

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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RULE REVIEW CHECKLIST

File No. 1597 Docket No. 25.009.0098

DATE RECEIVED 4-27-89 ADOPTED W/O HEARING X

REVIEW DATE 5-8-89 EMERGENCY RULE _____

DUE DATE 5-11-89 RMD REVISOR APPROVED _____

APPROVED 5/10/89 REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~
- _____ ~~Date published in State Register~~
- _____ ~~Comments~~

_____ ~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution
- 6/6/87 Date adopted

✓ Proposed Rule - See for comments
- YES Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- OK 35.03 · 347.35 Statutory Authority
- ~~NO~~ Small Business Statement
- NO Expenditure of public money statement
- YES Signature

✓ Statement of Need and Reasonableness (if applicable)
- ~~YES~~ Small Business Statement
- ~~N/A~~ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 1/30/89 Date ~~30~~/25 days before adoption
- OK Notice attached
- _____ ~~Copy of rule or summary attached~~

✓ Publication in State Register
- 1/30/89 Date (30)/25 days before adoption

_____ 180-day deadline from:
- _____ Effective date of law requiring rule (14.12) (both rules)
- 3/2/89 end of comment period (§ 14.26) (rules without hearing)
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
- 4/21/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 4/21/89 Date

✓ Written requests, submissions or comments (4)

✓ Declaration of attorney
- P. Strandberg Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : May 12, 1989

TO : PAUL STRANDBERG
Special Assistant Attorney General

FROM : JULIE A. LEPPINK
Special Assistant Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Maintenance, Operation, and Inspection of Kennels and Dealers

The above-referenced rule has been approved as to its legality by the Attorney General on May 10, 1989.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JAL:klk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Board of Animal Health

Adopted Permanent Rules Relating to the Maintenance, Operation, and Inspection of Kennels and Dealers.

Rules as Adopted

MAINTENANCE, OPERATION, AND INSPECTION OF KENNELS AND DEALERS

1720.1330 DEFINITIONS.

Subpart 1. **Scope.** The following words and terms are defined as follows where used in parts 1720.1330 to 1720.1578.

Subp. 2. **Board.** "Board" means the Minnesota Board of Animal Health.

Subp. 2a. **Dealer.** "Dealer" has the meaning given in Minnesota Statutes, section 347.31, subdivision 4.

Subp. 3. [See Repealer.]

Subp. 4. **Duly authorized agent.** "Duly authorized agent" means an agent of the board, any sheriff or deputy sheriff, or police officer, or humane agent registered with the board and appointed pursuant to Minnesota Statutes, section 343.01.

Subp. 4a. **Humane agent.** "Humane agent" means a person appointed as an agent under Minnesota Statutes, section 343.01.

Subp. 5. **Institution.** "Institution" has the meaning given in Minnesota Statutes, section 347.31, subdivision 5.

Subp. 5a. **Kennel.** "Kennel" has the meaning given in Minnesota Statutes, section 347.31, subdivision 2.

Subp. 6. **Person.** "Person" means any individual, firm, partnership, or corporation.

Subp. 7. **Premises.** "Premises" has the meaning given in Minnesota Statutes, section 347.31, subdivision 3.

1720.1390 MAINTENANCE OF PREMISES.

Housing facilities must be structurally sound and maintained in good repair. Indoor housing facilities must be adequately ventilated and have ample light, either natural or artificial.

1720.1400 DOGS AND CATS KEPT OUTSIDE.

Dogs and cats kept outside must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

1720.1410 DOGS AND CATS CONFINED BY CHAINS.

If dogs or cats are confined by chains, the chains must be so attached that they cannot become entangled with the chains of other animals or any other objects. Chains must be of a size commonly used for the size of dog or cat involved and must be attached to the dog or cat by means of a well-fitted collar. Chains must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

1720.1420 ENCLOSURES.

Enclosures must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The enclosure must be constructed so as to prevent injury to the dog or cat.

1720.1430 TEMPERATURE FOR INDOOR HOUSING FACILITIES.

The temperature for indoor housing facilities must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

1720.1440 DISPOSAL FACILITIES.

Disposal facilities must be provided to minimize vermin infestation, odors, and disease hazards.

1720.1450 ADEQUATE STORAGE AND REFRIGERATION.

Adequate storage and refrigeration must be provided to protect food supplies against contamination and deterioration.

1720.1460 CLEAN AND SANITARY CONDITION.

The premises, cages, enclosures, and all housing facilities must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition.

1720.1480 FEEDING OF DOGS AND CATS.

Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

1720.1490 WATER.

Clean potable water must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

1720.1500 FEEDING AND WATERING RECEPTACLES.

All feeding and watering receptacles must be kept clean and sanitary.

1720.1510 HOUSING IN SAME PRIMARY ENCLOSURE.

Dogs or cats housed in the same primary enclosure must be maintained in a compatible group. Puppies or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their dam.

1720.1520 DOGS OR CATS WITH VICIOUS DISPOSITIONS.

Any dog or cat exhibiting a vicious disposition must be housed separately.

1720.1530 FEMALES IN ESTRUS.

Females in estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding must be of compatible size and only one male and one female may be confined in a primary enclosure for breeding.

1720.1535 HUMANE TREATMENT.

All dogs and cats must be treated humanely while in the premises.

1720.1537 TRANSPORTATION OF DOGS AND CATS.

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide

sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

1720.1538 CARGO SPACE FOR DOGS AND CATS.

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

1720.1540 MINIMIZING DISSEMINATION OF DISEASE.

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease must be separated from other dogs or cats.

1720.1542 VETERINARY CARE.

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

1720.1545 HEALTH OF DOGS AND CATS AT TIME OF RELEASE.

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

A. obvious signs of infectious disease;

B. obvious signs of nutritional deficiencies;

C. obvious signs of severe parasitism;

D. fractures;

E. blindness; and

F. serious congenital abnormalities.

1720.1546 DOGS AND CATS UNFIT FOR SALE OR RELEASE.

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a

licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

1720.1550 CONTROL OF PESTS.

The kennel or dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests.

1720.1555 IDENTIFICATION OF DOGS AND CATS IN KENNELS.

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

1720.1560 RECORDS.

A licensed kennel or dealer shall maintain the following records:

A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social security number;

B. the identification of each dog or cat confined to the premises as described in part 1720.1555;

C. description of the dog or cat by approximate age, breed, and sex;

D. the name and address of the person to whom a dog or cat three months of age or over was transferred; and

E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed on the premises.

Records required by this part must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

1720.1570 INSPECTIONS.

Periodic inspections must be made in cooperation with the United States Department of Agriculture, pursuant to Minnesota Statutes, section 347.35.

1720.1575 INVESTIGATION OF COMPLAINTS.

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of $100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in Minnesota Statutes, section 347.38. If the complaint is deemed unfounded by the board investigator, the deposit must go into the general fund. Duly authorized agents are exempt from the $100 deposit for investigation of a complaint.

1720.1576 EXPENSES OF INVESTIGATION.

A person who violates Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

1720.1578 COST RECOVERY.

Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for by the state treasurer to the board to enable a showing that costs of inspection and enforcement of Minnesota Statutes, sections 346.55 and 347.31 to 347.40, have been recovered.

REPEALER.

Subpart 1. Minnesota Rules, parts 1720.1330, subpart 3; 1720.1340; 1720.1350; 1720.1360; 1720.1370; 1720.1380; 1720.1470; 1720.1580; 1720.1590; 1720.1600; 1720.1610; 1720.1620; 1720.1630; 1720.1640; 1720.1650; 1720.1660; and 1720.1670, are repealed.

