

INDIANA STATE BOARD OF ANIMAL HEALTH
INDIANA COMMERCIAL DOG BREEDER and BROKER PROGRAM
GUIDANCE DOCUMENT

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Background

The Indiana General Assembly passed HB 1468 in April 2009. This new law contained requirements for:

1. Commercial dog breeders and brokers to register with the Indiana State Board of Animal Health; and
2. Commercial dog breeders to meet certain operational standards.

These requirements take effect January 1, 2010. Appendix A of this document is a copy of the statute.

The Indiana State Board of Animal Health (BOAH) is publishing this document to provide guidance on the state standards that commercial dog brokers and breeders must meet.

PART I. REGISTRATION REQUIREMENT

A person may register with the Indiana State Board of Animal Health (BOAH) by printing an application available on-line at: www.boah.in.gov then mailing a completed registration form (Appendix D) with the registration fee to BOAH after Jan. 1, 2009. Early applications will NOT be accepted.

A. Commercial Dog Brokers

Indiana law defines a "commercial dog broker" as a person:

- (1) who is a Class "B" licensee under 9 CFR 1.1; and
- (2) who sells at least five hundred dogs in a calendar year. IC 15-21-1-4-5.

A person may not operate as a dog broker in Indiana without being registered with the Indiana State Board of Animal Health. IC 15-21-2-1. A commercial dog broker registration must be renewed each year. IC 15-21-3-2(a).

The fee to register or renew a registration as a commercial dog broker is one thousand dollars (\$1,000). IC 15-21-3-2(c).

B. Commercial Dog Breeders

Indiana law defines a "commercial dog breeder" as a person who maintains more than twenty unaltered female dogs that are at least twelve months of age. IC 15-21-1-4

A person may not operate as a commercial dog breeder in Indiana without being registered with the Indiana State Board of Animal Health. IC 15-21-2-1. A commercial dog breeder registration must be renewed each year. IC 15-21-3-1(a).

A person may not avoid registering by moving dogs to more than one premises.

If there are twenty or more unaltered female dogs on a premises, there must be a registration for the premises even if there is more than one owner for the dogs.

The fee to register or renew a registration as a commercial dog breeder is based on the number of unaltered female dogs at least twelve months of age maintained by the breeder. IC 15-21-3-1(c). The fees are:

Number of Unaltered Female Dogs at Least Twelve Months of Age	Annual Fee
50 or fewer	\$75
51 – 100	\$200
101 – 150	\$300
151 – 250	\$400
251 and up	\$500

Payments may be made by check or money order made payable to “State of Indiana” and mailed to BOAH after Jan. 1, 2009.

C. Exemptions

The commercial dog broker and commercial dog breeder registration and operating requirements do not apply to the following:

- (1) an animal shelter;
- (2) a humane society;
- (3) an animal rescue operation;
- (4) a hobby breeder;
- (5) a person who breeds at least seventy-five percent of the person's dogs as sport dogs for hunting purposes; or
- (6) a person who breeds at least seventy-five percent of the person's dogs as service dogs or as dogs for use by the police or the armed forces. IC 15-21-1-1.

An "animal rescue operation" is defined as a person or organization:

- (1) that accepts within one year:
 - (A) more than twelve dogs; or
 - (B) more than nine dogs and more than three unweaned litters of puppies; that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
- (2) that uses a system of private residential dwellings as foster homes for the dogs. The term does not include a person or organization that breeds dogs. IC 15-21-1-1(b).

A "hobby breeder" is a person who maintains twenty or fewer unaltered female dogs that are at least twelve months of age. IC 15-21-1-1(c).

PART II. COMMERCIAL DOG BREEDER FACILITY AND OPERATING STANDARDS

A commercial dog breeder must comply with the standards of care adopted by the United States Department of Agriculture (USDA) in 9 CFR 3.1 through 9 CFR 3.12 and standards adopted by the Indiana General Assembly. "CFR" means "Code of Federal Regulations". IC 15-21-4-1(a). Appendix B of this document is a copy of the USDA regulations.

These laws represent the minimum state standards that Indiana commercial dog breeders must meet. The Indiana State Board of Animal Health encourages willing commercial dog breeders to use facility and operating standards that exceed the state minimum standards.

A. Record Keeping and Notice to Consumers

A commercial dog breeder is required to:

- a. Indicate that the person is registered in a place clearly visible to the public. IC 15-21-2-2.
- b. Provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time the consumer purchases, exchanges, or adopts the dog. IC 15-21-5-1.
- c. Maintain the records required by Indiana law for at least five years. IC 15-21-5-2.

B. Housing Facility Standards

"Housing facility" is defined as any land, premises, shed, barn, building, trailer, or other structure or area that houses or is intended to house dogs. 9 CFR 1.1.

The Indiana requirements govern the following types of dog housing facilities:

"Indoor housing facility" means a housing facility with environmental controls that meets the following standards:

1. The enclosure has a roof, floor, and walls.
2. The enclosure has at least one door and the windows are covered with glass or hard plastic.
3. The environmental controls for the enclosure are capable of controlling the temperature within the enclosure, maintaining humidity levels of 30 to 70 percent within the enclosure, and of rapidly eliminating odors from the structure. 9 CFR 1.1.

"Sheltered housing facility" means a housing facility that provides the animals with shelter, protection from the elements, and protection from temperature extremes at all time. The facility may consist of pens or runs that are totally inside or that are indoor/outdoor. 9 CFR 1.1.

