sold, released, given away, or otherwise disposed of or removed from the premises for any reason to or through any person, by one (1) or more of the appropriate methods as follows:

1. By an official tag of the type described in this section affixed to the animal's neck by means of a collar made of a material generally considered acceptable to pet owners. In general, well fitting collars made of plastic or leather will be acceptable. The use of certain types of chains presently used by some dealers may also be acceptable if sharp edges cannot be felt which may reasonably be expected to cause discomfort to

the animal. The use of materials such as wire, elastic, or any other material which may seem to cause discomfort to the animal shall not be used;

2. A distinctive and legible tattoo marking approved by the director;

3. Puppies or kittens, less than sixteen (16) weeks of age, may be identified by a plastic type collar acceptable to the director which has the information legibly placed on the collar as required for an official tag pursuant to this section;

4. Animal shelters, contract kennels, pounds or dog pounds may use distinctive cage cards. Cage cards, if used, must be sequentially numbered, used in sequential order and placed in an area which will prevent animals, water, or cleaning solutions from contacting them or damaging the cards. If cage cards cannot be protected, or if licensee fails to provide proper protection, all animals in his/her facility must be identified by a more permanent method as described in paragraph (9)(B)1. Each cage card must fully and completely describe the animal to which it is assigned including breed (or an estimate of predominant breed and cross, and the like), size, date of birth or approximate age, sex, color and markings, and any other distinctive feature or marking;

5. Boarding kennels and commercial kennels shall be authorized to use distinctive cage cards. Cage cards must be placed in an area which will prevent animals, water, or cleaning solutions from contacting or damaging the cards. Cage cards must provide a brief description of the animal including name, breed, sex, color, and distinctive markings. Cage cards must also specify any medications with directions for administering, any special needs or instructions, and emergency instructions stating veterinarian of choice and telephone number. Boarding kennels and commercial kennels may use any abbreviated form of information on the cage cards that meets the needs of their business if all of the information listed in this paragraph is immediately available to the animal caretaker and inspector; and

6. Pet shops may use distinctive cage cards. Cage cards, if used as the primary identification, must be sequentially numbered and used in sequential order. Cage cards, if used, must be placed in an area which will prevent animals, water, or cleaning solutions from contacting them or damaging the cards. Cage cards, if used as the primary identification, must provide enough information to assure proper identification of all animals in the enclosure and may include information such as a brief description of the animal including breed, sex, date of birth or approx-

imate age, color, and distinctive markings.

(C) All animals shall be officially identified at the time of acquisition, or in the case of puppies or kittens, when weaned or separated from their mother or foster mother. When any licensee has made a reasonable effort to affix an official tag to a cat, as set forth in this section, and has been unable to do so, or when the cat exhibits serious distress from the attachment of the collar and tag, the licensee shall attach the collar and tag to the door of the primary enclosure containing the cat and take measures to maintain the identity of the cat in relation to the tag. Each primary enclosure shall contain no more than one (1) weaned cat without an affixed collar and official tag, unless the cats are identified by a distinctive and legible tattoo or plastic-type collar approved by the director.

(D) If an animal is already identified by an official tag or tattoo which has been applied by another licensed entity under USDA or ACFA, the acquiring licensee may continue identifying the animal by the previous identification number, or may replace the previous tag with his/her own official tag or tattoo, in which case, only the new identification number shall be used for all subsequent sales or transactions. In either case, the licensee shall correctly list all old and new numbers or tattoos in his/her records.

(E) Tags must be sequentially numbered, used in sequential order, and must be referenced to a record(s) which completely and accurately identify the source of the animal and any number used by that source to identify the animal, all medical treatments or procedures, and disposition of the animal. A record of the number used to identify the animal shall accompany the animal at disposition.

(F) No licensee shall use the same identification tag or cage card number for a period of at least five (5) years.

(G) The official tag shall be made of a durable alloy such as brass, bronze, steel, or a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used. The tag shall be one (1) of the following shapes:

1. Circular in shape and not less than one and one-fourth inches (1 1/4") in diameter; or

2. Oblong and flat in shape, not less than two inches long by three-fourths inch (2" × 3/4") wide and riveted to an acceptable collar.

(H) Each official tag shall have the following information embossed or stamped on one (1) side that is easily readable:

1. The letters MO;





2. The letters and numbers identifying the licensee or facility, for example, ACFA 1234; and

3. The number identifying the animal, for example 0006.

(I) Licensees must obtain the official tags or cage cards at their own expense. Tags and cards are available from commercial manufacturers. At the time a licensee is issued a license, the director will assign a license number to be used on official tags.

(J) Each licensee shall be held accountable for all official tags acquired. In the event an official tag is lost from an animal while in the possession of the licensee, the licensee will make every diligent effort to locate and reapply the tag to the proper animal. If the lost tag is not located, the licensee shall affix another official tag to the animal and record both the old and new tag numbers on the official records. Only the new number will be used on subsequent transactions.

(K) When an animal with an official tag is euthanized or dies from any other cause, the official tag shall be removed from the animal and saved for a period of one (1) year following the death. If the official tag is removed from an animal at the time of disposition of the animal, the official tag shall be saved for a period of one (1) year following the disposition.

(10) Prohibition on the Purchase, Sale, Use or Transportation of Stolen Animals. No person shall buy, sell, exhibit, transport, or offer for transport any stolen animal.

(11) Records.

(A) Records for Commercial Breeders, Dealers, Exhibitors, Intermediate Handlers, and Voluntary Licensees.

1. Each commercial breeder, dealer (other than operators of auction sales and brokers to whom animals are consigned), intermediate handlers, exhibitors, and voluntary licensees shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his/her possession or control which is transported, euthanized, sold, or otherwise disposed of by that licensee. The records shall include any offspring born of any animal while in his/her possession or under his/her control:

A. The name and complete mailing address of the person from whom a dog or cat was purchased or otherwise received or acquired whether or not the person is required to be licensed or registered under this Act;

B. The USDA and the ACFA license or registration number of the person if s/he is licensed or registered under the Acts. Both USDA and ACFA numbers are required if seller is licensed or registered under both Acts;

C. The vehicle license number and the state, and the driver's license number and state if s/he is not licensed or registered under either of the Acts;

D. The name and complete mailing address of the person to whom a dog or cat was sold, given, or delivered, and that person's license or registration number(s) if s/he is licensed or registered under the Acts;

E. The date a dog or cat was acquired or disposed of, or both, and the method of disposition, including by death or euthanasia;

F. The official USDA or ACFA tag number or tattoo assigned to a dog or cat;

G. A description of each dog or cat which shall include:

(I) The species and breed or type;

(II) The sex;

(III) The date of birth or approximate age; and

(IV) The color and any distinctive markings;

H. The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;

I. Records of Dogs and Cats on hand (VS Form 18-5/APHIS Form 7005 or similar form may be used) and Records of Disposition of Dogs or Cats (VS Form 18-6/APHIS Form 7006 or similar form may be used) shall be maintained by commercial breeders, dealers, exhibitors, and voluntary licensees;

J. The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) may be used by dealers and exhibitors to make, keep, and maintain the information required by subsection (11)(A) of this rule; and

K. One (1) copy of the record containing the information required by this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a commercial breeder, dealer, or exhibitor. One (1) copy of the record containing the information required by this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a commercial breeder, dealer, or exhibitor; provided, however, that information which indicates the source and date of acquisition of a dog or cat need not appear on the copy of the record accompanying the shipment. One (1) copy of the record containing the information

required by this section shall be retained by the commercial breeder, dealer, or exhibitor.

2. Individual medical records shall be maintained on all animals bought, raised, or otherwise obtained, held, kept, maintained, sold, donated, or otherwise disposed of, including by death or euthanasia, which shall specify all treatments and medications given and all procedures performed on the animal, to include reasons for or the condition requiring the treatment, medication, or procedure, and the results of the treatment, medication, or procedure will be included in this record. Litter health records may be kept on litters when all littermates are treated with the same medication or procedure. Medical records (or a copy) may accompany the animal when sold.

3. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(B) Records of Operators of Auction Sales and Brokers.

1. Every broker or operator of an auction sale shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal sold, whether or not a fee or commission is charged:

A. The name and complete mailing address of the person who owned or consigned the animal(s) for sale;

B. The name and complete mailing address of the buyer or consignee who received the animal;

C. The USDA and ACFA license or registration number of the person(s) selling, consigning, buying, or receiving the animals if s/he is licensed or registered under the Acts;

D. The vehicle license number and state and the driver's license number and state of the person, if s/he is not licensed or registered under the Acts;

E. The date of the consignment;

F. The official USDA or ACFA tag number assigned to the animal(s) under this rule;

G. A description of the animal(s) which shall include:

(I) The species and breed or type;

(II) The sex of the animal;

(III) The date of birth or approximate age; and

(IV) The color and any distinctive markings;

H. The auction sales number or records number assigned to the animal; and



I. The name, mailing address, any USDA/ACFA license number of all people registering at the auction to buy animals.

2. One (1) copy of the record containing the information required by this section shall be given to the consignor of each animal, one (1) copy of the record shall be given to the purchaser of each animal; provided however, that information which indicates the source and date of consignment of any animal need not appear on the copy of the record given to the purchaser of any animal. One (1) copy of the record containing the information required by this section shall be retained by the broker or operator of the auction sale for each animal sold.

3. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(C) Records for Boarding Kennels and Commercial Kennels.

1. Every operator of a boarding kennel or commercial kennel shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal boarded, or otherwise kept or maintained, sold, given, or otherwise disposed of:

- A. Name, address, and phone number of pet owner;
- B. Emergency contact number;
- C. Animal's name, age, sex, and breed;
- D. Vaccination information, with official rabies;
- E. Preexisting physical problems;
- F. Medication information and instructions;
- G. Veterinarian of choice;
- H. Special feeding instructions, if needed;
- I. Special boarding instructions, if needed;
- J. Any additional services to be performed;
- K. Date animal received; and
- L. Date animal released.

2. Animal cage card must be attached to the primary enclosure of every animal being boarded, kept, or maintained.

3. The record of daily health observations, medications, and treatments given and exercise periods shall be maintained.

4. The name and complete mailing address of the person to whom the animal was sold or given, and the USDA or ACFA license numbers, or both, if that person was licensed under the Acts.

5. A copy of the health certificate for each animal shipped interstate.

6. All records shall be maintained for a period of sixty (60) days except on those animals on which a complaint was made by the owner or if some other problem occurred during boarding, those records shall be kept for one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(D) Records for Animal Shelters, Contract Kennels, and Pounds or Dog Pounds.

1. Every operator of an animal shelter, contract kennel, pound, or dog pound shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal boarded, housed, retained, or otherwise kept or maintained, transported, sold, given, adopted out, released, or otherwise disposed of:

- A. The date of acquisition;
- B. The name and complete mailing address of the person from whom the animal was obtained;
- C. The vehicle license number and state, and the driver's license number and state of the person delivering the animal;
- D. A complete description of the animal including breed or type, sex, size, approximate weight, approximate age, color, and any distinctive markings;
- E. Date of disposition and method;
- F. The name and complete mailing address of the person to whom the animal was sold, given, released to, or adopted by, and the USDA or ACFA license numbers, or both, if the person was licensed under the Acts;
- G. Spay or neuter contract; and
- H. Veterinary certification of spay or neuter.

2. Animal cage card must be attached to the primary enclosure of every animal being held, retained, kept, or maintained.

3. The record of daily health observations, medications and treatments given, and exercise periods shall be maintained.

4. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(E) Records for Pet Shops.