Subp. 2. **Remove Duplication and Footnotes.** Minnesota Rules, parts 1710.0350, 1710.0360, 1710.0370, 1710.0380,

1710.0390, 1717.0400, 1710.0410, 1710.0420, 1710.0430, 1710.0440, 1710.0450, 1710.0460, 1710.0470, 1710.0480, 1710.0490, 1710.0500, 1710.0510, 1710.0520, 1710.0530, and 1710.0540, are repealed.

INSTRUCTION TO REVISOR. In the next and subsequent editions of Minnesota Rules, the revisor shall change the words "secretary and executive officer" to "executive secretary" in chapters 1700, 1705, 1715, and 1720.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 12 1989

Joan Anderson Growe

Secretary of State

10:00 AM

APPROVED AS TO FORM AND LEGALITY

May 10 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

EXHIBIT C

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

AUTHORIZING RESOLUTION

I, Mr. Herbert Halvorson, do hereby certify that I am a member and the President of the Board of Animal Health, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Animal Health duly and properly called and held on the 26th day of June, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to amend a rule without a public hearing governing Maintenance, Operation, and Inspection of Dog Kennels, Parts 1720.1330 thru 1720.1670 to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of June, 1987.

Herbert Halvorson, President
Board of Animal Health

Attest by one other Board member

Board of Animal Health

Proposed Permanent Rules Relating to the Maintenance, Operation, and Inspection of Kennels and Dealers.

Rules as Proposed

MAINTENANCE, OPERATION, AND INSPECTION OF ~~DOG~~ KENNELS AND DEALERS

1720.1330 DEFINITIONS.

Subpart 1. **Scope.** The following words and terms ~~shall~~ be are defined as follows where used in ~~these rules~~ parts 1720.1330 to 1720.1578.

Subp. 2. **Board.** "Board" ~~shall mean~~ means the Minnesota Board of Animal Health.

Subp. 2a. **Dealer.** "Dealer" has the meaning given in Minnesota Statutes, section 347.31, subdivision 4.

Subp. 3. [See Repealer.]

Subp. 4. **Duly authorized agent.** "Duly authorized agent" ~~shall mean~~ means an agent of the board, any sheriff or ~~his~~ deputy sheriff, or police officer, or ~~state~~ humane agent registered with the board and appointed pursuant to Minnesota Statutes ~~1971~~, section 343.01.

Subp. 4a. **Humane agent.** "Humane agent" means a person appointed as an agent under Minnesota Statutes, section 343.01.

Subp. 5. **Institution.** "Institution" ~~shall mean any scientific organization properly concerned with the investigation, instruction, cause, prevention, control, and cure of disease and abnormal conditions of humans and animals.~~ has the meaning given in Minnesota Statutes, section 347.31, subdivision 5.

Subp. 5a. **Kennel.** "Kennel" has the meaning given in Minnesota Statutes, section 347.31, subdivision 2.

Subp. 6. **Person.** "Person" ~~shall mean~~ means any individual, firm, partnership, or corporation.

Subp. 7. **Premises.** "Premises" ~~shall mean any building,~~

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~~structure,-shelter,-or-land-wherein-or-whereon-dogs-are-kept-or confined.~~ has the meaning given in Minnesota Statutes, section 347.31, subdivision 3.

1720.1390 MAINTENANCE OF ~~QUARTERS-AND-DOG-KENNELS~~ PREMISES.

Housing facilities ~~shall~~ must be structurally sound and maintained in good repair. Indoor housing facilities ~~shall~~ must be adequately ventilated and have ample light, either natural or artificial.

1720.1400 DOGS AND CATS KEPT OUTSIDE.

Dogs and cats kept outside ~~shall~~ must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

1720.1410 DOGS AND CATS CONFINED BY CHAINS.

If dogs or cats are confined by chains, ~~such-chain-shall~~ the chains must be so attached that they cannot become entangled with the chains of other ~~dogs~~ animals or any other objects. Chains ~~shall~~ must be of a size commonly used for the size of dog or cat involved and ~~shall~~ must be attached to the dog or cat by means of a well-fitted collar. ~~Such~~ Chains ~~shall~~ must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

1720.1420 ENCLOSURES.

Enclosures ~~shall~~ must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The ~~floors-of-enclosures-shall~~ enclosure must be constructed so as to prevent injury to the ~~dog's-legs-and-feet~~ dog or cat.

1720.1430 TEMPERATURE FOR INDOOR HOUSING FACILITIES.

The temperature for indoor housing facilities ~~shall~~ must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

1720.1440 DISPOSAL FACILITIES.

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Disposal facilities ~~shall~~ must be provided to minimize vermin infestation, odors, and disease hazards.

1720.1450 ADEQUATE STORAGE AND REFRIGERATION.

Adequate storage and refrigeration ~~shall~~ must be provided to protect food supplies against contamination and deterioration.

1720.1460 CLEAN AND SANITARY CONDITION.

The premises, cages, enclosures, and all housing facilities ~~shall~~ must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition ~~at all times~~.

1720.1480 FEEDING OF DOGS AND CATS.

Dogs ~~shall~~ and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

1720.1490 WATER.

Clean potable water ~~shall~~ must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

1720.1500 FEEDING AND WATERING RECEPTACLES.

All feeding and watering receptacles ~~shall~~ must be kept clean and sanitary ~~at all times~~.

1720.1510 ~~DOGS HOUSED~~ HOUSING IN SAME PRIMARY ~~ENCLOSURES~~ ENCLOSURE.

Dogs or cats housed in the same primary enclosure ~~shall~~ must be maintained in a compatible ~~groups~~ group. Puppies ~~shall~~ or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their ~~dams~~ dam.

1720.1520 DOGS OR CATS WITH VICIOUS DISPOSITIONS.

Any dog or cat exhibiting a vicious disposition ~~shall~~ must be housed separately.

1720.1530 FEMALES IN ~~SEASON~~ ESTRUS.

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Females in ~~season shall~~ estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding ~~shall~~ must be of compatible size and only one male and one female ~~shall~~ may be ~~mated at one time~~ confined in a ~~single~~ primary enclosure for breeding.

1720.1535 HUMANE TREATMENT.

All dogs and cats must be treated humanely while in the premises.

1720.1537 TRANSPORTATION OF DOGS AND CATS.

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

1720.1538 CARGO SPACE FOR DOGS AND CATS.

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

1720.1540 MINIMIZING DISSEMINATION OF DISEASE.

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease ~~shall~~ must be separated from other dogs ~~in such a manner as to minimize the dissemination of disease~~ or cats.

1720.1542 VETERINARY CARE.

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate

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veterinary care under the supervision of a doctor of veterinary medicine.

1720.1545 HEALTH OF DOGS AND CATS AT TIME OF RELEASE.

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

A. obvious signs of infectious disease;

B. obvious signs of nutritional deficiencies;

C. obvious signs of severe parasitism;

D. fractures;

E. blindness; and

F. serious congenital abnormalities.

1720.1546 DOGS AND CATS UNFIT FOR SALE OR RELEASE.

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

1720.1550 CONTROL OF PESTS.

The kennel or dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests ~~shall be established and maintained~~.

1720.1555 IDENTIFICATION OF DOGS AND CATS IN KENNELS.

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

1720.1560 RECORDS.

~~The person to whom a license to operate a dog~~ A licensed kennel ~~is issued~~ or dealer shall maintain the following records ~~and preserve such records for a minimum of two years~~:

A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social

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security number;

B. the identification of each dog or cat confined to the premises as described in part ~~1720.1470 together with a~~ 1720.1555;

C. description of the dog or cat by approximate age, breed, and sex; ~~the name and address of person from whom any dog three months of age or over was received;~~

D. the name and address of the person to whom ~~any~~ a dog or cat three months of age or over was transferred; and

E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed ~~at~~ on the ~~kennels~~ premises.