"Outdoor housing facility" means any structure, land or premises housing or intending to house animals in which temperatures cannot be controlled within set limits and that does not meet the definition of "indoor housing facility", "sheltered housing facility" or "mobile or traveling housing facility". 9 CFR 1.1.

"Mobile or traveling housing facilities" means a transporting vehicle (truck or trailer) used to house dogs while traveling for exhibition. 9 CFR 1.1.

The term “impervious surface” means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material. 9 CFR 1.1.

1. General Requirements for All Housing Facilities:

- a. Housing facilities for dogs must:
 - i. Be structurally sound.
 - ii. Be kept in good repair.
 - iii. Protect the animals from injury.
 - iv. Contain the animals securely.
 - v. Restrict other animals from entering. 9 CFR 3.1(a).
- b. Housing areas and animal food and bedding storage areas must:
 - i. Be free of accumulated trash, waste material, junk, and weeds.
 - ii. Be neat and free of clutter, including unnecessary equipment, furniture, and other material. 9 CFR 3.1(b).
- c. The materials and construction of surfaces of dog housing facilities must:
 - i. Be readily cleanable and sanitizeable, or removed or replaced when worn or soiled.
 - ii. Any surfaces that come in contact with dogs must:
 - A. Be free of excessive rust that prevents cleaning and sanitizing or compromises structural strength.
 - B. Be free of jagged edges or sharp points.
 - iii. Be maintained on a regular basis. 9 CFR 3.1(c)(1) and (2).
- d. Dog housing facilities must be cleaned as follows:
 - i. Hard surfaces that dogs may contact must be spot-cleaned daily.
 - ii. Floors made of dirt, absorbent bedding, gravel, grass, or similar materials must be raked or spot cleaned with sufficient frequency to ensure all animals can avoid contact with excreta. Contaminated material must be replaced if raking and spot-cleaning does not prevent odors, insects, pests, or vermin.
 - iii. All other surfaces must be cleaned and sanitized as needed to meet generally accepted husbandry standards. 9 CFR 3.1(c)(3).
- e. Dog housing facilities must:
 - i. Have reliable power adequate for heating, cooling, ventilation, lighting, and for carrying out husbandry requirements.
 - ii. Provide adequate running potable water for drinking, cleaning, and carrying out husbandry requirements. 9 CFR 3.1(d).
 - iii. Provide readily accessible washing facilities, such as washrooms, basins, sinks, or showers, for animal caretakers. 9 CFR 3.1(g).
- f. Supplies of food and bedding must be:
 - i. Stored in a manner that prevents spoilage, contamination, and vermin infestation.
 - ii. Stored off of the floor and away from walls.
 - iii. Stored in a manner that prevents deterioration of the food’s nutritive value (including refrigeration if necessary).
 - iv. Open supplies of food and bedding must be stored in leak proof containers with tight fitting lids.
 - v. Only food currently being used may be stored in animal areas.
 - vi. Substances needed for animal husbandry but that are toxic to the animals may not be stored in food storage and preparation areas. These substances may be stored in cabinets in the animal areas. 9 CFR 3.1(e).
- g. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food waste, bedding, debris, garbage, dead animals, water and other

fluids and wastes in a manner that minimizes contamination and disease risks. Housing facilities must have disposal facilities and drainage systems that:

- i. Are constructed and operated to rapidly remove animal waste and keep animals dry. Standing puddles of water in animal enclosures are prohibited.
- ii. Minimize vermin and pest infestation, insects, odors, and disease hazards.
- iii. Have properly constructed and maintained drains, including traps to prevent gas and sewer backup.
- iv. Settlement ponds, if used, must be located far enough away from buildings to prevent odors, diseases, pests, and vermin infestation.
- v. Utilize trash containers in housing areas and food storage and preparation areas that are leak proof and that have tight fitting lids on at all times.
- vi. Do not store dead animals and animal waste in food storage or food preparation areas. 9 CFR 3.1(f).

2. Indoor Housing Facilities and Sheltered Housing Facilities Requirements:

a. Temperature

Indoor housing facilities and the sheltered part of sheltered housing facilities must be heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. When dogs are present, the ambient temperature in the facility must:

- i. Not fall below forty-five degrees Fahrenheit and must not rise above eighty-five degrees Fahrenheit for more than four consecutive hours.
- ii. Not fall below fifty degrees Fahrenheit if the dogs not acclimated to lower temperatures, or are short haired breeds that cannot tolerate lower temperatures, sick, aged, young or infirm dogs. 9 CFR 3.2(a) and 9 CFR 3.3(a).

b. Ventilation

Indoor housing facilities and the sheltered part of sheltered housing facilities must be ventilated to provide for the health and well-being of the dogs and to minimize odors, drafts, ammonia levels, and moisture condensation. When the ambient temperature is eighty-five degrees or higher, additional ventilation must be provided using fans, blowers, or air conditioners.

The relative humidity must be maintained at a level that ensures the health and well-being of the dogs according to the directions of the kennel veterinarian and generally accepted professional husbandry practices. 9 CFR 3.2(b) and 9 CFR 3.3(b).

c. Lighting

Indoor housing facilities must be lighted well enough to permit routine inspection, cleaning, and observation of the dogs.