1. Every operator of a pet shop shall make, keep, and maintain records or forms which fully and correctly disclose the following concerning each animal purchased or otherwise acquired, kept or maintained, transported, sold, given, released, or otherwise disposed of:

- A. The name and complete mailing address of the person from whom the animal was obtained;

B. The USDA or ACFA license number, or both, of the seller if s/he was licensed under the Acts;

C. The vehicle license number and state, and the driver's license number and state of the person delivering the animal if the seller is not licensed under the Acts;

D. A complete description of the animal, including breed or type, sex, size, approximate weight, or a combination of these, date of birth or approximate age, color, and any distinctive markings, including any official tag number or tattoo markings;

E. Date of acquisition;

F. Date of disposition and method; and

G. The name and complete mailing address and telephone number of the person to whom the animal was sold, given, released to, or otherwise disposed of.

2. Animal cage card, if used, must be attached to the primary enclosure of every animal being held, retained, kept, or maintained.

3. The record of daily health observations, medications, and treatments given shall be maintained.

4. Shot records and a copy of treatment, medications, and medical procedures performed on the animal, while in the possession of the licensee, may be furnished to the retail pet purchaser. Medical records, to the extent possible may accompany the animal when sold.

5. All records shall be maintained for a period of one (1) year, unless the director requests in writing that they be maintained for a longer period, for the purpose of investigation.

(F) Records for Carriers and Intermediate Handlers.

1. In connection with all live animals accepted for shipment on a cash on delivery (C.O.D.) basis or other arrangement or practice under which the cost of the animals or the transportation of the animals is to be paid and collected upon delivery of the animals to the consignee, the accepting carrier or intermediate handler, if any, shall keep and maintain a copy of the consignor's written guarantee for the payment of transportation charges for any animal not claimed as provided in USDA regulations including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for out-of-pocket expenses incurred for the care, feeding, and storage of the animal. The carrier or intermediate handler at destination shall also keep and maintain a copy of the shipping document containing the time, date, and method of each attempted notification and the final notification to the



consignee and the name of the person notifying the consignee as provided in USDA regulations.

2. In connection with all live dogs or cats delivered for transportation, in commerce to any carrier or intermediate handler, by any commercial breeder, dealer, research facility, exhibitor, operator of an auction sale, broker, pet shop, or any other person licensed under the ACFA, or department, agency, or instrumentality of the United States or of any state or local government, the accepting carrier or intermediate handler shall keep and maintain a copy of the health certificate completed as required by USDA regulations and Missouri, tendered with each live dog or cat.

(G) Health Certification and Identification.

1. No commercial breeder, dealer, exhibitor, operator of an auction sale, broker, pet shop, research facility, voluntary licensee, or any department, agency, or instrumentality of the United States or of any state or local government shall deliver to any intermediate handler or carrier for transportation in interstate commerce or shall transport in interstate commerce any dog or cat unless the dog or cat is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate shall state that—

A. The licensed veterinarian inspected the dog or cat on a specified date which shall not be more than ten (10) days prior to the delivery of the dog or cat for transportation; and

B. When so inspected, the dog or cat appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or endanger public health.

2. The United States Secretary of Agriculture, with concurrence of the director, may provide exception to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for certification.

3. No intermediate handler or carrier to whom any live dog or cat is delivered for transportation by any commercial breeder, dealer, exhibitor, broker, pet shop, research facility, operator of an auction sale, or any department, agency, or instrumentality of the United States or any state or local government shall receive a live dog or cat for transportation in interstate commerce, unless and until it is accompanied by a health certificate issued by a licensed veterinarian.

4. The United States Interstate and International Certificate of Health Examination of Small Animals (VS Form 18-1) may

be used for health certification by a licensed veterinarian as required by this section.

5. Intrastate shipments, which at no time leave the state, may utilize an owner/shipper statement in lieu of a health certificate. The owner/shipper statement must specify the date of shipment, name, address, phone number, and ACFA/USDA license numbers of consignor and consignee of the shipment, specify species and list each animal in the shipment by its individual ACFA/USDA number, breed, age, sex, color, and distinctive markings, vaccination history, and certify—“To the best of my knowledge, all animals in this shipment are healthy and have not been exposed to an infectious or contagious disease.” The statement must contain the signature, printed name, address, and phone number of the certifying individual. APHIS Form 7001 may be used as a guide to produce individual forms, if desired.

(H) C.O.D. Shipments.

1. No carrier or intermediate handler shall accept any animal for transportation in commerce upon any C.O.D. or other basis where any money is to be paid and collected upon delivery of the animal to the consignee, unless the consignor guarantees in writing the payment of all transportation, including any return transportation, if the shipment is unclaimed or the consignee cannot be notified in accordance with this section, including reimbursing the carrier or intermediate handler for all out-of-pocket expenses incurred for the care, feeding, and storage or housing of the animals.

2. Any carrier or intermediate handler receiving an animal at a destination on a C.O.D. or other basis any money is to be paid and collected upon delivery of the animal to the consignee shall attempt to notify the consignee at least once every six (6) hours for a period of twenty-four (24) hours after arrival of the animal at the animal holding area of the terminal cargo facility. The carrier or intermediate handler shall record the time, date, and method of each attempted notification and the final notification to the consignee, and the name of the person notifying the consignee on the shipping document and on the copy of the shipping document accompanying the C.O.D. shipment. If the consignee cannot be notified of the C.O.D. shipment within twenty-four (24) hours after its arrival, the carrier or intermediate handler shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in this section and shall notify the consignor. Any carrier or intermediate handler which has notified a consignee of the

arrival of a C.O.D. or other shipment of an animal, where any money is to be paid and collected upon delivery of the animal to the consignee, which is not claimed by the consignee within forty-eight (48) hours from the time of notification shall return the animal to the consignor or to whomever the consignor has designated, on the next practical available transportation in accordance with the written agreement required in this section and shall notify the consignor.

3. It is the responsibility of any carrier or intermediate handler to hold, feed, and care for any animal accepted for transportation in commerce under a C.O.D. or other arrangement where any money is to be paid and collected upon delivery of the animal until the consignee accepts shipment at destination or until returned to the consignor or his/her designee should the consignee fail to accept delivery of the animal or if the consignee could not be notified as prescribed in this section.

4. Nothing in this section shall be construed as prohibiting any carrier or intermediate handler from requiring any guarantee in addition to that required in this section for the payment of the cost of any transportation or out-of-pocket or other incidental expenses incurred in the transportation of any animal.

(I) Disposition of Records.

1. No licensee, for a period of one (1) year, shall destroy or dispose of, without the consent in writing of the director, any books, records, documents, or other papers required to be kept and maintained under the ACFA and this rule.

2. Unless otherwise specified, the records required to be kept and maintained under this rule shall be held for one (1) year after an animal is euthanized or disposed of and for any period in excess of one (1) year as necessary to comply with any applicable federal, state, or local laws. Whenever the director notifies the licensee in writing that specified records shall be retained pending completion of an investigation or proceeding under the ACFA, the licensee shall hold those records until their disposition is authorized by the director.

3. Any person subject to the provisions of section 273.345, RSMo, shall maintain all veterinary records and sales records for the most recent previous two (2) years. These records shall be made available to the state veterinarian, a state or local animal welfare official, or a law enforcement agent upon request.

(12) Compliance With Standards and Holding Periods. Each licensee shall comply in all respects with the standards set forth in 2 CSR



30-9 for the humane handling, care, treatment, housing, and transportation of animals.

(13) Holding Period.

(A) Any live dog or cat, other than owner-relinquished or feral animals which are not known to have bitten anyone within the preceding ten (10) days, acquired by an animal shelter or contract kennel shall be held for a period of not less than five (5) business days before offering for adoption or euthanasia except that before releasing an animal to a dealer, the holding period must include at least one (1) full Saturday and a period of not less than five (5) full days excluding time in transit.

(B) Any live dog or cat acquired by a commercial breeder, dealer, exhibitor, or pet shop shall be held under his/her supervision and control, for a period of not less than five (5) full days, not including the day of acquisition, after acquiring the animal, excluding time in transit; provided, however—

1. That any live dog or cat acquired by a commercial breeder, dealer, exhibitor, or pet shop from any private or contract animal pound, animal shelter, pound, or dog pound shall be held by that commercial breeder, dealer, exhibitor, or pet shop for a period of not less than ten (10) full days, not including the day of acquisition, after acquiring the animal, excluding time in transit.

(C) Any dog or cat presented for euthanasia by its owner or any animal suffering from disease, emaciation, or injury may be destroyed by euthanasia prior to the completion of the holding period required by this section.

(D) Any dog or cat, one hundred twenty (120) days of age or less, that was obtained from the person that bred and raised the animal, may be exempted from the five (5)-day holding requirement and may be sold or otherwise disposed of by a licensee after a minimum holding period of twenty-four (24) hours, excluding time in transit. Each subsequent licensee must also hold that animal for a minimum of twenty-four (24) hours excluding time in transit. Intermediate handlers who obtain an animal one hundred twenty (120) days of age or less, only in conjunction with its transportation in commerce will be exempt from the twenty-four (24)-hour holding period.

(E) During the period in which any animal is being held as required by this section, the animal shall be unloaded from any means of conveyance in which it was received, for food, water, and rest, and shall be handled, cared for, and treated in accordance with 2 CSR 30-9.

(14) Miscellaneous.

(A) Information as to business shall be furnished by all licensees.

1. Each licensee shall furnish to any department official any information concerning the business of the licensee which the department official may request in connection with the enforcement of the provisions of the ACFA, and 2 CSR 30-9. The information shall be furnished within a reasonable time and as may be specified in the request for information.

2. Each operator of an auction sale shall furnish in writing to the director, the sale dates of all activities covered under the ACFA at least two (2) weeks prior to the scheduled event.

(B) Access and Inspection of Records and Property.

1. Each licensee, during business hours, shall allow department officials to—

A. Enter its place of business;

B. Examine records required to be kept in accordance with the ACFA and this rule;

C. Make copies of the records;

D. Inspect and photograph the facilities, property and animals, as the department officials consider necessary to enforce the provisions of the ACFA and the standards in 2 CSR 30-9; and

E. Document, by the taking of photographs and other means, conditions and areas of noncompliance.

2. The use of a room, table, or other facilities necessary for the proper examination of the records and inspections of the property or animals shall be extended to department officials by the licensee.

(C) Inspection for Missing Animals. Each licensee shall allow, upon request and during business hours, police or officers of other law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal rules) to enter his/her place of business to inspect animals and records for the purpose of seeking animals that are missing, under the following conditions:

1. The police or other law officer shall furnish to the licensee a written description of the missing animal and the name and address of its owner before making a search; and

2. The police or other law officer shall abide by all security measures required by the licensee to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

(D) Confiscation and Destruction of Animals.

1. If an animal being held by a licensee or transported by a carrier is found by a department official to be suffering as a result of the failure of the licensee or carrier to comply with any provisions of the ACFA or the standards set forth in 2 CSR 30-9, the department official shall make a reasonable effort to notify the licensee of the condition of the animal(s) and request that the condition be corrected and that adequate care be given to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the licensee refuses to comply with this request, the department official may confiscate the animal(s) for care, treatment, or disposal as indicated in this section, if, in the opinion of the director, the circumstances indicate the animal's health is in danger.

2. In the event that the department official is unable to locate or notify the licensee as required in this section, the department official shall contact a local police or other law officer to accompany him/her to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering. If in the opinion of the director, the condition of the animal(s) cannot be corrected by this temporary care, the department official shall confiscate the animal(s).