~~All~~ Records required by this part ~~shall~~ must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

1720.1570 INSPECTIONS.

Periodic inspections ~~will be made by agents of the board of all kennels licensed under this rule in addition to the inspection required prior to obtaining a license. Duly authorized agents may enter upon the premises of any dog kennel licensed hereunder during daylight hours for the purpose of inspecting for compliance with the provision of the law and these rules.~~ must be made in cooperation with the United States Department of Agriculture, pursuant to Minnesota Statutes, section 347.35.

1720.1575 INVESTIGATION OF COMPLAINTS.

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of $100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in Minnesota Statutes, section 347.38. If the complaint is deemed unfounded by the board investigator, the deposit must go into the general fund.

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by Revisor _____

Duly authorized agents are exempt from the $100 deposit for investigation of a complaint.

1720.1576 EXPENSES OF INVESTIGATION.

A person who violates Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

1720.1578 COST RECOVERY.

Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for by the state treasurer to the board to enable a showing that costs of inspection and enforcement of Minnesota Statutes, sections 346.55 and 347.31 to 347.40, have been recovered.

REPEALER.

Subpart 1. Minnesota Rules, parts 1720.1330, subpart 3; 1720.1340; 1720.1350; 1720.1360; 1720.1370; 1720.1380; 1720.1470; 1720.1580; 1720.1590; 1720.1600; 1720.1610; 1720.1620; 1720.1630; 1720.1640; 1720.1650; 1720.1660; and 1720.1670, are repealed.

Subp. 2. **Remove Duplication and Footnotes.** Minnesota Rules, parts 1710.0350, 1710.0360, 1710.0370, 1710.0380, 1710.0390, 1717.0400, 1710.0410, 1710.0420, 1710.0430, 1710.0440, 1710.0450, 1710.0460, 1710.0470, 1710.0480, 1710.0490, 1710.5000, 1710.0510, 1710.0520, 1710.0530, and 1710.0540, are repealed.

INSTRUCTION TO REVISOR. In the next and subsequent editions of Minnesota Rules, the revisor shall change the words "secretary and executive officer" to "executive secretary" in chapters 1700, 1705, 1715, and 1720.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Maintenance, Operation, and Inspection of Kennels and Dealers

AGENCY: Board of Animal Health

MINNESOTA RULES: Chapters 1700, 1705, 1710, 1715, and 1720

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

EXHIBIT E

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS
TO RULES OF THE BOARD OF ANIMAL HEALTH
PARTS 1720.1330 THROUGH 1720.1670,
GOVERNING MAINTENANCE, OPERATION, AND
INSPECTION OF KENNELS AND DEALERS.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Animal Health proposes to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes Sect. 14.22 through 14.28 (1986). Authority for adoption of these rules is contained in Minnesota Statutes Sections 35.03 (1986) and 347.35.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing should state his or her name and address. Each comment should identify the portion of the rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing on the proposed rule within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes Section 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Keith A. J. Friendshuh, DVM
State Board of Animal Health
Rm. 160
90 W. Plato Blvd.
St. Paul, MN 55107

Telephone: (612) 296-3428

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information supporting the proposed rules has been prepared and is available from Dr. Friendshuh upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received and Rules as Adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change.

Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Dr. Friendshuh.

The rules proposed for adoption relate to the following matters:

Licensing of Dog and Cat Dealers and Kennels

A copy of the proposed rule and Law (MN Statutes 347.31 - 347.40) are attached to this notice.

1-13-9
Dated

T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

PLEASE NOTE

This copy of the Laws of MN Chap. 346.55 and 347.31 through 347.40, has been included to help you understand the proposed rule, Maintenance, Operation, and Inspection of Kennels and Dealers.

This part is Law and cannot be changed. The Proposed Rule must comply with this law.

Section 1. **[346.55] CIVIL LIABILITY.**

Subdivision 1. **PENALTY.** The transfer by a person other than the owner of a dog or cat to a dealer, the possession of a dog or cat by a dealer without the permission of the owner, or the transfer of a dog or cat by a dealer to an institution without the permission of the owner is prohibited. Nothing in this section prohibits the transfer of a dog or cat to a dealer if the dog or cat is removed from a property by or at the request of a person in possession of the property. For the purpose of this subdivision, "dealer" and "institution" have the meanings given them in section 2.

A person who transfers or possesses a dog or cat without claim of right with intent to deprive the owner permanently of possession of the dog or cat violates this section and is liable for a civil penalty of up to $1,000 per dog or cat for each violation. In bringing a civil action under this section the charging attorney shall consider, and in imposing a fine the court shall consider:

(1) the history of previous violations;

(2) the number of violations;

(3) the degree of willfulness of the violation;

(4) the good faith of the dealer;

(5) the good faith of the person delivering the dog or cat to the dealer; and

(6) the gravity of the violation.

A fine paid by the defendant in a criminal action that arose from the same violation may not be applied toward payment of the civil penalty under this subdivision.

Subd. 2. **JURISDICTION.** Notwithstanding sections 487.15, 488A.01, and 488A.18, the county and municipal courts may hear, try, and determine actions started under this section. Trials under this section must be to the court, sitting without a jury.

Subd. 3. **APPEARANCES.** Notwithstanding section 8.01, county or city attorneys may appear for the board of animal health in civil actions started under this section at the request of the attorney general. Actions under this section may be brought in the name of the state of Minnesota with the consent of the board of animal health or directly by a city or county attorney at the request of a person filing a complaint.

Subd. 4. **VENUE.** Civil actions under this section may be started in any county in which the animal in question was transferred or possessed, or from which the dog or cat was removed without the permission of the lawful owner.

Subd. 5. **FINES.** Fines collected under this section must be disposed of as follows:

(a) If the violation occurs in the county, and the county attorney appears in the action, 50 percent to the county and 50 percent to the state.

(b) If the violation occurs within the municipality, and the city attorney

(c) If the attorney general appears in the action, all penalties imposed and fines collected must be credited to the general fund in the state treasury.

Sec. 2. Minnesota Statutes 1986, section 347.31, is amended to read:

347.31 **~~REGULATION OF DOG KENNELS;~~ DEFINITIONS.**

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

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

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

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

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

Sec. 3. Minnesota Statutes 1986, section 347.32, is amended to read:

347.32 **LICENSE FOR ~~DOG~~ KENNEL OR DEALER.**

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

Sec. 4. Minnesota Statutes 1986, section 347.33, is amended to read:

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

Subdivision 1. **APPLICATION.** The application for a license to operate and maintain a ~~dog~~ kennel or operate as a dealer shall be made to the board of animal health, in the manner prescribed by rules of the board.

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

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

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

Subd. 3. **FEES; ISSUANCE OF LICENSE.** The annual license fee is ~~$10~~ $15 for each kennel and $100 for each dealer licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund.

When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of the premises, the board determines that the ~~dog~~ kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to ~~it~~ those sections.

Sec. 5. Minnesota Statutes 1986, section 347.34, is amended to read:

347.34 **LICENSES REQUIRED.**

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

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

Sec. 6. Minnesota Statutes 1986, section 347.35, is amended to read:

347.35 **BOARD OF ANIMAL HEALTH AUTHORIZED TO PROMULGATE RULES.**

The board of animal health shall promulgate rules as it deems necessary for the operation of ~~dog~~ kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for cooperation with the United States Department of Agriculture animal plant health inspection service program and for reference of complaints to local enforcement authorities. Rules ~~may~~ must include, but are not limited to, requirements governing the care of dogs and cats, minimum conditions, and maintenance of quarters and ~~dog~~ kennels, the humane treatment of dogs and cats while in the ~~dog~~ kennels, maintenance of detailed records showing the person from whom any dog or cat aged over three months has been received,

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

and in the case of a dealer, including address, driver's license number or social security number, and to whom it has been transferred, and preservation of the records for a minimum period of two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data collected.