Animal areas must have a regular diurnal lighting cycle of either natural or artificial light. Primary enclosures must be protected from excessive light. 9 CFR 3.3(c) and 9 CFR 3.3(c).

d. Surfaces

The following surfaces must be impervious to moisture:

- i. Floors, walls, and ceilings of indoor housing facilities. The ceiling may be porous if it is replaceable, such as a suspended ceiling with replaceable tiles.
- ii. Indoor floor areas of sheltered housing facilities.
- iii. Outdoor floor areas of sheltered housing facilities that are made of a hard material such as wire, wood, metal, or concrete.

iv. Outside floor areas of sheltered housing facilities that are made of compacted earth, absorbent bedding, sand, gravel, or grass and that are not exposed to the direct sun. 9 CFR 3.2(d) and 9 CFR 3.3(e).

e. Shelter

Sheltered housing facilities must provide dogs adequate shelter from the elements at all times. 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. 9 CFR 3.3(d).

3. Outdoor Housing Facilities

a. The following dogs may not be kept in an outdoor housing facility unless an attending veterinarian approves the practice in writing:

- i. Dogs that are not acclimated to the area's prevalent temperatures.
- ii. Breeds of dogs that cannot tolerate the area's prevalent temperatures without stress or discomfort.
- iii. Sick, infirm, old or young dogs.

If the acclimation status of a dog is not known, the dog may not be in an outdoor facility when the temperature is less than fifty degrees Fahrenheit. 9 CFR 3.4(a).

b. Outdoor facilities must include one or more shelter structures that must:

- i. Be accessible to each animal.
- ii. Be large enough to allow each animal to sit, stand, and lie in a normal manner and turn around freely.
- iii. Contain a roof, four sides, and a floor.
- iv. Provide adequate protection from the cold and heat.
- v. Provide protection from direct sunlight, wind, rain, and snow, including a wind and rain break at the entrance.
- vi. Contain clean and dry bedding material if the ambient temperature is below fifty degrees Fahrenheit and contain additional bedding if the temperature is below thirty-five degrees Fahrenheit.

One or more separate outside areas of shade must be provided that are large enough to protect all of the animals from the sun. 9 CFR 3.4.

c. Outdoor facilities must be constructed as follows:

- i. Building surfaces in contact with the animals must be impervious to moisture.
- ii. Metal barrels, cars, appliances and the like may not be used as shelter structures.
- iii. Floors may be made of compacted earth, bedding, sand, gravel, or grass and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin.
- iv. All surfaces must be maintained regularly and if they cannot be cleaned and sanitized they must be replaced when worn or soiled. 9 CFR 3.4.

4. Mobile Housing Facilities

a. Temperature

Temperatures must not fall below forty-five degrees Fahrenheit nor exceed eighty-five degrees Fahrenheit for more than four hours when dogs are present. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below forty-five degrees Fahrenheit. Temperature in a mobile housing facility must not fall below fifty degrees Fahrenheit for dogs that are not acclimated and breeds that cannot tolerate lower temperatures and for old, young, sick, aged and infirm dogs.

b. Ventilation

Sufficient ventilation must be provided to provide for the health and well-being of the dogs and to minimize odors, drafts, ammonia levels, moisture levels, and exhaust fumes. When the temperature is eighty-five degrees Fahrenheit or higher auxiliary ventilation (fans or air conditioning) must be provided. 9 CFR 3.5.

c. Lighting

Animal areas must be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting must be sufficient to allow for good housekeeping, adequate inspection, and for the well being of the animals. 9 CFR 3.5.

C. Primary Enclosure Standards

“Primary enclosure” means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, or compartment. 9 CFR 1.1.

1. General requirements

Primary enclosures for dogs must be designed, constructed, and kept in good repair and must:

- a. Be made of suitable materials.
- b. Be structurally sound.
- c. Be kept in good repair.
- d. Have no sharp points or edges that could injure an animal.
- e. Protect the animal from injury.
- f. Contain the animals securely.
- g. Keep other animals from entering the enclosure.
- h. Enable the dogs to stay dry and clean.
- i. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs.
- j. Provide sufficient shade to shelter all of the animals in the enclosure at one time.
- k. Provide all of the dogs easy and convenient access to clean food and water.
- l. Enable all surfaces in contact with the dogs to be readily cleaned and sanitized, or be replaced when worn or soiled.
- m. Floors must be constructed in a manner that protects the dogs’ feet and legs from injury. If the floor is mesh or slatted, the floor may not allow a dogs’ feet to pass through openings in the floor. 9 CFR 3.6(a).
- n. Suspended floors must be strong enough so that the floor does not sag or bend between the structural supports. 9 CFR 3.6(a)(2).

2. Size of a Primary Enclosure

Primary enclosures must provide sufficient space to allow each dog to turn about freely, to stand, to sit, and lie in a comfortable, normal position, and to walk in a normal manner. 9 CFR 3.6(a)(2). Tethering as a primary enclosure is prohibited. 9 CFR 3.6(c)(3). Wire cages are subject to additional requirements outlined in the next subsection. See examples in Appendix C.

For the purposes of the State requirements, the length of a dog is determined by measuring the dog from the tip of its nose to the base of its tail.