3. Confiscated animals may be placed, by sale or donation, with other licensees or registrants who are in compliance with the ACFA and the standards in 2 CSR 30-9 and can provide proper care, or they may be euthanized. The licensee from whom the animals were confiscated shall bear all costs incurred in performing the placement or euthanasia activities authorized by this rule.

(E) Minimum Age Requirements. No dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation, in commerce, or shall be transported in commerce by any person, except to a registered research facility, unless that dog or cat is at least eight (8) weeks of age and has been weaned.

(F) Handling of Animals.

1. Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

2. Physical abuse shall not be used to train, work, or otherwise handle animals.

3. Deprivation of food or water shall not be used to train, work, or otherwise handle animals; provided however, that the short-term withholding of food or water from animals by exhibitors is allowed by this rule as long as each of the animals affected receives



its full dietary and nutrition requirements each day.

4. During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance or barriers, or both, between the animal and the general viewing public so as to assure the safety of animals and the public.

A. Performing animals shall be allowed a rest period between performances at least equal to the time for one (1) performance.

B. Young or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.

C. Drugs, such as tranquilizers, shall not be used to facilitate, allow, or provide for public handling of the animals.

D. Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

E. A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.

F. During public exhibitions, dangerous animals such as lions, tigers, or wolves must be under the direct control and supervision of a knowledgeable and experienced animal handler.

G. If public feeding of animals is allowed, the food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.

5. All euthanasia of animals shall be accomplished by a method approved by the 2000 edition, or later revisions, of the *American Veterinary Medical Association's Panel on Euthanasia*, as incorporated by reference in this rule.

(15) Procurement of Dogs and Cats by Licensees.

(A) A dealer may obtain dogs and cats from within this state only from other licensees who are licensed under the ACFA in accordance with this rule or exempt sources.

(B) No person shall obtain live dogs or cats by use of false pretenses, misrepresentation, or deception.

(C) Any licensee or exhibitor who also operates a public or private pound, animal shelter, contract pound, pound, or dog pound shall comply with the following:

1. The animal pound or shelter shall be located on premises that are physically separated from all other licensed facilities. The animal housing facility of the pound or shel-

ter shall not be adjacent to any other licensed facility.

2. Accurate and complete records shall be separately maintained by the licensee and by the pound or shelter. All records shall be in accordance with those specified in this rule. If the animals are lost or stray, the pound or shelter records shall provide:

A. An accurate description of the animal;

B. How, where, from whom and when the dog or cat was obtained;

C. How long the dog or cat was held by the pound or shelter before being transferred to the dealer; and

D. The date the dog or cat was transferred to the dealer.

(16) Licensees Restricted in Sales to Brokers, Dealers, and Pet Shops. Licensees shall not sell to brokers, dealers, or pet shops operating within the state who are not licensed under the ACFA in accordance with this rule.

(17) Exotic Animals. Exotic animals as defined in rules promulgated under the ACFA shall be permitted, as may be required by, and maintained under the rules and standards of the Missouri Department of Conservation and the regulations and standards of the USDA.

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*\*Original authority: 273.344, RSMo 1992 and 273.346, RSMo 1992.*

## **2 CSR 30-9.030 Animal Care Facilities Minimum Standards of Operation and Transportation**

*PURPOSE: This rule sets forth the minimum standards for operation of animal care facilities and the transportation of animals.*

(1) Facilities and Operating Standards.

(A) Housing Facilities, General.

1. Structure and construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely and restrict other animals from entering.

2. Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices. Housing facilities must be physically separated from any other business, like fur business, rabbitries, poultry operations and the like, located on the same premises so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

3. Surfaces.

A. General requirements. The surfaces of housing facilities, including houses, dens and other furniture-type fixtures and objects within the facility, must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of—

(I) Excessive rust that prevents the required cleaning and sanitization or that affects the structural strength of the surface; and

(II) Jagged edges or sharp points that might injure the animals.

B. Maintenance and replacement of surfaces. All surfaces must be maintained on a regular basis. Surfaces of housing facilities, including houses, dens and other furniture-type fixtures and objects within the facility, that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

C. Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with this section to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or



eliminate odors, insects, pests or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in this rule for primary enclosures.

4. Water and electric power. The housing facility must have reliable electric power adequate for heating, cooling, ventilation and lighting, and for carrying out other husbandry requirements in accordance with 2 CSR 30-9. The housing facility must provide adequate potable running water for the animals' drinking needs, for cleaning and for carrying out other husbandry requirements.

5. Storage.

A. Supplies of food and bedding must be stored outside the animal area and in a manner that protects the supplies from spoilage, contaminations, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leakproof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas.

B. Chemicals used for normal husbandry practices, cleaning, disinfecting, and the like, that may be toxic to the animals must not be stored in food storage or food preparation areas, but may be stored in adjacent rooms or in secure cabinets in the animal areas. All chemicals and mixing containers must be clearly labeled.

C. All medications must be stored in clean, dust restricting cabinets with well fitting doors or other suitable container with well-fitting lid or top. All medications must be clearly marked, or labeled with patient's name and directions if issued for a specific animal. Manufacturers' labels, including expiration date, shall not be removed or defaced. Medications such as dips, and rinses and those marked for external use only, may be stored in the same cabinet but must be physically separated from other medications.

6. Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal and disposal of animal and food waste, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks. Housing facilities must be equipped with disposal

facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests and vermin infestation. Standing puddles of water in animal enclosures and adjacent areas must be drained or mopped up so that the animals stay dry. Trash containers in housing facilities, food storage, and food preparation areas must be leakproof and must have tightly fitted lids on them at all times. Dead animals, animal parts, and animal waste must not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

7. Washrooms and sinks. Washing facilities such as washrooms, basins, sinks, or showers (as needed) must be provided for animal caretakers and must be readily accessible.

8. Fire detection and extinguishers.

A. All indoor housing facilities and the indoor portion of sheltered housing facilities shall be equipped with properly maintained smoke or heat detection devices and extinguishers. Type, number, and location of the detectors and extinguishers shall be in accordance with the National Fire Code and local fire codes.

(B) Indoor Housing Facilities.

1. Heating, cooling, and temperature. Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from temperature extremes and to provide for their health and well-being. When animals are present, the ambient temperature in the facility must not fall below fifty degrees Fahrenheit (50°F) or ten degrees Celsius (10°C) for animals not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds) and for sick, aged, young, or infirm animals, except as approved by the attending veterinarian. Dry bedding, solid resting boards or other methods of conserving body heat must be provided when temperatures are below fifty degrees Fahrenheit (50°F) or ten degrees Celsius (10°C). The ambient temperature must not fall below

forty-five degrees Fahrenheit (45°F) or seven point two degrees Celsius (7.2°C) for more than four (4) consecutive hours when animals are present, and must not rise above eighty-five degrees Fahrenheit (85°F) or twenty-nine point five degrees Celsius (29.5°C) for more than four (4) consecutive hours when animals are present.

2. Ventilation. Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is eighty-five degrees Fahrenheit (85°F) or twenty-nine point five degrees Celsius (29.5°C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of dogs or cats housed in the facility, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

3. Lighting. Indoor housing facilities for animals must be lighted well enough to permit routine inspection, cleaning of the facility and observation of the animals. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the animals from excessive light.

4. Interior surfaces. The floors and walls of indoor housing facilities and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable, for example, a suspended ceiling with replaceable panels.

(C) Sheltered Housing Facilities.

1. Heating, cooling, and temperature. The sheltered part of sheltered housing facilities for animals must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well-being. The ambient temperature in the sheltered part of the facility must not fall below fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C) for animals not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short-haired breeds), and for sick, aged, young, or infirm animals,



except as approved by the attending veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C). The ambient temperature must not fall below forty-five degrees Fahrenheit (45 °F) or seven and two-tenths degrees Celsius (7.2 °C) for more than four (4) consecutive hours when animals are present and must not rise above eighty-five degrees Fahrenheit (85 °F) or twenty-nine and five-tenths degrees Celsius (29.5 °C) for more than four (4) consecutive hours when animals are present.

2. Ventilation. The enclosed or sheltered part of sheltered housing facilities for animals must be sufficiently ventilated when animals are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning, must be provided when the ambient temperature is eighty-five degrees Fahrenheit (85 °F) or twenty-nine and five-tenths degrees Celsius (29.5 °C) or higher.

3. Lighting. Sheltered housing facilities for animals must be lighted well enough to permit routine inspection and cleaning of the facility and observation of the animals. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the animals from excessive light.

4. Shelter from the elements. Animals must be provided with adequate shelter from the elements at all times to protect their health and well-being. The shelter structures must be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

5. Surfaces.

A. The following areas in sheltered housing facilities must be impervious to moisture:

(I) Indoor floor areas in contact with the animals;

(II) Outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun or are made of a hard material such as wire, wood, metal, or concrete; and

(III) All walls, boxes, houses, dens, and other surfaces in contact with the ani-

mals.

B. Outside floor areas in contact with the animals and exposed to the direct sun may not consist of bare dirt or sand and must have adequate drainage.

(D) Outdoor Housing Facilities.

1. Restrictions. The following categories of animals must not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

A. Animals that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

B. Animal breeds that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates);

C. Sick, infirm, aged, or young animals; and

D. When their acclimation status is unknown, animals must not be kept in outdoor facilities when the ambient temperature is less than fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C).

2. Shelter from the elements. Outdoor facilities for animals must include one (1) or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, lie in a normal manner, and to turn about freely. In addition to the shelter structures, one (1) or more separate outside areas of shade must be provided by means of trees, permanent awnings, or suspended shade cloth or heavy duty tarps in good repair and firmly secured to a frame, large enough to contain all the animals at once and protect them from the direct rays of the sun. Tarps kept firmly secure and in good repair may be used as windbreaks. Shelters in outdoor facilities for animals must contain a roof, four (4) sides, and a floor and must—

A. Provide the animals with adequate protection and shelter from the cold and heat;

B. Provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;

C. Be provided with a wind break and rain break at the entrance; and

D. Contain clean, dry bedding material if the ambient temperature is below fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C). Additional clean, dry bedding is required when the temperature is thirty-five degrees Fahrenheit (35 °F) or one and seven-tenths degrees Celsius (1.7 °C) or lower.

3. Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers, and the like must not be used as shelter struc-

tures. The floors of outdoor housing facilities may not be of bare dirt or sand; must have adequate drainage; and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities, including houses, dens, and the like, that cannot be readily cleaned and sanitized, must be replaced when worn or soiled. If aggregate or fine gravel is used for flooring, it must be appropriate to the size of the dog.

(E) Mobile or Traveling Facilities.

1. Heating, cooling, and temperature. Mobile or traveling housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from temperature extremes and to provide for their health and well-being. The ambient temperature in the mobile or traveling housing facility must not fall below fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C) for animals not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds) and for sick, aged, young, or infirm animals. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C). The ambient temperature must not fall below forty-five degrees Fahrenheit (45 °F) or seven point two degrees Celsius (7.2 °C) for more than four (4) consecutive hours when animals are present, and must not exceed eighty-five degrees Fahrenheit (85 °F) or twenty-nine point five degrees Celsius (29.5 °C) for more than four (4) consecutive hours when animals are present.

2. Ventilation. Mobile or traveling housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for the health and well-being of the animals and to minimize odors, drafts, ammonia levels, moisture condensation, and exhaust fumes. Ventilation must be provided by means of windows, doors, vents, fans, or air conditioning. Auxiliary ventilation such as fans, blowers, or air conditioning must be provided when the ambient temperature within the animal housing area is eighty-five degrees Fahrenheit (85 °F) or twenty-nine point five degrees Celsius (29.5 °C) or higher.