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

347.36 ADVERTISING.

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

Sec. 2. Minnesota Statutes 1987 Supplement, section 347.37, is amended read:

347.37 PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT.

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

Any duly authorized agent of the board, any sheriff, or sheriff's deputy, or police officer, or humane agent appointed pursuant to section 343.01 is granted the power and the authority to enter upon the premises of any kennel or dealer at any time during the daylight hours for the purposes herein set forth, and for the purposes of inspecting the compliance with the provisions of sections 346.55, 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40; except that humane agents shall not enter upon the premises of a licensed veterinarian acting as a kennel.

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

347.38 REVOCATION OF LICENSE.

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

Upon written complaint made to the board by any person, firm, or corporation alleging any violation of ~~this law~~ sections 347.31 to 347.40 or any rules

pursuant thereto by any licensee, the board may cause an investigation to be made upon matters related in said complaint.

Thereupon the board shall in its discretion either dismiss the complaint or require the kennel or dealer against whom the complaint is made to correct the conditions or violations complained of within ten days after receipt of written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to remedy the violation or violations of sections 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or if the board considers it appropriate under the circumstances the board shall, upon a minimum of 30 days' notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a kennel or as a dealer should be revoked or temporarily suspended ~~for a period not to exceed six months~~. If after notice and hearing the board finds that any provision of sections 346.55 or 347.31 to 347.40 has been violated by the licensee or any rule issued by the board has been violated by the licensee, the board may revoke and suspend the license. The ~~suspension shall not exceed a period of six months~~ possession or transfer of a dog or cat by a dealer to an institution, without the permission of the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license revocation. The licensee whose license is revoked or suspended may within 20 days after the board's decision appeal to the district court. The district court shall upon 20 days' notice to the board hear the appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the decision of the board in a manner as though reviewed by certiorari, except that new or additional evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the disposition of the case.

Sec. 9. Minnesota Statutes 1986, section 347.39, is amended to read:

347.39 PENALTIES.

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

Sec. 10. Minnesota Statutes 1986, section 347.40, is amended to read:

347.40 EXCEPTIONS.

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

~~The provisions of sections 347.31 to 347.40 shall not apply to any institution licensed to obtain animals under the provisions of section 35.71, and to any person licensed under Public Law Number 89-544, the federal Laboratory Animal Welfare Act.~~

Board of Animal Health

Proposed Permanent Rules Relating to the Maintenance, Operation, and Inspection of Kennels and Dealers.

Rules as Proposed

MAINTENANCE, OPERATION, AND INSPECTION OF ~~DOG~~ KENNELS AND DEALERS

1720.1330 DEFINITIONS.

Subpart 1. **Scope.** The following words and terms ~~shall~~ be are defined as follows where used in ~~these rules~~ parts 1720.1330 to 1720.1578.

Subp. 2. **Board.** "Board" ~~shall mean~~ means the Minnesota Board of Animal Health.

Subp. 2a. **Dealer.** "Dealer" has the meaning given in Minnesota Statutes, section 347.31, subdivision 4.

Subp. 3. [See Repealer.]

Subp. 4. **Duly authorized agent.** "Duly authorized agent" ~~shall mean~~ means an agent of the board, any sheriff or ~~his~~ deputy sheriff, or police officer, or ~~state~~ humane agent registered with the board and appointed pursuant to Minnesota Statutes ~~1971~~, section 343.01.

Subp. 4a. **Humane agent.** "Humane agent" means a person appointed as an agent under Minnesota Statutes, section 343.01.

Subp. 5. **Institution.** "Institution" ~~shall mean any scientific organization properly concerned with the investigation, instruction, cause, prevention, control, and cure of disease and abnormal conditions of humans and animals.~~ has the meaning given in Minnesota Statutes, section 347.31, subdivision 5.

Subp. 5a. **Kennel.** "Kennel" has the meaning given in Minnesota Statutes, section 347.31, subdivision 2.

Subp. 6. **Person.** "Person" ~~shall mean~~ means any individual, firm, partnership, or corporation.

Subp. 7. **Premises.** "Premises" ~~shall mean any building,~~

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~~structure, shelter, or land wherein or whereon dogs are kept or confined.~~ has the meaning given in Minnesota Statutes, section 347.31, subdivision 3.

1720.1390 MAINTENANCE OF ~~QUARTERS AND DOG KENNELS~~ PREMISES.

Housing facilities ~~shall~~ must be structurally sound and maintained in good repair. Indoor housing facilities ~~shall~~ must be adequately ventilated and have ample light, either natural or artificial.

1720.1400 DOGS AND CATS KEPT OUTSIDE.

Dogs and cats kept outside ~~shall~~ must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

1720.1410 DOGS AND CATS CONFINED BY CHAINS.

If dogs or cats are confined by chains, ~~such chain shall~~ the chains must be so attached that they cannot become entangled with the chains of other ~~dogs~~ animals or any other objects. Chains ~~shall~~ must be of a size commonly used for the size of dog or cat involved and ~~shall~~ must be attached to the dog or cat by means of a well-fitted collar. ~~Such~~ Chains ~~shall~~ must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

1720.1420 ENCLOSURES.

Enclosures ~~shall~~ must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The ~~floors of enclosures shall~~ enclosure must be constructed so as to prevent injury to the ~~dog's legs and feet~~ dog or cat.

1720.1430 TEMPERATURE FOR INDOOR HOUSING FACILITIES.

The temperature for indoor housing facilities ~~shall~~ must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

1720.1440 DISPOSAL FACILITIES.

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Disposal facilities ~~shall~~ must be provided to minimize vermin infestation, odors, and disease hazards.

1720.1450 ADEQUATE STORAGE AND REFRIGERATION.

Adequate storage and refrigeration ~~shall~~ must be provided to protect food supplies against contamination and deterioration.

1720.1460 CLEAN AND SANITARY CONDITION.

The premises, cages, enclosures, and all housing facilities ~~shall~~ must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition ~~at all times~~.

1720.1480 FEEDING OF DOGS AND CATS.

Dogs ~~shall~~ and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

1720.1490 WATER.

Clean potable water ~~shall~~ must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

1720.1500 FEEDING AND WATERING RECEPTACLES.

All feeding and watering receptacles ~~shall~~ must be kept clean and sanitary ~~at all times~~.

1720.1510 ~~DOGS HOUSED~~ HOUSING IN SAME PRIMARY ~~ENCLOSURES~~ ENCLOSURE.

Dogs or cats housed in the same primary enclosure ~~shall~~ must be maintained in a compatible ~~groups~~ group. Puppies ~~shall~~ or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their ~~dams~~ dam.

1720.1520 DOGS OR CATS WITH VICIOUS DISPOSITIONS.

Any dog or cat exhibiting a vicious disposition ~~shall~~ must be housed separately.

1720.1530 FEMALES IN ~~SEASON~~ ESTRUS.

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Females in ~~season shall~~ estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding ~~shall~~ must be of compatible size and only one male and one female ~~shall~~ may be ~~mated at one time~~ confined in a ~~single~~ primary enclosure for breeding.

1720.1535 HUMANE TREATMENT.

All dogs and cats must be treated humanely while in the premises.

1720.1537 TRANSPORTATION OF DOGS AND CATS.

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

1720.1538 CARGO SPACE FOR DOGS AND CATS.

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

1720.1540 MINIMIZING DISSEMINATION OF DISEASE.

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease ~~shall~~ must be separated from other dogs ~~in such a manner as to minimize the dissemination of disease~~ or cats.

1720.1542 VETERINARY CARE.

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate

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veterinary care under the supervision of a doctor of veterinary medicine.