The primary enclosure must be the following size or larger:

- a. Each dog must be provided a minimum amount of floor space calculated as follows:
(Length of the dog in inches plus six inches) x (Length of the dog in inches plus six inches) = required floor space in square inches.
Required floor space in inches divided by 144 = required floor space in square feet.
- b. The minimum floor space for a bitch with nursing puppies must be approved by the kennel veterinarian. The kennel veterinarian must determine the minimum space after considering generally accepted husbandry practices and the breed and behavioral characteristics of the bitch. The minimum floor space must be at least 105 percent of the minimum floor space required for the bitch.
- c. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. 9 CFR 3.6(c)

3. Requirements for Enclosures with Wire Floors

If the floor of a primary enclosure is made of metal strands (wire), all of the following apply:

- (a) The wire strands must be either:
 - (i) Greater than one-eighth of an inch in diameter (9 gauge); or
 - (ii) Coated with a material such as plastic or fiberglass. 9 CFR 3.6(a)(2).
- (b) The primary enclosure must include an area that allows the dog to be off of the wire floor. IC 15-21-4-1(b)(1). The solid floor area must meet the following standards:
 - (i) The area must be made of solid material. Rubber or plastic mats and pieces of carpet can meet this requirement. Towels and rugs do not meet this requirement.
 - (ii) The area must be large enough for all dogs in the enclosure to utilize the solid floor at the same time. Therefore, the size of the solid floor area must be at least as big as the following:
(the length of the dog in inches) x (the length of the dog in inches) = required solid floor area in square inches for each dog.
- (c) The primary enclosure must be large enough to allow for reasonable movement by the dog. IC 15-21-4-1(b)(2).

PART III. COMMERCIAL DOG BREEDER ANIMAL HEALTH AND HUSBANDRY STANDARDS

A. Compatibility

All dogs housed in a primary enclosure must be compatible. The following standards must be met:

- (1) Dogs may not be housed with other species unless they are compatible.
- (2) No more than 12 adult nonconditioned dogs may be housed in the same primary enclosure.
- (3) Bitches in heat may be housed with sexually mature males only when breeding.
- (4) Bitches with litters may not be housed in the same primary enclosure with other adult dogs. Puppies younger than four months of age may not be housed in the same primary enclosure with adult dogs other than their dam. But breeding colonies are permitted.

- (5) Any dog exhibiting a vicious or very aggressive disposition must be housed separately.
- (6) Dogs that are suspected of having a contagious disease must be isolated from healthy animals as directed by the attending veterinarian. 9 CFR 3.6(c)(2) and 9 CFR 3.7.

B. Exercise

Commercial dog breeders must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The plan must be in writing. An attending veterinarian must determine the frequency, method, and duration of the opportunity for exercise, and approve in writing the entire plan. 9 CFR 3.8.

A commercial dog breeder is required to provide every dog with a reasonable opportunity for exercise outside of a cage at least one time per day. IC 15-21-4-1(b)(3). The opportunity for exercise must be outside the animal's primary enclosure. But, if a dog has access to a run that is connected to the animal's primary enclosure or if the animal's primary enclosure includes a run, and the run meets the requirements below, it is not necessary to remove the animal from the primary enclosure for exercise. IC 15-21-4-1(c). An exercise run must meet the following requirements:

- (1) The floor space of the run must be at least as big as the following:
 - (a) For dogs housed individually, an area that is two times the minimum required floor space for that dog.
 - (b) For dogs housed in groups, an area that is equal to or greater than the sum of the minimum required floor space for each dog if housed individually. 9 CFR 3.8(c)(3).

See examples in Appendix C.

Forced exercise methods or devices, such as swimming or treadmills, may not be used to meet the exercise requirement. 9 CFR 3.8(c)(4).

Exemptions

A commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health. IC 15-21-4-1(b)(3). Examples include bitches during whelping and dogs that are younger than twelve weeks of age. 9 CFR 3.8(a).

If the attending veterinarian determines that any dog should not be provided an opportunity for exercise, the commercial dog breeder does not have to provide an opportunity for exercise for that dog. The veterinarian's determination must be in writing and reviewed at least every 30 days. 9 CFR 3.8(d).

C. Food and Water

1. Food

Dogs must be fed at least once each day unless directed otherwise by an attending veterinarian.

The animal's diet must be appropriate for the animal's age and condition.

Food must be uncontaminated, palatable, and of sufficient quantity and nutritive value to maintain the normal body condition and weight of the animal.

Each primary enclosure must have at least one food dish that is readily accessible to all of the animals in the enclosure. The dish must be located to minimize contamination and must be protected from rain and snow. Food dishes must be made of material that may

be cleaned and sanitized or be disposable. Self feeders may be used for dry food. 9 CFR 3.9.

2. Water

Dogs must have access to potable water and meet one of the following time frames:

- (a) Continuous access.
- (b) As directed by an attending veterinarian. 9 CFR 3.10.

D. Cleaning, Sanitizing, and Pest Control

1. Primary enclosures

Excreta and food waste must be removed at least once each day.

Excreta and food waste must be removed from under primary enclosures as often as necessary to prevent excessive accumulation, prevent soiling of the dogs, and to reduce disease hazards, insects, pests, and odors.

When water is used to clean an enclosure, the dogs must be removed unless the enclosure is large enough to ensure the animals will not get wet or be distressed by the process. Neighboring dogs should not get wet or be distressed from the cleaning process.

Standing water must be removed from primary enclosures. 9 CFR 3.11(a).

2. Sanitization

Primary enclosures and food and water receptacles must be cleaned and sanitized at the earliest of the following:

- (a) Before they are used for another dog.
- (b) At least once every two weeks.
- (c) As necessary to prevent an accumulation of dirt, debris, food waste, or excreta.

Hard surfaces and food and water receptacles must be sanitized using one of the following methods:

- (a) Live steam under pressure.
- (b) Washing with hot water (at least 180 degrees Fahrenheit) and soap or detergent.
- (c) Removing organic material and washing soiled surfaces with detergent solution and disinfectant followed by a clean water rinse.

Surfaces that cannot be sanitized, such as gravel, sand, grass, earth or absorbent bedding, must be sanitized by removing contaminated material as necessary to prevent buildup, odors, disease, pests, insects, and vermin. 9 CFR 3.11(b).