3. Lighting. Mobile or traveling housing facilities for animals must be lighted well enough to permit proper cleaning and inspection of the facility, and observation of the animals. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly





diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals.

(F) Primary Enclosures. Primary enclosures for animals must meet the following minimum requirements:

1. General Requirements.

A. Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosure must be kept in good repair.

B. Primary enclosures must be constructed and maintained so that they—

(I) Have no sharp points or edges that could injure the animals;

(II) Protect the animals from injury;

(III) Contain the animals securely;

(IV) Keep other animals from entering the enclosure;

(V) Enable the animals to remain dry and clean;

(VI) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the animals;

(VII) Provide sufficient shade to shelter all the animals housed in the primary enclosure at one time;

(VIII) Provide all the animals with easy and convenient access to clean food and water;

(IX) Enable all surfaces in contact with the animals to be readily cleaned and sanitized in accordance with this rule, or be replaceable when worn or soiled;

(X) Have floors that are constructed in a manner that protects the animals' feet and legs from injury and that, if elevated construction, it must be constructed of materials strong enough to prevent sagging and with a mesh small enough that will not allow the animals' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of elevated flooring, a solid resting surface(s) that, in the aggregate, is large enough to hold all the occupants of the primary enclosure at the same time comfortably must be provided; and

(XI) Provide sufficient space to allow each animal to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.

C. Any primary enclosure subject to the provisions of section 273.345, RSMo, newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, shall

meet the following standards for elevated flooring:

(I) Wire strand flooring shall be prohibited;

(II) Bare metal flooring shall be prohibited;

(III) Slatted flooring must be flat, no less than two and one-half inches (2.5") in width, and constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. Any pre-manufactured slatted flooring must be described by manufacturer and specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised;

(IV) Plastic flooring must be constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. Any premanufactured flooring must be described by manufacturer and specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised;

(V) Expanded metal flooring coated with a flexible plastic surface must be constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. The coating must be maintained in such a manner that the animal is not allowed to come into contact with the metal. Any premanufactured flooring must be described by manufacturer and specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised; and

(VI) Galvanized expanded metal flooring must be constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. Galvanized expanded metal flooring must have a flat surface that is free of rust and sharp points. Any premanufactured flooring must be described by manufacturer and specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised;

2. Additional requirements for cats.

A. Space. Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows:

(I) Each primary enclosure housing cats must be at least twenty-four inches (24") high or sixty and ninety-six hundredths centimeters (60.96 cm). Temporary housing such

as queening cages may be reduced to a height of eighteen inches (18") or forty-five and seventy-two hundredths centimeters (45.72 cm) to reduce injury to kittens;

(II) Cats up to and including eight and eight-tenths (8.8) pounds or four (4) kilograms must be provided with at least three (3.0) square feet or twenty-eight hundredths (0.28) square meters;

(III) Cats over eight and eight-tenths (8.8) pounds or four (4) kilograms must be provided with at least four (4.0) square feet or thirty-seven hundredths (0.37) square meters;

(IV) Each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing kitten is equivalent to less than five percent (5%) of the minimum requirement for the queen, the housing must be approved by the state veterinarian; and

(V) The minimum floor space required by this section is exclusive of any food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.

B. Compatibility. All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than twelve (12) adult nonconditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, queens with litters may not be housed in the same primary enclosure with other adult cats, and kittens under four (4) months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition must be housed separately.

C. Litter. In all primary enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.

D. Resting surfaces. Each primary enclosure housing cats must contain a resting surface(s) that, in the aggregate, is large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated, impervious to moisture, and be able to be easily cleaned and sanitized or easily replaced when soiled or worn.

(I) Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space. Floor space under low



resting surfaces shall not be counted as floor space to meet the minimum space requirements.

(II) Elevated resting surfaces will not be required for short-term housing facilities such as boarding kennels, commercial kennels, contract kennels, pet shops, and pounds or dog pounds; however, elevated resting surfaces may be properly installed to increase floor space to that required in this rule; and

3. Additional requirements for dogs.

A. Space.

(I) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus six inches (6"); then divide the product by one hundred forty-four (144). The calculation is: (length of dog in inches plus six (6)) times (length of dog in inches plus six (6)) equals required floor space in square inches. Required floor space in inches divided by one hundred forty-four (144) equals required floor space in square feet.

(II) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than five percent (5%) of the minimum requirement for the bitch, this housing must be approved by the state veterinarian.

(III) The interior height of a primary enclosure must be at least six inches (6") higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(IV) Permanent tethering of dogs is prohibited for use as a primary enclosure. Temporary tethering of dogs is prohibited for use as a primary enclosure unless written approval is obtained from the state veterinarian.

B. Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than twelve (12) adult nonconditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under four (4) months of age may not be

housed in the same primary enclosure with adult dogs, other than their dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

C. Additional space requirements for dogs subject to the provisions of section 273.345, RSMo, shall be based upon the minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule and multiplied by factor or added to the total living area as prescribed in this rule.

(I) From January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011, the minimum allowable space shall be calculated as follows:

(a) Dogs housed singly. Any dogs housed singly must have their minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of four (4).

(b) Dogs housed as a pair. Any dogs housed as a pair must have their minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of two (2).

(c) Dogs housed in small groups of three (3) to four (4). Any dogs housed in small groups of three (3) to four (4) shall have the largest two (2) dogs calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of two (2), with each additional dog being provided additional space at one hundred percent (100%) of the same formula.

(d) Dogs housed in large groups of five (5) to eight (8). Any dogs housed in large groups of five (5) to eight (8) must have their minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of two (2). No more than eight (8) adult dogs may be housed in the same primary enclosure.

Common examples under part (1)(F)3.C.(I)

	Single	Pair	Group of 3	Group of 4
18 inch dog	16 sq. ft.	16 sq. ft.	20 sq. ft.	24 sq. ft.
30 inch dog	36 sq. ft.	36 sq. ft.	45 sq. ft.	54 sq. ft.
42 inch dog	64 sq. ft.	64 sq. ft.	80 sq. ft.	96 sq. ft.

	Group of 5	Group of 6	Group of 7	Group of 8
18 inch dog	40 sq. ft.	48 sq. ft.	56 sq. ft.	64 sq. ft.
30 inch dog	90 sq. ft.	108 sq. ft.	126 sq. ft.	144 sq. ft.
42 inch dog	160 sq. ft.	192 sq. ft.	224 sq. ft.	256 sq. ft.

(II) For any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, the minimum allowable space shall be calculated as follows:

(a) Dogs housed singly. Any dogs housed singly must have their minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of six (6).

(b) Dogs housed as a pair. Any dogs housed as a pair must have their minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of three (3).

(c) Dogs housed in small groups of three (3) to four (4). Any dogs housed in small groups of three (3) to four (4) shall have the largest two (2) dogs calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of two (2), with each additional dog being provided additional space at one hundred percent (100%) of the same formula.

(d) Dogs housed in large groups of five (5) to six (6). Any dogs housed in large groups of five (5) to six (6) must have their minimum amount of floor space as calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space) and multiplied by a factor of two (2). No more than six (6) adult dogs may be housed in the same primary enclosure.



Common examples under part (1)(F)3.C.(II)

	Single	Pair	Group of 3	Group of 4	Group of 5	Group of 6
18 inch dog	24 sq. ft.	24 sq. ft.	28 sq. ft.	32 sq. ft.	60 sq. ft.	72 sq. ft.
30 inch dog	54 sq. ft.	54 sq. ft.	63 sq. ft.	72 sq. ft.	135 sq. ft.	162 sq. ft.
42 inch dog	96 sq. ft.	96 sq. ft.	112 sq. ft.	128 sq. ft.	240 sq. ft.	288 sq. ft.

(III) Exemptions.

(a) Covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the space requirements of this rule for the purpose of documented treatment for veterinary purposes, provided that they meet space requirements under part (1)(F)3.A.(I) of this rule.

(b) Female covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the space requirements of this rule when they are within two (2) weeks of their whelping date and eight (8) weeks post parturition, provided that they meet space requirements under part (1)(F)3.A.(II) of this rule.

(2) Animal Health and Husbandry Standards.

(A) Compatible Grouping. Animals that are housed in the same primary enclosure must be compatible, with the following restrictions:

1. Females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;

2. Any animal exhibiting a vicious or overly aggressive disposition must be housed separately;

3. Puppies or kittens four (4) months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies;

4. Dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and

5. Dogs and cats that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of animals is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

(B) Exercise for Dogs.

1. Animal shelters, boarding kennels, commercial kennels, commercial breeders,

dealers, exhibitors, and voluntary licensees must develop, document, and follow an appropriate plan to provide dogs with an opportunity for exercise. In addition, the plan must be approved and signed by the licensee and the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise. The plan must be made available to the state veterinarian or his/her designated representative upon request. The plan, at a minimum, must comply with each of the following:

A. Dogs housed individually. Dogs over twelve (12) weeks of age, except bitches with litters, housed, held, or maintained by any animal shelter, boarding kennel, commercial kennel, commercial breeder, dealer, exhibitor, or voluntary licensee must be provided the opportunity for exercise regularly if they are kept in individual cages, pens, or runs that provide less than two (2) times the required floor space for that dog, as prescribed in this rule.

B. Dogs housed in groups. Dogs over twelve (12) weeks of age housed, held, or maintained in groups by any dealer or exhibitor do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least one hundred percent (100%) of the required space for each dog if maintained separately. These animals may be maintained in compatible groups unless—

(I) In the opinion of the attending veterinarian, this housing would adversely affect the health or well-being of the dog(s); or

(II) Any dog exhibits aggressive or vicious behavior.

2. Methods and period of providing exercise opportunity.

A. The frequency, method, and duration of the opportunity for exercise shall be determined by the attending veterinarian.

B. Licensees, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.

C. The opportunity for exercise may be provided in a number of ways, such as—

(I) Group housing in cages, pens, or runs that provide at least one hundred percent (100%) of the required space for each dog if maintained separately under the minimum floor space requirements of this rule;

(II) Maintaining individually

housed dogs in cages, pens, or runs that provide at least twice the minimum amount of floor space required by this rule;

(III) Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(IV) Other similar activities.

D. Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the requirements of this section.

3. Exemptions. If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be exempted from meeting the requirements of this section for those specific dogs. This exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed and signed at least every thirty (30) days by the attending veterinarian.

4. Constant and unfettered access. Except as prescribed herein by rule, commercial breeders with more than ten (10) intact females must provide covered dogs with constant and unfettered access to an attached outdoor run.

A. General exemptions. The following general exemptions shall apply to constant and unfettered access:

(I) Purposes of veterinary care. Covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the requirement of constant and unfettered access to outdoor exercise for the purpose of documented treatment for veterinary purposes.

(II) Whelping. Female covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the requirement of constant and unfettered access to outdoor exercise when they are within two (2) weeks of their whelping date and eight (8) weeks post parturition.

(III) Extreme weather. Covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the requirement of constant and unfettered access to outdoor exercise during extreme weather conditions as defined under 2 CSR 30-9.010(2)(CC).

(IV) Nocturnal predators. Covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the requirement of constant and unfettered access to outdoor exercise from dusk to dawn.

(V) Municipal zoning ordinances. Covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the requirement of constant and unfettered access to outdoor exercise to comply with



municipal zoning ordinances.