1720.1545 HEALTH OF DOGS AND CATS AT TIME OF RELEASE.

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

A. obvious signs of infectious disease;

B. obvious signs of nutritional deficiencies;

C. obvious signs of severe parasitism;

D. fractures;

E. blindness; and

F. serious congenital abnormalities.

1720.1546 DOGS AND CATS UNFIT FOR SALE OR RELEASE.

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

1720.1550 CONTROL OF PESTS.

The kennel or dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests ~~shall be established and maintained~~.

1720.1555 IDENTIFICATION OF DOGS AND CATS IN KENNELS.

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

1720.1560 RECORDS.

~~The person to whom a license to operate a dog~~ A licensed kennel ~~is issued~~ or dealer shall maintain the following records ~~and preserve such records for a minimum of two years~~:

A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social

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security number;

B. the identification of each dog or cat confined to the premises as described in part ~~1720.1470 together with a~~ 1720.1555;

C. description of the dog or cat by approximate age, breed, and sex; ~~the name and address of person from whom any dog three months of age or over was received;~~

D. the name and address of the person to whom ~~any~~ a dog or cat three months of age or over was transferred; and

E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed ~~at~~ on the ~~kennels~~ premises.

~~All~~ Records required by this part ~~shall~~ must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

1720.1570 INSPECTIONS.

Periodic inspections ~~will be made by agents of the board of all kennels licensed under this rule in addition to the inspection required prior to obtaining a license. Duly authorized agents may enter upon the premises of any dog kennel licensed hereunder during daylight hours for the purpose of inspecting for compliance with the provision of the law and these rules.~~ must be made in cooperation with the United States Department of Agriculture, pursuant to Minnesota Statutes, section 347.35.

1720.1575 INVESTIGATION OF COMPLAINTS.

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of $100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in Minnesota Statutes, section 347.38. If the complaint is deemed unfounded by the board investigator, the deposit must go into the general fund.

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Duly authorized agents are exempt from the $100 deposit for investigation of a complaint.

1720.1576 EXPENSES OF INVESTIGATION.

A person who violates Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

1720.1578 COST RECOVERY.

Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for by the state treasurer to the board to enable a showing that costs of inspection and enforcement of Minnesota Statutes, sections 346.55 and 347.31 to 347.40, have been recovered.

REPEALER.

Subpart 1. Minnesota Rules, parts 1720.1330, subpart 3; 1720.1340; 1720.1350; 1720.1360; 1720.1370; 1720.1380; 1720.1470; 1720.1580; 1720.1590; 1720.1600; 1720.1610; 1720.1620; 1720.1630; 1720.1640; 1720.1650; 1720.1660; and 1720.1670, are repealed.

Subp. 2. **Remove Duplication and Footnotes.** Minnesota Rules, parts 1710.0350, 1710.0360, 1710.0370, 1710.0380, 1710.0390, 1717.0400, 1710.0410, 1710.0420, 1710.0430, 1710.0440, 1710.0450, 1710.0460, 1710.0470, 1710.0480, 1710.0490, 1710.5000, 1710.0510, 1710.0520, 1710.0530, and 1710.0540, are repealed.

INSTRUCTION TO REVISOR. In the next and subsequent editions of Minnesota Rules, the revisor shall change the words "secretary and executive officer" to "executive secretary" in chapters 1700, 1705, 1715, and 1720.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to the Maintenance, Operation, and Inspection of Kennels and Dealers

AGENCY: Board of Animal Health

MINNESOTA RULES: Chapters 1700, 1705, 1710, 1715, and 1720

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

EXHIBIT F

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS
TO RULES OF THE BOARD OF ANIMAL HEALTH
PARTS 1720.1330 THROUGH 1720.1670,
GOVERNING MAINTENANCE, OPERATION, AND
INSPECTION OF KENNELS AND DEALERS.

STATEMENT OF NEED
AND REASONABLENESS

1720.1330 - 1720.1670

Minnesota Statutes §35.03 (1986) authorizes and requires the Minnesota Board of Animal Health (hereinafter referred to as the "Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. Minnesota Statutes §347.35 requires the board to promulgate rules as it deems necessary for the operation of kennels and dealers and the enforcement of MS §347.31 to 347.40. The current rules of the Board (1720.1330-1720.1670) provide for the inspection and licensing of dog kennels under MN Statutes, Chapters 35 and 347.

Both the 1987 and 1988 legislatures changed MN Stat. §347 to include cats as well as dogs as protected animals and also added regulations for "Class B" Dealers who sell or transfer dogs or cats to research institutions.

The addition of cats as protected animals and "Class B" Dealers as regulated entities to the Law makes it necessary to change the rules. Also, the old rule has many parts that repeat the language of the Law; therefore, the repetitive language is repealed in the proposed rule. The legislature also enacted some changes and deletions which the rule must now reflect.

MN Rules, Parts 1720.1340; 1720.1350; 1720.1360; 1720.1370; 1720.1380; 1720.1580; 1720.1630; 1720.1640; and 1720.1660, are being repealed because they are duplications of MN Stat. § 347.31 to 347.40.

MN Rules, Parts 1720.1650 and 1720.1670 are being repealed because they were deleted from MN. Stat. §347.

MN Rules, Parts 1720.1330, Subpart 3; 1720.1470; 1720.1490; 1720.1600; 1720.1610; and 1720.1620 are being repealed only because they are reinstated in MN Rule, Parts 1720.1330, Subpart 5a; 1720.1555; 1720.1537; 1720.1538; 1720.1545; and 1720.1546 respectively. Thus, these parts are not new requirements but rather recodification of the current rule.

Proposed MN Rules, Parts 1720.1535; 1720.1542; 1720.1560 and 1720.1570 are mandated by MN Stat. §347.35 to be included in the Rules.

Proposed MN Rules, Parts 1720.1575; 1720.1576 and 1720.1578 are included because MN. Stat. §347.35 requires the Board to provide for the cost recovery of licensing inspection, and enforcement of civil penalties.

Subpart 2 of the Repealer: Remove duplication and footnotes; MN. Rules, Parts 1710.0350; 1710.0360; 1710.0370; 1710.0380; 1710.0390; 1710.0400; 1710.0410; 1710.0420; 1710.0430; 1710.0440; 1710.0450; 1710.0460; 1710.0470; 1710.0480; 1710.0490; 1710.0500; 1710.0510; 1710.0520; 1710.0530; 1710.0540 has nothing to do with the Kennel Rules; it is just officially repealing a non-functional rule that was not repealed previously.

In assessing the economic impact of the proposed changes, the Board is not adding anything new that is not mandated by the changes in MN. Statutes. When considering the effect upon small business, the rule will have no increase in economic costs to small businesses except if it is necessary to recover the costs of the investigation of a violation as mandated. The Law (MN Stats. §347.) does have an increase in economic cost by increasing the license fees from $10.00 to $15.00 for kennels and establishing a dealer license fee of $100.00, but these cannot be changed by the rule.

There are no new or more stringent compliance standards other than required by MN. Stat. §347 and any less stringent compliance or recordkeeping would be contrary to the statutory objectives.

Date 1-13-89

T. J. Hagerty, DVM
Executive Secretary

EXHIBIT G

STATE OF MINNESOTA ARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendments to Rules of the Board of Animal Health Governing Parts 1720.1330 thru 1720.1670, Maintenance, Operation and Inspection of Kennels and Dealers.

AFFIDAVIT OF MAILING

1. I am Keith A. J. Friendshuh, DVM, employed by the Minnesota Board of Animal Health in charge of Poultry and Miscellaneous Diseases (Including dog and cat dealers and kennels).

2. On January 27, 1989, I supervised the mailing of the "Notice of Intent to Amend Rules of the Board of Animal Health without a Public Hearing" to all persons who registered with the Board of Animal Health to receive such notices, to all dog and cat kennels and dealers licensed with the Board of Animal Health, and to the Humane Societies of Minnesota and other interested parties (see list).