3. The Premises

Buildings and the grounds surrounding housing facilities must meet the following requirements:

- (a) Must be kept clean and in good repair.
- (b) Breeding or living areas for rodents and other pests and vermin must be minimized.
- (c) Must be kept free of trash, junk, waste products and discarded matter.
- (d) Weeds, grasses, and bushes must be controlled. 9 CFR 3.11(c).

4. Pest Control

Each commercial dog breeding facility must have an effective pest control program that controls insects, rodents, birds, and other mammals that are pests and external parasites affecting dogs. 9 CFR 3.11(d).

E. Employees

A commercial dog breeder must have enough employees to carry out the level of husbandry practices and care required by law. The employees that provide animal husbandry and care or that handle animals must be supervised by someone who has knowledge, background, and experience in proper husbandry and care of dogs. 9 CFR 3.12.

F. Rabies Control

All dogs three months of age and older must be vaccinated against rabies. 345 IAC 1-5-2. The vaccination must be completed by a licensed and accredited veterinarian. 345 IAC 1-5-1(a).

PART IV. SALES TAX COMPLIANCE

The Indiana Department of Revenue (IDOR) enforces state tax laws in Indiana. Commercial dog breeders and brokers that conduct retail sales in Indiana must:

1. Be registered with the Department of Revenue to conduct retail sales;
2. Collect and remit sales tax; and
3. Display a valid Registered Retail Merchant Certificate in their place of business.

Information on tax compliance, including procedures governing purchases for resale, is available from the IDOR through their Business Taxpayers Web page (www.in.gov/dor/business-tax/) and their New and Small Business Education Center (www.in.gov/dor/business-tax/new-and-small-business-education-center/). Contact the IDOR for assistance at (317) 233-4015.

Appendix A

Indiana Commercial Dog Breeder and Broker Statute

ARTICLE 21. COMMERCIAL DOG BREEDER REGULATION

Chapter 1. Application and Definitions

Sec. 1. (a) This article does not apply to:

- (1) an animal shelter;
- (2) a humane society;
- (3) an animal rescue operation;
- (4) a hobby breeder;
- (5) a person who breeds at least seventy-five (75%) of the person's dogs as sport dogs for hunting purposes; or
- (6) a person who breeds at least seventy-five (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

(b) As used in this section, "animal rescue operation" means a person or organization:

- (1) that accepts within one (1) year:
 - (A) more than twelve (12) dogs; or
 - (B) more than nine (9) dogs and more than three (3) unweaned litters of puppies; that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
- (2) that uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Sec. 2. The definitions in sections 3 through 7 of this chapter apply throughout this article.

Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

Sec. 4. "Commercial dog breeder" means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Sec. 5. "Commercial dog broker" means a person:

- (1) who is a Class "B" licensee under 9 CFR 1.1; and
- (2) who sells at least five hundred (500) dogs in a calendar year.

Sec. 6. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

Sec. 7. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.

Chapter 2. Commercial Dog Broker and Commercial Dog Breeder Registration

Sec. 1. A person may not operate:

- (1) a commercial dog breeder operation; or
- (2) as a commercial dog broker;

without being registered with the board in accordance with this chapter.

Sec. 2. A person who:

- (1) is registered as a commercial dog breeder; and
- (2) operates a commercial dog breeder operation;

shall indicate that the person is registered as a commercial dog breeder in a place clearly visible to the public.

Sec. 3. (a) A commercial dog breeder who knowingly or intentionally fails to register with the board as a commercial dog breeder commits a Class A misdemeanor.

(b) A commercial dog broker who knowingly or intentionally fails to register with the board as a commercial dog broker commits a Class A misdemeanor.

(c) A commercial dog breeder or a commercial dog broker who fails to register with the board is liable to the state for two (2) times the amount of registration fees that the commercial dog breeder or commercial dog broker failed to pay. The attorney general may bring an action to collect unpaid commercial dog breeder or commercial dog broker registration fees. Funds collected under this subsection shall be deposited in the commercial dog breeder and broker fund established by IC 15-21-3-3.

Chapter 3. Registration Requirements

Sec. 1. (a) A commercial dog breeder shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog breeder is:

(1) seventy-five dollars (\$75) if the person has not more than fifty (50) unaltered female dogs at least twelve (12) months of age;

(2) two hundred dollars (\$200) if the person has more than fifty (50) but not more than one hundred (100) unaltered female dogs at least twelve (12) months of age;

(3) three hundred dollars (\$300) if the person has more than one hundred (100) but not more than one hundred fifty (150) unaltered female dogs at least twelve (12) months of age;

(4) four hundred dollars (\$400) if the person has more than one hundred fifty (150) but not more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age; and

(5) five hundred dollars (\$500) if the person has more than two hundred fifty (250) unaltered female dogs at least twelve (12) months of age.

The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog breeder must include the following:

(1) The name and address of the person's commercial dog breeding operation.

(2) The name and address of the registrant.

(3) A statement that the person's commercial dog breeding operation complies with the requirements of IC 15-21-4.

(4) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog breeder registration statement commits false registration as a commercial dog breeder, a Class A misdemeanor.

Sec. 2. (a) A commercial dog broker shall register annually with the board.

(b) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the one (1) year period.

(c) The fee to register or renew a registration as a commercial dog broker is one thousand dollars (\$1,000). The fee shall be deposited in the commercial dog breeder and broker fund established by section 3 of this chapter.

(d) A person who registers or renews a registration as a commercial dog broker must include the following:

(1) The name and address of the person acting as a commercial dog broker.