B. Specific exemptions only granted under written approval. Until January 1, 2016, covered dogs subject to the provisions of section 273.345, RSMo, may be exempted from the requirement of constant and unfettered access to outdoor exercise under limited circumstances and only by written approval of the director of agriculture. Any exemption must be requested in writing and will be considered only on an individual and annual basis. Likewise, such exemption may be revoked for failure to comply with this section or for violations of the Animal Care Facilities Act or of any rules promulgated pursuant thereto.

(I) For indoor facilities lacking constant and unfettered access to the outdoors, the following requirements must be met for consideration of exemption under written approval:

(a) The primary enclosures must exceed the applicable space standards on their own and cannot rely on the exercise yard to count toward space requirements;

(b) The facility must be climate controlled and the ambient temperature of the indoor facility must not fall below forty-five degrees Fahrenheit (45 °F) or seven and two-tenths degrees Celsius (7.2 °C), or rise above eighty-five degrees Fahrenheit (85 °F) or twenty-nine and four-tenths degrees Celsius (29.4 °C);

(c) The lighting within the indoor facility must include natural lighting;

(d) The outdoor exercise yard must be fenced and maintained in a manner that it protects the animals from injury and contains the animals securely;

(e) The outdoor exercise yard must include one (1) or more shelter structures that are accessible to each animal and large enough to allow each animal to sit, stand, and lie in a normal manner and turn about freely;

(f) The outdoor exercise yard must be large enough to allow the dogs to achieve a full running stride. The yard must be at least ten (10) times the space calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space), and the dimensions must be included in the written request for exemption;

(g) The exercise plan must be approved by the state veterinarian and include a schedule or journal that allows for verification of compliance and must include a plan to implement constant and unfettered access prior to January 1, 2016; and

(h) Application for such exemption shall be specific to the breed of dog and signed by the attending veterinarian for that

facility along with the department's program veterinarian.

I. Approval by the director of agriculture must be posted publicly by county on the department's website for a period not shorter than thirty (30) days.

II. For sheltered facilities lacking constant and unfettered access to the outdoors, the following requirements must be met for consideration of exemption under written approval:

a. The facility must meet the definition of sheltered housing facility under 2 CSR 30-9.010(2)(XX);

b. The primary enclosures must exceed the applicable space standards on their own and cannot rely on an exercise yard to count toward space requirements;

c. The animal areas must be provided a regular diurnal lighting cycle of sufficient natural light;

d. The facility must have procedures in place that allow for natural airflow outside of extreme weather conditions.

III. Outdoor housing facilities are exempt from any additional requirements of constant and unfettered access to the outdoors provided that they meet the following:

a. The facility must meet the definition of outdoor housing facility under 2 CSR 30-9.010(2)(MM);

b. The primary enclosures must exceed the applicable space standards on their own and cannot rely on an exercise yard to count toward space requirements;

c. The animal areas must be provided a regular diurnal lighting cycle of sufficient natural light;

d. The animal areas must have constant natural airflow.

(C) Feeding.

1. Animals must be fed at least once each twelve (12) hours, unless the dietary requirements of the species require a longer interval and except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

2. Food receptacles used for animals must be readily accessible to all animals and must be located so as to minimize contamination by excreta and pests and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with this rule. If the food receptacles

are disposable, they must be discarded after one (1) use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with this rule. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

(D) Watering.

1. Each licensee subject to the provisions of section 273.345, RSMo, shall provide continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants.

2. If potable water is not continually available to the animals, it must be offered to the animals as often as necessary to ensure their health and well-being, but not less than once each eight (8) hours for at least one (1) hour each time, unless restricted by the attending veterinarian.

3. Water receptacles must be kept clean and sanitized in accordance with this rule and before being used to water a different animal or social grouping of animals.

(E) Cleaning, Sanitization, Housekeeping, and Pest Control.

1. Cleaning of primary enclosures.

A. Excreta and food waste must be removed from primary enclosures daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors.

B. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, animals must be removed unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process.

C. Standing water must be removed from the primary enclosure and adjacent areas.

D. Animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning.

E. The pans under primary enclosures with elevated floors and the ground areas under raised runs must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

F. Any person required to have a license under sections 273.325 to 273.357, RSMo, who houses animals in stacked cages without an impervious barrier between the levels of such cages, except when cleaning such cages, is guilty of a class A misdemeanor.

2. Sanitization of primary enclosures



and food and water receptacles.

A. Used primary enclosures and food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another animal, or social grouping of animals.

B. Used primary enclosures and food and water receptacles for animals must be sanitized at least once every two (2) weeks using one (1) of the methods prescribed in this section, and more often if necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards.

C. Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one (1) of the following methods:

(I) Live steam under pressure;

(II) Washing with hot water (at least one hundred eighty degrees Fahrenheit (180 °F) or eighty-two and two-tenths degrees Celsius (82.2 °C)) and soap or detergent, as with a mechanical cage washer; or

(III) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral build-up, and to provide sanitization followed by a clean water rinse.

D. Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods previously stated, such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

3. Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this rule, and to reduce or eliminate breeding and living areas from rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

4. Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

(F) Employees. Each person licensed under the provisions of the Animal Care Facilities Act (ACFA) and who is maintaining dogs or cats, or both, must have enough employees to carry out the level of husbandry practices and care required by this rule. The employees who provide for husbandry and care or handle animals must be properly trained in these activities to the degree that their work performance ensures all standards are met in maintaining of the animals. These employees shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

(G) Primary Enclosures When Homes Are Used as Animal Facilities.

1. General requirements. Homes used as an animal housing facility must be the homes normally occupied by the human inhabitant responsible for caring for the animal(s) and must be adequate and suitable for reasonable prudent humans to live in without health or injury risks above those expected in a well managed home. Houses shall not be compartmentalized except to restrict entry into areas which may be hazardous to the animals. Areas compartmentalized from the main living area occupied by the human inhabitants shall not be used as animal areas unless they meet the standards of indoor housing facilities. The temperature in home housing facilities must be maintained between sixty degrees and eighty-five degrees Fahrenheit (60 °–85 °F) at all times when animals are present.

A. Dogs and/or cats must be compatible to be housed in the same home.

B. The home must be equipped with smoke or heat detectors.

C. Homes must be kept free of fleas and ticks.

2. Space and additional requirements.

A. Cages or crates used to contain animals for short periods of time within the home must be large enough to permit the animal to stand, sit, lie, and turn around in a normal manner and must additionally meet the standards of primary enclosures used to transport live dogs or cats as specified in subsection (3)(B) of this rule.

B. Dogs shall not be caged or crated except:

(I) At night when the caregiver retires;

(II) For short periods of time when the caregiver is away from home or temporarily unable to supervise the animal; or

(III) When necessary for medical

reasons.

C. Cats shall not be caged or crated unless necessary for medical reasons. If such confinement is expected to be in excess of twenty-four (24) hours, an elevated resting surface as specified in subparagraph (1)(F)2.D. of this rule must be provided unless such resting surface may aggravate the medical condition.

D. House pets being boarded or housed in homes other than their owner's shall not be tethered inside or outside the house. They shall be on a hand-held leash anytime they are outside the house except that dogs may be unleashed for short periods of time inside a properly fenced yard when under the supervision of the caregiver.

E. When pet animals are being boarded in homes, the pet owner must be permitted to meet the caregiver and see the home, and the area of the home, that the animal will be boarded in.

F. Animal wastes must be cleared from the exercise area on a regular basis and with a frequency that assures animals exercising in the area will not become soiled. If the inside of the home becomes soiled with animal waste, the waste must be cleared and the area cleaned immediately.

G. Animal must be placed in no less than a standard size room per animal. (For example, a four (4) room home will support no more than four (4) animals.)

(3) Transportation Standards.

(A) Consignments to Carriers and Intermediate Handlers.

1. Carriers and intermediate handlers must not accept a dog or cat for transport in commerce more than four (4) hours before the scheduled departure time of the primary conveyance on which the animal is to be transported. However, a carrier or intermediate handler may agree with anyone consigning a dog or cat to extend this time by up to two (2) hours. Animals obtained by intermediate handlers for boarding in conjunction with transportation are exempt from the four (4)-hour restriction.

2. Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless they are provided with the name, address, and telephone number of the consignee.

3. Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless the consignor certifies in writing to the carrier or intermediate handler that the dog or cat was offered food and water during the four (4) hours before delivery to the carrier or intermediate handler. The certification must be securely attached to the



outside of the primary enclosure in a manner that makes it easily noticed and read. Instructions for no food or water are not acceptable unless directed by the attending veterinarian. Instructions must be in compliance with this rule. The certification must include the following information for each dog and cat:

A. The consignor's name and address;

B. The tag number or tattoo assigned to each dog or cat as required in 2 CSR 30-9;

C. The time and date the animal was last fed and watered and the specific instructions for the next feeding(s) and watering(s) for a twenty-four (24)-hour period; and

D. The consignor's signature and the date and time the certification was signed.

4. Carriers and intermediate handlers must not accept a dog or cat for transport in commerce in a primary enclosure unless the primary enclosure meets the requirements of this rule. A carrier or intermediate handler must not accept a dog or cat for transport if the primary enclosure is obviously defective or damaged and cannot reasonably be expected to safely and comfortably contain the dog or cat without causing suffering or injury.

5. Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless their animal holding area meets the minimum temperature requirements contained in this rule, or unless the consignor provides them with a certificate signed by a veterinarian and dated no more than ten (10) days before delivery of the animal to the carrier or intermediate handler for transport in commerce, certifying that the animal is acclimated to temperatures lower than those required in this rule. Even if the carrier or intermediate handler receives this certification, the temperatures the dog or cat is exposed to while in a terminal facility must not be lower than forty-five degrees Fahrenheit (45°F) or seven point two degrees Celsius (7.2°C) for more than four (4) consecutive hours when dogs or cats are present, as set forth in this rule, nor lower than forty-five degrees Fahrenheit (45°F) or seven point two degrees Celsius (7.2°C) for more than forty-five (45) minutes when moving dogs or cats to or from terminal facilities or primary conveyances. A copy of the certification must accompany the dog or cat to its destination and must include the following information:

A. The consignor's name and address;

B. The tag number or tattoo assigned to each dog or cat as required in 2 CSR 30-9;

C. A statement by a veterinarian, dated no more than ten (10) days before

delivery, that to the best of his/her knowledge, each of the dogs and cats contained in the primary enclosure is acclimated to air temperatures lower than fifty degrees Fahrenheit (50°F) or ten degrees Celsius (10°C); but not lower than a minimum temperature, specified on a certificate, that the attending veterinarian has determined is based on generally accepted temperature standards for the age, condition, and breed of the dog or cat; and

D. The signature of the veterinarian and the date the certification was signed.

6. When a primary enclosure containing a dog or cat has arrived at the animal holding area at a terminal facility after transport, the carrier or intermediate handler must attempt to notify the consignee upon arrival and at least once in every six (6)-hour period after that. The time, date, and method of all attempted notifications and the actual notification of the consignee, and the name of the person who notifies or attempts to notify the consignee must be written either on the carrier's or intermediate handler's copy of the shipping document or on the copy that accompanies the primary enclosure. If the consignee cannot be notified within twenty-four (24) hours after the dog or cat has arrived at the terminal facility the carrier or intermediate handler must return the animal to the consignor or to whomever the consignor designates. If the consignee is notified of the arrival and does not accept delivery of the dog or cat within forty-eight (48) hours after arrival of the dog or cat, the carrier or intermediate handler must return the animal to the consignor or to whomever the consignor designates. The carrier or intermediate handler must continue to provide proper care, feeding, and housing to the dog or cat in accordance with generally accepted professional and husbandry practices until the consignee accepts delivery of the dog or cat or until it is returned to the consignor or to whomever the consignor designates. The carrier or intermediate handler must obligate the consignor to reimburse the carrier or intermediate handler for the cost of return transportation and care.