3. The same notice was published in the State Register January 30, 1989.

4. All notices were sent by United States mail from St. Paul, Minnesota on January 27, 1989 and each notice included a copy of the proposed amendments to parts 1720.1330 thru 1720.1670 and a copy of Minnesota Statutes 346.55 and 347.31-347.40.

Keith A. J. Friendshuh, DVM
Board of Animal Health

Subscribed and sworn to before me

this 21st day of April, 1989.

Marian S. Comford

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1992

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendments
to Rules of the Board of Animal Health
Governing Parts 1720.1330 - 1720.1670,
the Maintenance, Operation and Inspection
of Kennels and Dealers.

I certify that the attached copy is a true and exact copy of the mailing list used to mail the Notice of Intent to Adopt Rules of the Board of Animal Health without a public hearing, Parts 1720.1330 thru 1720.1670, Maintenance, Operation and Inspection of Kennels and Dealers.

Keith A. J. Friendshuh, DVM
Board of Animal Health

Dated: 4/21/89

Board of Animal Health List	28
County Humane Societies	51
Board of Animal Health Office and field personnel	21
USDA, VS	8
Kennels & Dealers & Misc.	81
MN Fed. Humane Soc.	12
Misc. list from humane soc.	7
Board members	6
TOTAL	214

OFFICIAL BOARD HEARING LIST

5-21-87

Countryside Council - CDIC
P.O. Box 78
Marshall, MN 56258

THE FARMER
1999 Shepard Road
St. Paul, MN 55116

David Luhman
RR 3
Goodhue, MN 55027

MN Milking Shorthorn Society
Harold Krause
Eagle Bend, MN 56446

Dr. Glen Nelson
Veterinary Diagnostic Lab.
U of MN
St. Paul, MN 55108

Jerry Noren
Rt. 1
St. James, MN 56081

Maxine Sheldon, President
MN Dairy Goat Association
12695 Marine Trail North
Marine-on-the-St. Croix, MN
55047

Judith G. Schotzko
Frundt, Frundt, & Johnson
117 W. 5th St.
Blue Earth, MN 56013

John & Mathew Lenort
Rt. 3 - Box 179
Fairmont, MN 56031

Jean Dawson, Editor
The MN Government Report
B-12, Press Room, State Capitol
Building

Bob Franklin, City Editor
Mpls. Tribune
425 Portland Ave
Minneapolis, MN 55488

MN Guernsey Breeders Assoc.
Mrs. Walter Fuchs, Secretary
Rt. 1
Nerstrand, MN 55053

Rick Mooney, Assoc. Editor
Farm Journal
P.O. Box 645
Chippewa Falls, WI 54729
Returned 2/6/9

John W. Zwiebel
Adult Farm Mgmt. Instructor
Owatonna Public Schools
Ag. Bldg. - 333 E. School St.
Owatonna, MN 55060

Phillips Legislative Serv., Inc.
459 Rice St.
St. Paul, MN 55103

Unknown
Kurt Hamilton, Exec. Secretary
MN Livestock Marketing Assn.
301 E Armour
Kansas City, MO 64110 6/4/11

Legislative Commission on
Review of Admin. Rules
Room B 46, State Capitol
St. Paul, MN 55155

Mr. Vern Ingvalson
MN Farm Bureau
PO Box 64370
St. Paul, MN 55164

Dr. Jack Flint
1761 Gramsie Rd.
St. Paul, MN 55112

Executive Secretary
MN Board of Pharmacy
717 SE Delaware St. #351
Minneapolis, MN 55440

Mr. Lyle Lamphere, Sec./Treas.
MN Livestock Breeders Assoc.
112 - Tenth Ave. So.
South St. Paul, MN 55075

MN Holstein Breeders Assoc.
417 So 72nd Ave
St. Cloud, MN 56301

Norman Nibbe
314 Walnut
Lake City, MN 55041

Congressman Vin Weber
208 E. College Drive
Marshall, MN 56258

Linda Lacher, Exec. Secretary
Minnesota Vet. Medical Assoc.
~~2353 Rice St. Suite 220~~
~~Roseville, MN 55113~~
379 Univ. Ave.
Suite 214
St Paul 55103

Dairy & Livestock Division
MN Dept. of Agriculture
90 W Plato Blvd
St. Paul, MN 55107

Calvin Mattson
Rt. 2
Granada, MN 56039

Mr John Hallstrom
Rt 3 Box 90
Fairmont MN 56301

MINNESOTA FEDERATED HUMANE SOCIETIES

BOARD OF DIRECTORS

[redacted]-Mark Schultheiss
(Greater Anoka County Humane Society)
1018 Grant Circle South — Home--(612) 427-0272
Anoka, MN 55303 — Bus.--(612) 427-8020

[redacted]-PRESIDENT--Jeff Dow
(Humane Society of Wright county)
100 - 7th Street South — Home--(612) 682-4763
Buffalo, MN 55313

ECRETARY--Sharon Christison
(Animal Humane Society of Hennepin Co.)
845 Meadow Lane N. — Home--(612) 690-5644
Minneapolis, MN 55422 — Bus.--(612) 522-6009

[redacted]-REASURER--Alan Stensrud
(Animal Humane Society of Hennepin Co.) — Bus.--(612) 522-4325

Frank Bemis
(Goodhue County Humane Society)
1056 Aspen Ave. — Home--(612) 388-7439
Red Wing, MN 55066 — Bus.--(612) 388-5286

Ellen George
(Humane Society of Ramsey County)
3044 Jersey Avenue South
St. Louis Park, MN 55426 — Home--(612) 925-0327

Vicki Peterson
(Heartland Animal Rescue Team)
126 Birchridge Dr.
Brainerd, MN 56401 — Home--(218) 829-1677

Sherrill Reid
(St. Croix Animal Shelter)
13342 S. 40th St.
Afton, MN55001 — Bus.--(612) 436-5971

Miles Quale
(Kandiyohi County Humane Society)
Rt. 4, Box 329 — Home--(612) 235-4868
Willmar, MN 56201 — Bus.--(612) 235-4722

Terry Stone
(Borderland Humane Society)
Box 100
South International Falls, MN 56679 — Home & Bus.-(218) 283-9290

Shirley Taggart
(Rice County Humane Society)
Rt. 3, Box 124
Faribault, MN 55021 — Home--(507) 685-2393

PROPOSED DOG KENNEL/DEALER RULE, ETC. ALSO SENT TO THE FOLLOWING:

THEY WERE ON OLD HUMANE SOC. LIST BUT NOT LISTED ON NEW ONE.

Olmsted Co. Humane Soc. Returned unable to Forward.
Lexington Bldg. #16A
Rochester, MN 55901

Otter Tail Co. Humane Soc.
Box 373
Fergus Falls, MN 56357

Tri-Co. Humane Soc.
Rt. 3
Thief River Falls, MN 56701

Polk Co. Humane Soc.
Box 424
Crookston, MN 56716

Renville Co. Humane Soc.
250 E. 4th St.
Hector, MN 55342

Scott Co. Humane Soc. Returned unable to Forward.
PO Box 485
Prior Lake, MN 55372

Freeborn Co. Humane Soc.
813 Clausen Ave.
Albert Lea, MN 56007

Douglas Co. Humane Soc.
1710 Fillmore St.
Alexandria, MN 56308

Sandy Lizakowski
Todd Co. Humane Soc.
403 N. E. 8th St.
Staples, MN 56479

Nancy Taatjes
Cass Co. Humane Soc.
Box 677
Walker, MN 56484

Donna Lifland
Becker Co. Humane Soc.
Rt. 4 Box 31
Det. Lakes, MN 56501

Friends of Animals Humane
Society of Carlton Co.
Box 107
Cloquet, MN 55720

Humane Society, Inc.
Rt. 4 Box 10
Moorhead, MN 56560

Chisago Co. Humane Soc.
Box 13
Wyoming, MN 55092

Rice Co. Humane Soc.
Box 23
Faribault, MN 55021

MINNESOTA COUNTY HUMANE SOCIETIES

ANOKA

Anoka County Humane Society
1411 Main St.
Coon Rapids, MN 55433
(612) 754-1642

BELTRAMI

Beltrami County Humane Society
Box 14
Bemidji, MN 56601
(218) 751-7910

BENTON/SHERBURNE/STEARNS

Tri-County Humane Society
P.O. Box 701
St. Cloud, MN 56301
(612) 252-0896

BLUE EARTH/NICOLLET - Jeff

Blue Earth/Nicollet Humane Society
P.O. Box 1375
Mankato, MN 56001
(507) 625-6373

BROWN/COTTONWOOD/WATONWAN

Brown Co. Humane Society
P.O. Box 512
New Ulm, MN 56073
(507) 359-2312

CHISAGO - Sharon

Chisago County Humane Society
~~7280 260th St.~~ Box 13
Wyoming, MN 55092
(612) ~~462-4614~~ (Alan Seaton, Pres.)