(2) The name and location of the person's commercial dog broker business.

(3) Any other information related to taxation that is required by the board.

(e) A person who knowingly or intentionally makes a material misstatement in a commercial dog broker registration statement commits false registration as a commercial dog broker, a Class A misdemeanor.

Sec. 3. (a) The commercial dog breeder and broker fund is established for the purpose of funding:

- (1) the inspection of commercial dog breeding operations by the board; and
- (2) the enforcement by the board of laws concerning commercial dog breeders and commercial dog brokers.

The fund shall be administered by the board.

- (b) The fund consists of commercial dog breeder and commercial dog broker fees.
- (c) The expenses of administering the fund shall be paid from money in the fund.
- (d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.
- (e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
- (f) Money in the fund is continually appropriated to carry out the purposes of the fund.
- (g) The board may adopt rules under IC 4-22-2 to implement this chapter.

Chapter 4. Duties of Commercial Dog Breeders

Sec. 1. (a) A commercial dog breeder shall comply with the standards of care set forth in 9 CFR 3.1 through 9 CFR 3.12.

(b) A commercial dog breeder:

- (1) may not house a dog in a cage containing a wire floor unless the cage contains an accommodation that allows the dog to be off the wire floor;
- (2) who houses a dog in a wire cage shall house the dog in a cage that is large enough to allow for reasonable movement by the dog; and
- (3) shall, subject to subsection (c), provide every dog with a reasonable opportunity for exercise outside of a cage at least one (1) time per day.

(c) A commercial dog breeder who permits a dog access to a run at least one (1) time per day has satisfied the exercise requirement described in subsection (b)(3). However, a commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health.

Chapter 5. Records

Sec. 1. A commercial dog breeder shall provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time the consumer purchases, exchanges, or adopts the dog.

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

Chapter 6. Units

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) After December 31, 2009, a unit may not adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article. A unit may enforce an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article if the ordinance was adopted before January 1, 2010.

Chapter 7. Enforcement

Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.

(b) In enforcing this article, the board may:

- (1) seek injunctive relief;
- (2) issue an order of compliance notifying the commercial dog breeder or commercial dog broker of a violation and requiring corrective action by a certain date; and
- (3) impose a civil penalty of not more than:
 - (A) five hundred dollars (\$500) for a knowing violation;

- (B) one thousand dollars (\$1,000) for an intentional violation; and
 - (C) five thousand dollars (\$5,000) for knowingly or intentionally violating an injunction.
 - (c) The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.
 - (d) Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation.
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Appendix B

United States Department of Agriculture Regulations That Apply to the Indiana Commercial Dog Breeders and Brokers Program

NOTE: Indiana Commercial Dog Breeders and Brokers are subject to the following United States Department of Agriculture (USDA) regulations and the standards in IC 15-21-4(b). Where they are different, the Indiana statute, IC 15-21-4(b), takes precedent over the USDA standard.

SOURCE:

[Code of Federal Regulations]

[Title 9, Volume 1]

[Revised as of January 1, 2008]

From the U.S. Government Printing Office via GPO Access

Sec. 1.1 Definitions.

Unless the context otherwise requires, the following terms shall have the meanings described below. The singular form shall also signify the plural and the masculine form shall also signify the feminine. Words undefined in the following paragraphs shall have the meaning attributed to them in general usage as reflected by definitions in a standard dictionary.

“Administrator” means the Indiana State Veterinarian appointed by the Indiana State Board of Animal Health under IC 15-17-4 or any person authorized to act for the State Veterinarian.

“Ambient temperature” means the air temperature surrounding the animal.

“Animal” means dog.

“Attending veterinarian” means a person who is licensed or legally able to practice veterinary medicine in Indiana; has received training and/or experience in the care and management of the species being attended; and who has direct or delegated authority for activities involving animals at a facility subject to the jurisdiction of the Board.

“Board” means the Indiana State Board of Animal Health established under IC 15-17-3.

“Dog” means any live or dead dog (*Canis familiaris*) or any dog-hybrid cross.

“Housing facility” means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

“Impervious surface” means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material.

“Indoor housing facility” means any structure or building with environmental controls that houses or that is intended to house animals and that meets the following three standards:

- (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 30 to 70 percent and of rapidly eliminating odors from within the building; and

- (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 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).

“Mobile or traveling housing facility” means a transporting vehicle such as a truck, trailer, or railway car, used to house animals while traveling for exhibition or public education purposes.

“Nonconditioned animals” means animals which have not been subjected to special care and treatment for sufficient time to stabilize, and where necessary, to improve their health.

“Outdoor housing facility” means any structure, building, land, or premise, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the regulations, and in which temperatures cannot be controlled within set limits.

“Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

“Primary enclosure” means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.

“Sanitize” means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

“Sheltered housing facility” means a housing facility which provides the animals 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.

“Weaned” means that an animal has become accustomed to take solid food and has so done, without nursing, for a period of at least 5 days.

PART 3 - STANDARDS

Authority:

7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.7.

Source:

32 FR 3273, Feb. 24, 1967, unless otherwise noted.

Subpart A - Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats 1

Source:

56 FR 6486, Feb. 15, 1991, unless otherwise noted.

Facilities and Operating Standards

§ 3.1 Housing facilities, general.

(a) Structure; 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.

(b) 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 and research needs. Housing facilities other than those maintained by research facilities and Federal research facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(c) Surfaces -

(1) 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:

(i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and

(ii) Be free of jagged edges or sharp points that might injure the animals.