(B) Primary Enclosures Used to Transport Live Dogs and Cats. Any person subject to the ACFA shall not transport or deliver for transport in commerce a dog or cat unless the following requirements are met:

1. Construction of primary enclosures. The dog or cat must be contained in a primary enclosure such as a compartment, transport cage, carton, or crate. Primary enclosures used to transport dogs and cats must be constructed so that—

A. The primary enclosure is strong

enough to contain the dogs and cats securely and comfortably and to withstand normal rigors of transportation;

B. The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the animal contained in it;

C. The dog or cat is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers or to persons or animals nearby;

D. The dog or cat can be easily and quickly removed from the enclosure in an emergency;

E. Unless the enclosure is permanently affixed to the conveyance, adequate devices such as handles or handholds are provided on its exterior, and enable the enclosure to be lifted without tilting it, and ensure that anyone handling the enclosure will not come into physical contact with the animal contained inside;

F. Unless the enclosure is permanently affixed to the conveyance, it is clearly marked on top and on one (1) or more sides with the words "Live Animals", in letters at least one inch (1") or two point five centimeters (2.5 cm) high and with arrows or other markings to indicate the correct upright position of the primary enclosure;

G. Any material, treatment, paint, preservative, or other chemical used in or on the enclosure is nontoxic to the animal and not harmful to the health or well-being of the animal;

H. Proper ventilation is provided to the animal in accordance with this rule; and

I. The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or wire floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. If a slatted or wire mesh floor is used in the enclosure, it must be designed and constructed so that the animal cannot put any part of its body between the slats or through the holes in the mesh. Unless the dogs and cats are on raised slatted floors or raised floors made of wire mesh, the primary enclosure must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material that is safe and nontoxic to the dogs and cats;

2. Cleaning of primary enclosures. A primary enclosure used to hold or transport dogs or cats in commerce must be cleaned and sanitized before each use in accordance with the methods provided in this rule. If the dogs or cats are in transit for more than twenty-four (24) hours, the enclosures must be



cleaned and any litter replaced or other methods, such as moving the animals to another enclosure, must be utilized to prevent the soiling of the dogs or cats by body wastes. If it becomes necessary to remove the dog or cat from the enclosure in order to clean, or to move the dog or cat to another enclosure, this procedure must be completed in a way that safeguards the dog or cat from injury and prevents escape;

### 3. Ventilation.

A. Unless the primary enclosure is permanently affixed to the conveyance, there must be—

(I) Ventilation openings located on two (2) opposing walls of the primary enclosure and the openings must be at least sixteen percent (16%) of the surface area of each such wall and the total combined surface area of the ventilation openings must be at least fourteen percent (14%) of the total combined surface area of all the walls of the primary enclosure; or

(II) Ventilation openings on three (3) walls of the primary enclosure, and the openings on each of the two (2) opposing walls must be at least eight percent (8%) of the total surface area of the two (2) walls, and the ventilation openings on the third wall of the primary enclosure must be at least fifty percent (50%) of the total surface area of that wall, and the total combined surface area of the ventilation openings must be at least fourteen percent (14%) of the total combined surface area of all the walls of the primary enclosure; or

(III) Ventilation openings located on all four (4) walls of the primary enclosure and the ventilation openings on each of the four (4) walls must be at least eight percent (8%) of the total surface area of each such wall, and the total combined surface area of the openings must be at least fourteen percent (14%) of total combined surface area of all the walls of the primary enclosure; and

(IV) At least one-third (1/3) of the ventilation area must be located on the upper half of the primary enclosure.

B. Unless the primary enclosure is permanently affixed to the conveyance, projecting rims or similar devices must be located on the exterior of each enclosure wall having a ventilation opening in order to prevent obstruction of the openings. The projecting rims or similar devices must be large enough to provide a minimum air circulation space of zero point seventy-five inch (0.75") or one point nine centimeters (1.9 cm) between the primary enclosure and anything the enclosure is placed against.

C. If a primary enclosure is permanently affixed to the primary conveyance so

that there is only a front ventilation opening for the enclosure, the primary enclosure must be affixed to the primary conveyance in such a way that the front ventilation opening cannot be blocked and the front ventilation opening must open directly to an unobstructed aisle or passageway inside the conveyance. The ventilation opening must be at least ninety percent (90%) of the total area of the front wall of the enclosure, and must be covered with bars, wire mesh, or smooth expanded metal having air spaces;

### 4. Compatibility.

A. Live dogs or cats transported in the same primary enclosure must be of the same species and be maintained in compatible groups, except that dogs and cats that are private pets, are of comparable size and are compatible may be transported in the same primary enclosure.

B. Puppies or kittens four (4) months of age or less may not be transported in the same primary enclosure with adult dogs or cats other than their dams.

C. Dogs or cats that are overly aggressive or exhibit a vicious disposition must be transported individually in a primary enclosure.

D. Any female dog or cat in heat (estrus) may not be transported in the same primary enclosure with any male dog or cat;

### 5. Space and placement.

A. Primary enclosures used to transport live dogs and cats must be large enough to ensure that each animal contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect and to lie in a natural position.

B. Primary enclosures used to transport dogs and cats must be positioned in the primary conveyance so as to provide protection from the elements.

### 6. Transportation by air.

A. No more than one (1) live dog or cat, six (6) months of age or older, may be transported in the same primary enclosure when shipped via air carrier.

B. No more than one (1) live puppy, eight (8) weeks to six (6) months of age, and weighing over twenty (20) pounds or nine (9) kilograms may be transported in a primary enclosure when shipped via air carrier.

C. No more than two (2) live puppies or kittens, eight (8) weeks to six (6) months of age, that are of comparable size, and weighing twenty (20) pounds or nine (9) kilograms or less each may be transported in the same primary enclosure when shipped via air carrier.

D. Weaned live puppies or kittens less than eight (8) weeks of age and of comparable size, or puppies or kittens that are less

than eight (8) weeks of age that are littermates and are accompanied by their dam, may be transported in the same primary enclosure when shipped to research facilities, including federal research facilities;

7. Transportation by surface vehicle or privately owned aircraft.

A. No more than four (4) live dogs or cats, eight (8) weeks of age or older, that are of comparable size, may be transported in the same primary enclosure when shipped by surface vehicle (including ground and water transportation) or privately owned aircraft, and only if all other requirements of this section are met.

B. Weaned live puppies or kittens less than eight (8) weeks of age and of comparable size or puppies or kittens that are less than eight (8) weeks of age that are littermates and are accompanied by their dam may be transported in the same primary enclosure when shipped to research facilities, including federal research facilities, and only if all other requirements in this section are met; and

8. Accompanying documents and records. Shipping documents that must accompany shipments of dogs and cats may be held by the operator of the primary conveyance, for surface transportation only or must be securely attached in a readily accessible manner to the outside of any primary enclosure that is part of the shipment, in a manner that allows them to be detached for examination and securely reattached, such as in a pocket or sleeve. Instructions for administration of drugs, medication, and other special care must be attached to each primary enclosure in a manner that makes them easy to notice, to detach for examination, and to reattach securely. Food and water instructions must be attached as required in this rule.

(C) Primary conveyances (motor vehicle, rail, air, and marine).

1. The animal cargo space of primary conveyances used to transport dogs and cats must be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the animals transported in them, ensures their safety and comfort and prevents the entry of engine exhaust from the primary conveyance during transportation.

2. The animal cargo space must have a supply of air that is sufficient for the normal breathing of all the animals being transported in it.

3. Each primary enclosure containing dogs or cats must be positioned in the animal cargo space in a manner that provides protection from the elements and that allows each dog or cat enough air for normal breathing.



4. During air transportation, dogs and cats must be held in cargo areas that are heated or cooled as necessary to maintain an ambient temperature that ensures the health and well-being of the dogs or cats. The cargo areas must be pressurized when the primary conveyance used for air transportation is not on the ground, unless flying under eight thousand feet (8,000'). Dogs and cats must have adequate air for breathing at all times when being transported.

5. During surface transportation, auxiliary ventilation, such as fans, blowers, or air conditioning, must be used in any animal cargo space containing live dogs or cats when the ambient temperature within the animal cargo space reaches eighty-five degrees Fahrenheit (85°F) or twenty-nine point five degrees Celsius (29.5°C). Moreover, the ambient temperature may not exceed eighty-five degrees Fahrenheit (85°F) or twenty-nine point five degrees Celsius (29.5°C) for more than four (4) hours; nor fall below forty-five degrees Fahrenheit (45°F) or seven point two degrees Celsius (7.2°C) for a period of more than four (4) hours.

6. Primary enclosures must be positioned in the primary conveyance in a manner that allows the dogs and cats to be quickly and easily removed from the primary conveyance in an emergency.

7. The interior of the animal cargo space must be kept clean.

8. Live dogs and cats may not be transported with any material, substance (for example, dry ice), or device in a manner that may reasonably be expected to harm the dogs and cats or cause inhumane conditions.

9. Motor vehicles used to transport animals in Missouri by persons subject to the ACFA must be mechanically sound, must have a current state inspection, and must have proof of insurance.

(D) Food and Water Requirements. This shall not apply to licensees such as boarding kennels or commercial kennels using local services for close proximity or intracity delivery of pets in connection with their normal services.

1. Each dog and cat that is sixteen (16) weeks of age or more must be offered food at least once every twenty-four (24) hours. Puppies and kittens less than sixteen (16) weeks of age must be offered food at least once every twelve (12) hours. These time periods apply to all persons licensed under the ACFA, except carriers and intermediate handlers, who transport dogs and cats in their own primary conveyance, starting from the time the dog or cat was last offered food and potable water before transportation was begun. These time periods apply to carriers

and intermediate handlers starting from the date and time stated on the certificate required in this rule. Each dog and cat must be offered food and potable water within four (4) hours before being transported in commerce. Consignors who are subject to the ACFA must certify that each dog and cat was offered food and potable water within the four (4) hours preceding delivery of the dog or cat to a carrier or intermediate handler for transportation in commerce, and must certify the date and time the food and potable water was offered in accordance with this rule.

2. Any person licensed under the ACFA offering any dog or cat to a carrier or intermediate handler for transportation in commerce must securely attach to the outside of the primary enclosure used for transporting the dog or cat, written instructions for the in-transit food and water requirements for a twenty-four (24)-hour period for the dogs and cats contained in the enclosure. The instructions must be attached in a manner that makes them easily noticed and read.

3. Food and water receptacles must be securely attached inside the primary enclosure and placed so that the receptacles can be filled from outside the enclosure without opening the door. Food and water containers must be designed, constructed and installed so that a dog or cat cannot leave the primary enclosure through the food or water opening.

(E) Care in Transit.

1. Surface transportation (ground and water). Any person subject to the ACFA transporting dogs or cats in commerce must ensure that the operator of the conveyance or a person accompanying the operator, observes the dogs or cats as often as circumstances allow, but not less than once every four (4) hours, to make sure they have sufficient air for normal breathing, that the ambient temperature is within the limits set forth in this rule and that all applicable transportation standards are complied with. The regulated person must ensure that the operator or person accompanying the operator determines whether any of the dogs or cats are in obvious physical distress and obtains any veterinary care needed for the dogs or cats at the closest available veterinary facility.