CLAY - Humane Soc. One. R4 Box 10 Moorhead 56560

Fargo-Moorhead Humane Society
Box 812
Fargo, ND 58107
(218) 233-1212, 232-0203

COTTONWOOD--See Brown

CROW WING

Lake Region Humane Society
1004 S.E. 15th St.
Brainerd, MN 56401
(218) 829-6176

also

Heartland Animal Rescue Team
P.O. Box 29
(218) 829-1677
Brainerd, MN 56401

DAKOTA

Minnesota Valley Humane Society of Dakota Co.
Box 423
Rosemount, MN 55068 % Beverly Shannon
(612) 452-7679

FARIBAULT - Sharon

Faribault County Humane Society
P.O. Box 246
Blue Earth, MN 56031
or
Heather Sorgenfrie
Elmore, MN 56027
(507) 943-3814

GOODHUE

Goodhue County Humane Society
Box 331
Red Wing, MN 55066
(612) 388-5286

HENNEPIN Alan Stensrud

Animal Humane Society of Hennepin County
845 Meadow Lane North
Minneapolis, MN 55422
(612) 522-4325

HUBBARD - Jeff

Northern Minnesota Humane Society
Rt. 4, Box 598 4982
Park Rapids, MN 56407
(218) 732-3165

ISANTI

Isanti County Humane Society
P.O. Box 215
Cambridge, MN 55008
(612) 689-2334

Cass - Thru walker Vet Clinic

(4/14/88)

ITASCA

Star of the North Humane Society
Box 458
Coleraine, MN 55772
(218) 237-1236

KANABEC

Kanabec County Humane Society
Rt. 2, Box 257
Mora, MN 55051
(612) 679-5069

KANDIYOHI

Kandiyohi County Humane Society
P.O. Box 709
Willmar, MN 56201
(612) 235-3633

KOOCHICHING

Borderland Humane Society
807 2nd St.
International Falls, MN 56649
(218) 283-4651

LAKE

Lake County Humane Society
Box 27
Two Harbors, MN 55616
(218) 834-2020

LYON

Lyon County Humane Society
Box 541
Marshall, MN 56258
(507) 532-3723

MEEKER

Meeker County Humane Society
411 N. Austin
Litchfield, MN 55355
(612) 693-2554
or
Evonne Johnson
R.R. Box 131D
Litchfield, MN 55355

MILACA

B. Robert Lewis Memorial Animal Shelter
Rt. 1, Box 110
Dalbo, MN 55017
(612) 389-5053

MORRISON

Morrison County Humane Society
Box 65
Little Falls, MN 56345
(612) 749-2865

MOWER

Mower County Humane Society
602 20th St. N.W.
Austin, MN 55912
(507) 437-3739

NORMAN

Norman County Humane Society
Norman Co. Sheriff's Dept.
P.O. Box 313
(218) 784-7114

OTTER TAIL

Otter Tail County Humane Society
Box 373
Fergus Falls, MN 56357
(218) 739-3494 (shelter)
739-9432 (director)

POLK

Polk County Humane Society
Box 424
Crookston, MN 56716
(218) 281-4710/6948

POPE

Pope County Humane Society
Box 217
Glenwood, MN 56334
(612) 634-3386

RAMSEY

Humane Society of Ramsey County
1115 Beulah Lane
St. Paul, MN 55108
(612) 645-7387

(4/14/88)

REDWOOD

Redwood County Humane Society
P.O. Box 244
Redwood Falls, MN 56283
(507) 637-3119

RICE

Rice County Humane Society
~~25771 Elmore Ave.~~ PO Box 23
Faribault, MN 55021
(507) 685-2393

ST. LOUIS Jeff

Animal Allies Humane Society
601 Ordean Bldg.
424 W. Superior St.
Duluth, MN 55802 Jeff Urbaniak
(218) 726-4728

also

Mesabi Humane Society
Box 3
Virginia, MN 55794
(218) 741-7425

SHERBURNE--See Benton

STEARNS--See Benton

STEVENS - miles

West Central Humane Society
Rt. 2
Morris, MN 56267
(612) 589-2749

Lois Manney

WABASHA - Frank

Hiawatha Animal Humane Society
Box 215
Lake City, MN 55041
(612) 345-3148

WASHINGTON

St. Croix Animal Shelter
13342 S. 40th St.
Afton, MN 55001
(612) 436-5971

WATONWAN--See Brown

WINONA - Frank

Winona County Humane Society
c/of Roberta Gunn
Rt. 1, Box 53
Minnesota City, MN 55959

WRIGHT

Wright County Humane Society
Box 42
Buffalo, MN 55313
(612) 972-3577 (shelter)
682-4763 (president)

(4/14/88)

In addition to the previously listed humane societies, there are other local animal assistance organizations such as the following:

Animal Allies, Inc.
c/of Judy Cushing
1403 12th St.
Red Wing, MN 55066

Paws & Claws
712 12th Ave. S.E.
Rochester, MN 55094
Attn: Marge Mourning
(507) 289-6555

Marriage and Family Therapy Board
5300.0100-.0360 (adopted emergency) 1733

Metropolitan Council
5800.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150 (proposed) 1763
5700.0100-.4100 (proposed repealer) 1763

Natural Resources Department
6115.0060; .0065; .0080; .0120 (proposed) 1680
6115.0080 s.1 (proposed repealer) 1680

Pharmacy Board
6800.1150; .1300 (adopted) 1775
6800.2800 (repealed) 1775

Pollution Control Agency
7001.0020; .0040; .0130; .0140; .0160; .0180; .0190; .0725; .1020; .1030; .1080 (proposed) 1683
7001.0520; .0560; .0625; .0640; 7045.0020; .0135; .0452; .0460; .0478; .0484; .0485; .0486; .0488; .0490; .0492; .0502; .0506; .0518; .0539; .0665 (proposed) 1724
7046.0020; .0031; .0040; .0050; .0070 (adopted) 1821
7075.1400-.1530 (adopted) 1822
7075.2505; .2510; .2515; .2520; .2525; .2530; .2535; .2540; .2545; .2550 (adopted) 1690

Trade & Economic Development Department
7380.0100-.0130 (adopted) 1822

Public Safety Department
7406.0100; .0300; .0500; .0700 (adopted) 1733
7520.1000; .1100 (adopted) 1688
7530.0010; .0020; .0030; .0040; .0050; .0060 (proposed emergency) 1691

Public Service Department
7605.0010-.0080 (withdrawn proposed) 1852
7605.0010-.0080 (proposed) 1855
7660.0010-.0090 (withdrawn proposed) 1851
7660.0010-.0090 (proposed) 1852