(2) 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.

(3) Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with § 3.11(b) of this subpart 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 § 3.11(b)(3) for primary enclosures.

(d) 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 the regulations in this subpart. The housing facility must provide adequate running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(e) Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, 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. Substances that are toxic to the dogs or cats but are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(f) Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, 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 must be drained or mopped up so that the animals stay dry. Trash containers in housing facilities and in 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.

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

1 These minimum standards apply only to live dogs and cats, unless stated otherwise.

§ 3.2 Indoor housing facilities.

(a) Heating, cooling, and temperature. Indoor housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. When dogs or cats are present, the ambient temperature in the facility must not fall below 50 °F (10 °C) for dogs and cats 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 dogs and cats, 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 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Ventilation. Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats 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 85 °F (29.5 °C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(c) Lighting. Indoor housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. 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 dogs and cats from excessive light.

(d) 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 (e.g., a suspended ceiling with replaceable panels).

[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10498, Mar. 4, 1998]

§ 3.3 Sheltered housing facilities.

(a) Heating, cooling, and temperature. The sheltered part of sheltered housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the sheltered part of the facility must not fall below 50 °F (10 °C) for dogs and cats 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 dogs or cats, 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 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats 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 85 °F (29.5 °C) or higher.

(c) Lighting. Sheltered housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. 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 dogs and cats from excessive light.

(d) Shelter from the elements. Dogs and cats 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.

(e) Surfaces.

(1) 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 animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may consist of compacted earth, absorbent bedding, sand, gravel, or grass.

[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10498, Mar. 4, 1998]

§ 3.4 Outdoor housing facilities.

(a) Restrictions.

(1) The following categories of dogs or cats must not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(i) Dogs or cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(ii) Breeds of dogs or cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates); and

(iii) Sick, infirm, aged or young dogs or cats.

(2) When their acclimation status is unknown, dogs and cats must not be kept in outdoor facilities when the ambient temperature is less than 50 °F (10 °C).

(b) Shelter from the elements. Outdoor facilities for dogs or cats must include one 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, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats must contain a roof, four sides, and a floor, and must:

(1) Provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) Provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;

(3) Be provided with a wind break and rain break at the entrance; and

(4) Contain clean, dry, bedding material if the ambient temperature is below 50 °F (10 °C). Additional clean, dry bedding is required when the temperature is 35 °F (1.7 °C) or lower.

(c) Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cans, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, 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, etc. - that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

§ 3.5 Mobile or traveling housing facilities.

(a) Heating, cooling, and temperature. Mobile or traveling housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the mobile or traveling housing facility must not fall below 50 °F (10 °C) for dogs and cats 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 dogs and cats. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not exceed 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Ventilation. Mobile or traveling housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats 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 85 °F (29.5 °C) or higher.

(c) Lighting. Mobile or traveling housing facilities for dogs and cats must be lighted well enough to permit proper cleaning and inspection of the facility, and observation of the dogs and cats. 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.

[32 FR 3273, Feb. 24, 1967, as amended at 63 FR 10498, Mar. 4, 1998]

§ 3.6 Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) General requirements.

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

(2) Primary enclosures must be constructed and maintained so that they:

(i) Have no sharp points or edges that could injure the dogs and cats;

(ii) Protect the dogs and cats from injury;

(iii) Contain the dogs and cats securely;

(iv) Keep other animals from entering the enclosure;

(v) Enable the dogs and cats to remain dry and clean;

(vi) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats;

(vii) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;

(viii) Provide all the dogs and cats with easy and convenient access to clean food and water;

(ix) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with § 3.11(b) of this subpart, or be replaceable when worn or soiled;

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

(xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and

(xii) If the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

(b) Additional requirements for cats -

(c) Additional requirements for dogs -

(1) 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 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) × (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = 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 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator.

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

(2) Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 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 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

(3) Dogs in mobile or traveling shows or acts. Dogs that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of § 3.15 other than the marking requirements in § 3.15(a)(6). When the show or act is not traveling, the dogs must be placed in primary enclosures that meet the minimum requirements of this section.

(4) Prohibited means of primary enclosure. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(d) Innovative primary enclosures not precisely meeting the floor area and height requirements provided in paragraphs (b)(1) and (c)(1) of this section, but that provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior, may be used at research facilities when approved by the Committee, and by dealers and exhibitors when approved by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0093)

[56 FR 6486, Feb. 15, 1991, as amended at 62 FR 43275, Aug. 13, 1997; 63 FR 3023, Jan. 21, 1998; 63 FR 37482, July 13, 1998; 83 FR 25555, June 4, 2018; 85 FR 28798, May 13, 2020]

Animal Health and Husbandry Standards

§ 3.7 Compatible grouping.

Dogs and cats that are housed in the same primary enclosure must be compatible, with the following restrictions:

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

- (b) Any dog or cat exhibiting a vicious or overly aggressive disposition must be housed separately;
- (c) Puppies or kittens 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;
- (d) Dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and
- (e) 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 dogs and cats 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.

§ 3.8 Exercise for dogs.