2. Air transportation. During air transportation of dogs or cats it is the responsibility of the carrier to observe the dogs or cats as frequently as circumstances allow, but not less than once every four (4) hours if the animal cargo area is accessible during flight. If the animal cargo area is not accessible during flight, the carrier must observe the dogs or cats whenever they are loaded and unloaded and whenever the animal cargo space is otherwise accessible to make sure they have suf-

ficient air for normal breathing, that the animal cargo area meets the heating and cooling requirements of this rule and that all other applicable standards in 2 CSR 30-9 are being complied with. The carrier must determine whether any of the dogs or cats are in obvious physical distress and arrange for any needed veterinary care as soon as possible.

3. If a dog or cat is obviously ill, injured or in physical distress, it must not be transported in commerce, except to receive veterinary care for the condition.

4. Except during the cleaning of primary enclosures as required in this rule, during transportation in commerce a dog or cat must not be removed from its primary enclosure, unless it is placed in another primary enclosure or facility that meets the requirements of this rule.

5. The transportation standards in this rule must be complied with until a consignee takes physical delivery of the dog or cat if the animal is consigned for transportation or until the animal is returned to the consignor.

(F) Terminal Facilities.

1. Placement. Any person subject to the ACFA must not commingle shipments of dogs or cats with inanimate cargo in animal holding areas of terminal facilities.

2. Cleaning, sanitization, and pest control. All animal holding areas of terminal facilities must be cleaned and sanitized in a manner prescribed in this rule, as often as necessary to prevent an accumulation of debris or excreta and to minimize vermin infestation and disease hazards. Terminal facilities must follow an effective program in all animal holding areas for the control of insects, ectoparasites, and birds and mammals that are pests to dogs and cats.

3. Ventilation. Ventilation must be provided in any animal holding area in a terminal facility containing dogs or cats, by means of windows, doors, vents, or air conditioning. The air must be circulated by fans, blowers, or air conditioning so as to minimize drafts, odors and moisture condensation. Auxiliary ventilation, such as exhaust fans, vents, fans, blowers, or air conditioning must be used in any animal holding area containing dogs and cats, when the ambient temperature is eighty-five degrees Fahrenheit (85 °F) or twenty-nine point five degrees Celsius (29.5 °C) or higher.

4. Temperature. The ambient temperature in an animal holding area containing dogs or cats must not fall below forty-five degrees Fahrenheit (45 °F) or seven point two degrees Celsius (7.2 °C), or rise above eighty-five degrees Fahrenheit (85 °F) or twenty-nine point five degrees Celsius (29.5 °C) for more than four (4) consecutive hours at any time





dogs or cats are present. The ambient temperature must be measured in the animal holding area by the carrier, intermediate handler, or a person transporting dogs or cats who is subject to the ACFA, outside any primary enclosure containing a dog or cat at a point not more than three feet (3') or zero point ninety-one meters (0.91 m) away from an outside wall of the primary enclosure and approximately midway up the side of the enclosure.

5. Shelter. Any person subject to the ACFA holding a live dog or cat in an animal holding area of a terminal facility must provide the following:

A. Shelter from sunlight and extreme heat. Shade must be provided that is sufficient to protect the dog or cat from the direct rays of the sun; and

B. Shelter from rain or snow. Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

6. Duration. The length of time any person subject to the ACFA can hold dogs and cats in animal holding areas of terminal facilities upon arrival is the same as that provided in this rule.

(G) Handling.

1. Any person subject to the ACFA who moves (including loading and unloading) dogs or cats within, to or from the animal holding area of a terminal facility or a primary conveyance must do as quickly and efficiently as possible and must provide the following during movement of the dog or cat:

A. Shelter from sunlight and extreme heat. Sufficient shade must be provided to protect the dog or cat from the direct rays of the sun. The dog or cat must not be exposed to an ambient air temperature above eighty-five degrees Fahrenheit (85°F) or twenty-nine point five degrees Celsius (29.5°C) for a period of more than forty-five (45) minutes while being moved to or from a primary conveyance or a terminal facility. The temperature must be measured in the manner provided in this rule.

B. Shelter from rain and snow. Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

C. Transporting devices on which live dogs or cats are placed to move them must be covered to protect the animals when outdoor temperature falls below fifty degrees Fahrenheit (50°F) or ten degrees Celsius (10°C). The dogs or cats must not be exposed to an ambient temperature below forty-five degrees Fahrenheit (45°F) or seven point two degrees Celsius (7.2°C) for a period of more than forty-five (45) minutes unless they are

accompanied by a certificate of acclimation to lower temperatures as provided in this rule. The temperature must be measured in the manner provided in this rule.

2. Any person handling a primary enclosure containing a dog or cat must use care and must avoid causing physical harm or distress to the dog or cat.

A. A primary enclosure containing a live dog or cat must not be placed on unattended conveyor belts or on elevated conveyor belts, such as baggage claim conveyor belts and inclined conveyor ramps that lead to baggage claim areas, at any time; except that a primary enclosure may be placed on inclined conveyor ramps used to load and unload aircraft if an attendant is present at each end of the conveyor belt.

B. A primary enclosure containing a dog or cat must not be tossed, dropped, or needlessly tilted and must not be stacked in a manner that may reasonably be expected to result in its falling. It must be handled and positioned in a manner that written instructions and arrows on the outside of the primary enclosure indicate.

3. This section applies to movement of a dog or cat from primary conveyance, within a primary conveyance or terminal facility, and to or from a terminal facility or a primary conveyance.

(4) Index.

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*AUTHORITY: sections 273.344 and 273.346, RSMo 2000.\* Original rule filed Jan. 13, 1994, effective August 28, 1994. Amended: Filed Nov. 30, 1995, effective July 30, 1996. Emergency amendment filed July 11, 2011, effective July 21, 2011, expired Feb. 23, 2012. Amended: Filed July 22, 2011, effective Jan. 30, 2012.*

*\*Original authority: 273.344, RSMo 1992 and 273.346, RSMo 1992.*

## 2 CSR 30-9.040 Large Carnivore Act Definitions

*PURPOSE: This rule defines terms used in licensing, operating, and inspecting large carnivore facilities.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The terms defined in sections 578.600 to 578.624, RSMo, in addition to other relative terms pertaining to large carnivores, will be applied for use in 2 CSR 30-9.040 and 2 CSR 30-9.050.

(2) Definitions. As used in 2 CSR 30-9.040 and 2 CSR 30-9.050, the following terms shall mean:

(A) Adequate diet, a diet which is balanced to meet the dietary requirements, both nutritional and caloric, to maintain the health status and meet the needs of the species and age of each animal;

(B) Adequate housing, a facility which provides for sanitary conditions, protection from extreme weather conditions, and proper ventilation and meets the space requirement as defined by the regulations of the United States Department of Agriculture (USDA);

(C) Attending veterinarian, a qualified veterinarian who has a written agreement to perform services for the licensee;

(D) Breeding, to mate adult large carnivores for the purpose of producing offspring;

(E) Circus, an incorporated, class C licensee that is licensed as defined by Title 9, *Code of Federal Regulations*, Part 1, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment. This rule does not incorporate any later amendments or additions;

(F) Department, the Missouri Department of Agriculture (MDA);

(G) Director, the Director of Agriculture for Missouri;

(H) Division, the Division of Animal Health of the Missouri Department of Agriculture;

(I) Electronic identification device, an implantable device meeting ISO 11784/11785 standards and containing a fifteen (15)-digit number with an RF frequency of 134.2 Hz.;

(J) Facility, an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept;

(K) Facility permit, the authorization obtained from the MDA which allows you to own and/or breed large carnivore(s);

(L) Humane killing, euthanasia must be in compliance with the American Veterinary Medical Association Recommended Methods of Euthanasia, unless a human life is at risk;

(M) Inspector, an individual employed by the Missouri Department of Agriculture or designated by the state veterinarian;

(N) Large carnivore, either of the following:

1. Any of the following large cats of the *Felidae* family that are nonnative to Missouri held in captivity: tiger, lion, jaguar, leopard, snow leopard, clouded leopard, and cheetah, including a hybrid cross with such cat, but excluding any unlisted nonnative cat, or any common domestic or house cat; or

2. A bear of a species that is nonnative to this state and held in captivity;

(O) Licensee, an individual who has been granted a permit under the large carnivore facility regulations;

(P) Livestock, the same meaning as such term is defined in section 267.565, RSMo;

(Q) Movement permit, the authorization obtained from the MDA which allows you to transport large carnivore(s);

(R) Ownership, to possess, keep, or control a large carnivore or supervise or provide for the care and feeding of a large carnivore, including any activity relating to confining,

handling, breeding, transporting, or exhibiting the large carnivore;

(S) Qualified veterinarian, a veterinarian licensed to practice veterinary medicine under Chapter 340, RSMo, under the jurisdiction of the Missouri Veterinary Medical Board;

(T) Research facility, a federal research facility as defined by Title 9, *Code of Federal Regulations*, Part 1, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington DC, 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, or a facility required to be registered by USDA pursuant to Title 9, *Code of Federal Regulations*, Part 1. This rule does not incorporate any later amendments or additions;

(U) State veterinarian, the Director of the Animal Health Division of the Department of Agriculture; and

(V) Transport, to move a large carnivore from one (1) location to another.

*AUTHORITY: section 578.600, RSMo Supp. 2010.\* Original rule filed June 23, 2011, effective Jan. 30, 2012.*

*\*Original authority: 578.600, RSMo 2010.*

## 2 CSR 30-9.050 Large Carnivore Act Permit and Standards

*PURPOSE: This rule sets forth the standards and requirements for the permitting and operation of large carnivore facilities.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Application for Permits and Conditions for Issuing.

(A) Any individual possessing and/or breeding large carnivore(s) shall obtain a permit from the Missouri Department of Agriculture (MDA).



1. A large carnivore and facility permit application form must be completed and submitted to MDA.

2. Fee must be paid in full.

3. One (1) large carnivore permit is required for each large carnivore.

4. The facility must be inspected by an inspector prior to obtaining a facility permit and annually thereafter.

5. The large carnivore and facility permit must be renewed on an annual basis prior to the expiration date.

6. Licensee is responsible for renewing permits and submitting a renewal form.

7. The permit must be obtained within thirty (30) days prior to acquiring a large carnivore.

(B) The licensee must—

1. Be at least twenty-one (21) years of age;

2. Have not been found guilty, or pled guilty to, a violation of any state or local law prohibiting neglect or mistreatment of any animal or, within the previous ten (10) years, any felony;

3. Inform the local law enforcement agencies by written notification that you have obtained a large carnivore permit;

4. Have each large carnivore microchipped, or the procedure supervised, by a licensed veterinarian.

A. The microchip number and a description of the large carnivore must be maintained for the duration of ownership and for five (5) years post transfer of ownership.

B. The microchip record must be maintained for one (1) year after the large carnivore is deceased.

C. The microchip record must be available to MDA or designated authority upon request within twenty-four (24) hours; and

5. Maintain health and ownership records of the large carnivore(s) for the life of the large carnivore(s).

A. The records must list the description and microchip number of each large carnivore.

B. The records must document any veterinary services, i.e., physical exams, treatments, euthanasia, etc.

C. The records must document the name, address, and contact information for any transfer of ownership, i.e., sales and purchases.

D. The records must document any natural additions.

E. The MDA must be notified within seven (7) working days of any change in inventory.

F. The records must be available to MDA or designated authority upon request within twenty-four (24) hours.

G. The records must be kept for one (1) year after the death or five (5) years after the transfer of ownership of any large carnivore.

(C) The licensee shall pay the large carnivore permit fee to the Department of Agriculture.