Dealers, exhibitors, and research facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by 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 APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding Federal agency. The plan, at a minimum, must comply with each of the following:

- (a) **Dogs housed individually.** Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any dealer, exhibitor, or research facility, including Federal research facilities, must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated by § 3.6(c)(1) of this subpart.
- (b) **Dogs housed in groups.** Dogs over 12 weeks of age housed, held, or maintained in groups by any dealer, exhibitor, or research facility, including Federal research facilities, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:
 - (1) Housing in compatible groups is not in accordance with a research proposal and the proposal has been approved by the research facility Committee;
 - (2) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dog(s); or
 - (3) Any dog exhibits aggressive or vicious behavior.
- (c) **Methods and period of providing exercise opportunity.**
 - (1) The frequency, method, and duration of the opportunity for exercise shall be determined by the attending veterinarian and, at research facilities, in consultation with and approval by the Committee.
 - (2) Dealers, exhibitors, and research facilities, 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.
 - (3) 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 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of § 3.6(c)(1) of this subpart;
 - (ii) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by § 3.6(c)(1) of this subpart;

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

(iv) Other similar activities.

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

(d) Exemptions.

(1) 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 dealer, exhibitor, or research facility may be exempted from meeting the requirements of this section for those dogs. Such exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed at least every 30 days by the attending veterinarian.

(2) A research facility may be exempted from the requirements of this section if the principal investigator determines for scientific reasons set forth in the research proposal that it is inappropriate for certain dogs to exercise. Such exemption must be documented in the Committee-approved proposal and must be reviewed at appropriate intervals as determined by the Committee, but not less than annually.

(3) Records of any exemptions must be maintained and made available to USDA officials or any pertinent funding Federal agency upon request.

(Approved by the Office of Management and Budget under control number 0579-0093)

§ 3.9 Feeding.

(a) Dogs and cats must be fed at least once each day, 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.

(b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, 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 be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with § 3.11(b) of this subpart. Sanitization is achieved by using one of the methods described in § 3.11(b)(3) of this subpart. If the food receptacles are disposable, they must be discarded after one 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 § 3.11(b) of this subpart. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

§ 3.10 Watering.

(a) Potable water must be continuously available to the dogs, unless restricted by the attending veterinarian or except as provided in § 3.17(a).

(b) If potable water is not continuously available to the cats, it must be offered to the cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by the attending veterinarian.

(c) Water receptacles must be kept clean and sanitized in accordance with § 3.11(b) and before being used to water a different dog or cat or a different social grouping of dogs or cats.

[85 FR 28798, May 13, 2020]

§ 3.11 Cleaning, sanitization, housekeeping, and pest control.

(a) Cleaning of primary enclosures. 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 dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pests, insects and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) 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 dog or cat, or social grouping of dogs or cats.

(2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

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

(i) Live steam under pressure;

(ii) Washing with hot water (at least 180 °F (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 buildup, and to provide sanitization followed by a clean water rinse.

(4) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in paragraph (b)(3) of this section, 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.

(c) 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 subpart, and to reduce or eliminate breeding and living areas for 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.

(d) 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.

[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 3023, Jan. 21, 1998]

§ 3.12 Employees.

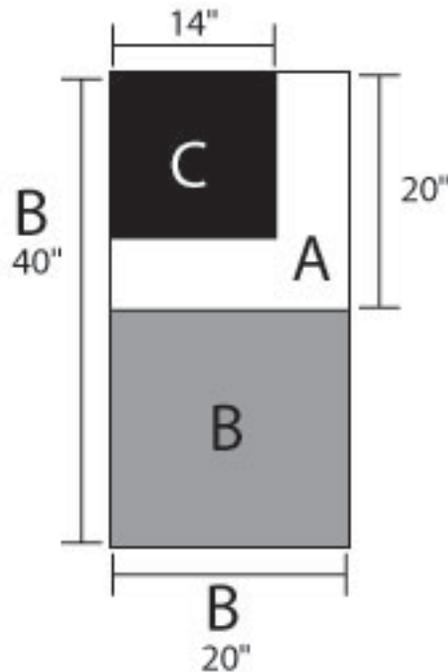
Each person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) maintaining dogs and cats must have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide for husbandry and care, or handle animals, must be supervised 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.

Appendix C

Examples of Minimum Cage Size for Primary Enclosures and Exercise Areas

Example 1. One dog housed individually. The dog is 14 inches long from the tip of its nose to the base of its tail.

- (a) The minimum required floor space for the dog is: $(14 + 6) \times (14 + 6) = 400$ square inches or $400/144 = 2.78$ square feet. (NOTE: In the diagram total space for A= A + C.)
- (b) If the enclosure is attached to a run or part of a run that will be used to meet the exercise requirement, the minimum area that must be available for exercise is: $(14 + 6) \times (14 + 6) = 400 \times 2 = 800$ square inches or $400/144 = 2.78 \times 2 = 5.56$ square feet.
- (c) If the primary enclosure has a wire floor:
The minimum area of solid floor that must be available to allow the dog to get off of the wire: $(14 \times 14) = 196$ square inches or $196/144 = 1.36$ square feet.



Example 2. Three dogs housed together. Each dog is 14 inches long from the tip of their nose to the base of their tails.

- (a) The minimum required floor space for the dogs is: $(14 + 6) \times (14 + 6) = 400 \times 3 = 1200$ square inches, or $400/144 = 2.78 \times 3 = 8.34$ square feet.
- (b) If the enclosure is attached to a run or part of a run that will be used to meet the exercise requirement, the minimum area that must be available for exercise is: $(14 + 6) \times (14 + 6) = 400 \times 3 = 1200$ square inches, or $400/144 = 2.78 \times 3 = 8.34$ square feet.
- (c) If the primary enclosure has a wire floor:
The minimum area of solid floor that must be available to allow all dogs to get off of the wire: $(14 \times 14) = 196 \times 3 = 588$ square inches or $588/144 = 4.08$ square feet.