1. An initial fee of two hundred fifty dollars (\$250) per large carnivore with a maximum of two thousand five hundred dollars (\$2,500) assessed per facility will be assessed for the first permit.

2. A renewal fee of one hundred dollars (\$100) per large carnivore will be assessed annually provided the renewal is made prior to lapse of the previous permit.

(D) The licensee must provide the department the following information prior to receiving an initial/renewal permit and must notify the department of any changes within thirty (30) days, unless a shorter time period is noted:

1. Name, address, telephone, and any pertinent contact information of the permit holder and the address where each large carnivore will be kept;

2. Name and address of the attending veterinarian;

3. Microchip identification number, manufacturing information, and name and address of the veterinarian inserting the microchip;

4. Provide proof of liability insurance of not less than two hundred fifty thousand dollars (\$250,000);

5. Provide a Disaster Response and Evacuation Plan;

6. A complete annual inventory of each large carnivore which includes:

A. Number of large carnivores according to species;

B. The manufacturer and manufacturer's number of the electronic device implanted in each large carnivore. The name and address of the veterinarian who placed the microchip;

C. The location of each large carnivore. The licensee must notify the department within ten (10) business days of a change of address or location where the large carnivore is kept;

D. A digital color photograph of each of the large carnivores;

E. The approximate age, sex, color, weight, scars, and any distinguishing marks of each large carnivore; and

F. Any additions or deletions to the group which must reconcile with previous inventory.

(2) The attending veterinarian must agree to the following:

(A) Provide a written summary of the physical examination and documentation of any veterinary services provided to the licensee;

(B) Place a microchip and provide information about the manufacturer;

(C) Provide a health certificate when required for transport;

(D) Collect the appropriate sample for deoxyribonucleic acid (DNA) registration; and

(E) Sign a veterinary care agreement form.

(3) The licensee must agree to the following:

(A) Notification of any death of the large carnivore to the department within ten (10) working days—

1. Report microchip identification number to the department;

2. Provide a description (age, color, sex, etc.) of the deceased carnivore; and

3. Provide a necropsy report if a necropsy was performed to determine the cause of death;

(B) If a large carnivore escapes or is released, immediately notify law enforcement and the department via telephone and follow up with a written statement explaining the circumstances and action taken within five (5) working days.

(C) Confine the large carnivore(s) in a primary enclosure as required by the department on the licensee's premises. The licensee must not allow any large carnivore(s) outside of the primary enclosure post weaning unless the large carnivore is moved pursuant to any of the following:

1. To receive veterinary care from the attending veterinarian;

2. To comply with the directions of the department or law enforcement officials; or

3. To transfer ownership and possession of the large carnivore(s), pending prior approval by the department; and

(D) Comply with all state regulations and federal regulations as defined by Title 9, *Code of Federal Regulations*, Part 1, published annually in January, herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800, DC area (202) 512-1800, website: <http://bookstore.gpo.gov>, regarding housing and transportation. This rule does not incorporate any later amendments or additions.

1. Any person transporting a large carnivore must acquire a health certificate and a



movement permit and be in compliance with state regulations and USDA requirements.

2. The facilities and standards of care must be in compliance with USDA standards.

(4) If the licensee is no longer able to care for the large carnivore(s), all of the following apply:

(A) The licensee must notify the department, stating the planned disposition of the large carnivore(s);

(B) The licensee must dispose of the large carnivore(s) by transferring ownership and possession to another permit holder, upon prior approval by the department, or providing for its destruction by euthanasia as required by the department; and

(C) The disposal of the large carnivore must be documented by an employee of the department, law enforcement officer, or attending veterinarian.

(5) The following are not required to obtain a permit for possessing, breeding, or transporting large carnivore(s):

(A) An animal control shelter or animal protection shelter that is providing temporary care to a large carnivore for ninety (90) days or less and has proper facilities to handle the large carnivore;

(B) A law enforcement officer or inspector acting under the "Large Carnivore Act";

(C) A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize the large carnivore;

(D) A circus;

(E) The University of Missouri-College of Veterinary Medicine;

(F) A zoological park that is a part of a district created under Chapter 184, RSMo; or

(G) Class C licensee under 9 CFR 1.1 that meets the conditions described in section 578.620, RSMo.

*AUTHORITY: section 578.600, RSMo Supp. 2010.\* Original rule filed June 23, 2011, effective Jan. 30, 2012.*

*\*Original authority: 578.600, RSMo 2010.*

## 2 CSR 30-9.100 Eurasian, Russian, and Captured Feral Swine Facility Act Definitions

*PURPOSE: This rule defines terms used in licensing, operating, and inspecting feral swine facilities.*

(1) The terms defined in sections 267.010–267.730, RSMo, in addition to other relative terms pertaining to feral swine,

will be applied for use in 2 CSR 30-9.100 and 2 CSR 30-9.110.

(2) Definitions. As used in 2 CSR 30-9.100 and 2 CSR 30-9.110, the following terms shall mean:

(A) Adequate diet, a diet which is balanced to meet the dietary requirements, both nutritional and caloric, to maintain the health status and meet the needs of the species and age of each animal;

(B) Attending veterinarian, a qualified veterinarian who has a written agreement to perform services for the licensee;

(C) Department, the Missouri Department of Agriculture (MDA);

(D) Director, the Director of Agriculture for Missouri;

(E) Division, the Division of Animal Health of the Missouri Department of Agriculture;

(F) Facility, an indoor or outdoor cage, pen, or similar enclosure where feral swine are kept;

(G) Facility permit, the authorization obtained from the MDA which allows you to own or breed feral swine;

(H) Feral swine is defined as any of the following:

1. Swine that are free roaming without any identifiable owner;

2. Russian or Eurasian swine; or

3. Javelinas and peccaries;

(I) Humane killing, euthanasia must be in compliance with the American Veterinary Medical Association Recommended Methods of Euthanasia, unless a human life is at risk;

(J) Inspector, an individual employed by the Missouri Department of Agriculture or designated by the state veterinarian;

(K) Licensee, an individual who has been granted a permit under the feral swine facility regulations;

(L) Livestock, the same meaning as such term is defined in section 267.565, RSMo;

(M) Movement permit, the authorization obtained from the MDA which allows you to transport feral swine;

(N) Qualified veterinarian, a veterinarian licensed to practice veterinary medicine under Chapter 340, RSMo, under the jurisdiction of the Missouri Veterinary Medical Board; and

(O) State veterinarian, Director of the Animal Health Division of the Department of Agriculture.

*AUTHORITY: section 270.260, RSMo Supp. 2011.\* Original rule filed June 23, 2011, effective Feb. 29, 2012.*

*\*Original authority: 270.260, RSMo 2002, amended 2010.*

## 2 CSR 30-9.110 Feral Swine Confinement Permit and Standards

*PURPOSE: This rule sets forth the standards and requirements for the permitting and operation of feral swine facilities.*

(1) Application for Permits and Conditions for Issuing.

(A) Any individual possessing, breeding, or transporting feral swine shall obtain a permit from the Missouri Department of Agriculture.

1. A facility permit application form must be completed and submitted to the department.

2. Fee must be paid in full.

3. One (1) permit is required for each location containing feral swine.

4. Permit must be renewed on an annual basis prior to the expiration date.

5. Licensee is responsible for renewing license and submitting a renewal form.

6. The permit must be obtained within thirty (30) days prior to acquiring feral swine.

7. The licensee must meet all interstate and intrastate movement requirements (2 CSR 30).

8. The licensee must have brucellosis and pseudorabies testing in accordance with the requirements of a validated and qualified herd.

(B) The licensee must—

1. Be at least twenty-one (21) years of age;

2. Have not been found guilty, or pled guilty to, a violation of any state or local law prohibiting neglect or mistreatment of any animal or, within the previous ten (10) years, any felony;

3 Officially identify each animal and record identification.

A. The identification records must be maintained during ownership—

(I) One (1) year after the animal is deceased; or

(II) Five (5) years after post transfer of ownership to another party or individual.

B. The identification records must be available to the department or designated authority upon request within twenty-four (24) hours; and

4. Maintain health and ownership records of the feral swine.

A. The records must document any veterinary services, i.e., physical exams, treatments, euthanasia, etc.

B. The records must document the name, address, and contact information for any transfer of ownership, i.e., sales and



purchases.

C. The records must document any natural additions.

D. The department must be notified within seven (7) working days of any change in inventory, except natural additions.

E. The records must be available to the department or designated authority upon request within twenty-four (24) hours.

F. The records must be kept for one (1) year after the death or five (5) years after the transfer of ownership of any feral swine.

(C) The licensee shall pay the facility permit fee to the Department of Agriculture.

1. An initial fee of two thousand five hundred dollars (\$2,500) will be assessed for the first permit.

2. A renewal fee of five hundred dollars (\$500)/feral swine permit will be assessed annually provided the renewal is made prior to lapse of the previous permit.

(D) The licensee must provide the department the following information prior to receiving an initial/renewal facility permit and must notify the department of any changes within thirty (30) days, unless a shorter time period is noted:

1. Name, address, telephone number, and any pertinent contact information of the permit holder and the physical address or GPS coordinates of each facility where feral swine are kept;

2. Name and address of the attending veterinarian;

3. A complete annual inventory of feral swine which includes:

A. Number of feral swine (indicate species if warranted);

B. Age and gender of each individual;

C. Official identification of each individual;

D. The location of the feral swine facility. The permit holder must notify the department within ten (10) business days of a change of address or location where the feral swine are kept; and

E. Disposition of any animal no longer on the inventory and any natural or purchased additions, including addresses of individuals from whom feral swine were purchased or to whom feral swine were sold. Any additions or deletions to the group must reconcile with previous inventory.

(2) The attending veterinarian must agree to the following:

(A) Provide a written summary of the physical examination and documentation of any veterinary services provided to the licensee;

(B) Identify all the feral swine with official identification;

(C) Provide a health certificate when required for transport; and

(D) Sign a veterinary care agreement form.

(3) The licensee must agree to the following:

(A) If a feral swine escapes or is released, immediately notify the department via telephone and follow up with a written statement explaining the circumstances and action taken within five (5) working days;

(B) Confine the feral swine in a primary enclosure as required by the department on the licensee's premises. The licensee must not allow any feral swine outside of the primary enclosure unless the feral swine are moved pursuant to any of the following:

1. To receive veterinary care from the attending veterinarian;

2. To comply with the directions of the department or law enforcement officials; or

3. To transfer ownership and possession of the feral swine pending prior approval by the department;

(C) Provide adequate nutrition and water; and

(D) Provide adequate shelter, if needed.

(4) If the licensee is no longer able to care for the feral swine, all of the following apply:

(A) The licensee must notify the department, stating the planned disposition of the feral swine;

(B) The licensee must dispose of the feral swine by transferring ownership and possession to another permit holder, upon prior approval by the department, or providing for its destruction by euthanasia as required by the department; and

(C) The disposal of the feral swine must be documented by an employee of the department, law enforcement officer, or attending veterinarian.

(5) The confinement area shall meet the following requirements:

(A) The facility must be completely enclosed in a building; or

(B) The fencing shall be constructed of twelve (12)-gauge woven wire, at least five feet (5') high, and topped with one (1) strand of electrified wire. An additional two feet (2') of such fencing shall be buried and angled underground toward the enclosure interior. A fence of equivalent or greater strength and design to prevent the escape of hogs may be substituted with written application and approval by the department.

*AUTHORITY: section 270.260, RSMo Supp. 2011.\* Original rule filed June 23, 2011, effective Feb. 29, 2012.*

*\*Original authority: 270.260, RSMo 2002, amended 2010.*