Human Services Department
9500.1090; .1095; .1100; .1130 (adopted) 1689
9500.1100 s.21a (repealed) 1689
9500.1206; .1232; .1257; .1262; .1266 (adopted) ... 1688 and 1735
9505.0500; .0510; .0520; .0521; .0522; .0530; .0540 (adopted) 1688
9505.0297; .0446 (adopted) 1861
9505.5000; .5005; .5010; .5015; .5035; .5040; .5050; .5055; .5060; .5065; .5070; .5075; .5080; .5090; .5096; .5100; .5105 (adopted) 1688
9505.5095 (repealed) 1688
9575.1500 (adopted) 1688

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register.* The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Animal Health

Proposed Permanent Rules Relating to the Maintenance, Operation, and Inspection of Kennels and Dealers

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Animal Health proposes to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* Sect. 14.22 through 14.28 (1986). Authority for adoption of these rules is contained in *Minnesota Statutes* Sections 35.03 (1986) and 347.35.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing should state his or her name and address. Each comment should identify the portion of the rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing on the proposed rule within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes* Section 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Keith A. J. Friendshuh, DVM
State Board of Animal Health
Rm. 160
90 W. Plato Blvd.
St. Paul, MN 55107
Telephone: (612) 296-3428

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information supporting the proposed rules has been prepared and is available from Dr. Friendshuh upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received and Rules as Adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change.

Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Dr. Friendshuh.

The rules proposed for adoption relate to the following matters:

Licensing of Dog and Cat Dealers and Kennels

A copy of the proposed rule and law (*Minnesota Statutes* 347.31-347.40) are attached to this notice.

Dated: 13 January 1989

T.J. Hagerty, DVM
Executive Secretary
Board of Animal Health

Rules as Proposed

MAINTENANCE, OPERATION, AND INSPECTION OF ~~DOG~~ KENNELS AND DEALERS

1720.1330 DEFINITIONS.

Subpart 1. **Scope.** The following words and terms ~~shall be~~ are defined as follows where used in ~~these rules~~ parts 1720.1330 to 1720.1578.

Subp. 2. **Board.** "Board" ~~shall mean~~ means the Minnesota Board of Animal Health.

Subp. 2a. **Dealer.** "Dealer" has the meaning given in *Minnesota Statutes,* section 347.31, subdivision 4.

Subp. 3. [See Repealer.]

Subp. 4. **Duly authorized agent.** "Duly authorized agent" ~~shall mean~~ means an agent of the board, any sheriff or ~~his~~ deputy sheriff, or police officer, or ~~state~~ humane agent registered with the board and appointed pursuant to *Minnesota Statutes* ~~1971~~, section 343.01.

Subp. 4a. **Humane agent.** "Humane agent" means a person appointed as an agent under *Minnesota Statutes,* section 343.01.

Subp. 5. **Institution.** "Institution" ~~shall mean any scientific organization properly concerned with the investigation, instruction, cause, prevention, control, and cure of disease and abnormal conditions of humans and animals.~~ has the meaning given in *Minnesota Statutes,* section 347.31, subdivision 5.

Subp. 5a. **Kennel.** "Kennel" has the meaning given in *Minnesota Statutes,* section 347.31, subdivision 2.

Subp. 6. **Person.** "Person" ~~shall mean~~ means any individual, firm, partnership, or corporation.

Subp. 7. **Premises.** "Premises" ~~shall mean any building, structure, shelter, or land wherein or whereon dogs are kept or confined.~~ has the meaning given in *Minnesota Statutes,* section 347.31, subdivision 3.

1720.1390 MAINTENANCE OF ~~QUARTERS AND DOG KENNELS~~ PREMISES.

Housing facilities ~~shall~~ must be structurally sound and maintained in good repair. Indoor housing facilities ~~shall~~ must be adequately ventilated and have ample light, either natural or artificial.

1720.1400 DOGS AND CATS KEPT OUTSIDE.

Dogs and cats kept outside ~~shall~~ must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

1720.1410 DOGS AND CATS CONFINED BY CHAINS.

If dogs or cats are confined by chains, ~~such chain shall~~ the chains must be so attached that they cannot become entangled with the chains of other ~~dogs~~ animals or any other objects. Chains ~~shall~~ must be of a size commonly used for the size of dog or cat involved and ~~shall~~ must be attached to the dog or cat by means of a well-fitted collar. ~~Such~~ Chains ~~shall~~ must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

1720.1420 ENCLOSURES.

Enclosures ~~shall~~ must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The ~~floors of enclosures shall~~ enclosure must be constructed so as to prevent injury to the ~~dog's legs and feet~~ dog or cat.

1720.1430 TEMPERATURE FOR INDOOR HOUSING FACILITIES.

The temperature for indoor housing facilities ~~shall~~ must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

1720.1440 DISPOSAL FACILITIES.

Disposal facilities ~~shall~~ must be provided to minimize vermin infestation, odors, and disease hazards.

1720.1450 ADEQUATE STORAGE AND REFRIGERATION.

Adequate storage and refrigeration ~~shall~~ must be provided to protect food supplies against contamination and deterioration.

1720.1460 CLEAN AND SANITARY CONDITION.

The premises, cages, enclosures, and all housing facilities ~~shall~~ must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition ~~at all times~~.

1720.1480 FEEDING OF DOGS AND CATS.

Dogs ~~shall~~ and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

1720.1490 WATER.

Clean potable water ~~shall~~ must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

1720.1500 FEEDING AND WATERING RECEPTACLES.

All feeding and watering receptacles ~~shall~~ must be kept clean and sanitary ~~at all times~~.

1720.1510 ~~DOGS HOUSED~~ HOUSING IN SAME PRIMARY ~~ENCLOSURES~~ ENCLOSURE.

Dogs or cats housed in the same primary enclosure ~~shall~~ must be maintained in a compatible ~~groups~~ group. Puppies ~~shall~~ or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their ~~dams~~ dam.

1720.1520 DOGS OR CATS WITH VICIOUS DISPOSITIONS.

Any dog or cat exhibiting a vicious disposition ~~shall~~ must be housed separately.

1720.1530 FEMALES IN ~~SEASON~~ ESTRUS.

Females in ~~season shall~~ estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding ~~shall~~ must be of compatible size and only one male and one female ~~shall~~ may be ~~mated at one time~~ confined in a ~~single~~ primary enclosure for breeding.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

1720.1535 HUMANE TREATMENT.

All dogs and cats must be treated humanely while in the premises.

1720.1537 TRANSPORTATION OF DOGS AND CATS.

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

1720.1538 CARGO SPACE FOR DOGS AND CATS.

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

1720.1540 MINIMIZING DISSEMINATION OF DISEASE.

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease ~~shall~~ must be separated from other dogs ~~in such a manner as to minimize the dissemination of disease~~ or cats.

1720.1542 VETERINARY CARE.

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

1720.1545 HEALTH OF DOGS AND CATS AT TIME OF RELEASE.

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

A. obvious signs of infectious disease;

B. obvious signs of nutritional deficiencies;

C. obvious signs of severe parasitism;

D. fractures;

E. blindness; and

F. serious congenital abnormalities.

1720.1546 DOGS AND CATS UNFIT FOR SALE OR RELEASE.

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

1720.1550 CONTROL OF PESTS.

The kennel or dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests ~~shall be established and maintained~~.

1720.1555 IDENTIFICATION OF DOGS AND CATS IN KENNELS.

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

1720.1560 RECORDS.

~~The person to whom a license to operate a dog~~ A licensed kennel ~~is issued~~ or dealer shall maintain the following records ~~and preserve such records for a minimum of two years~~:

A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social security number;

B. the identification of each dog or cat confined to the premises as described in part ~~1720.1470 together with a~~ 1720.1555;

C. description of the dog or cat by approximate age, breed, and sex; ~~the name and address of person from whom any dog three months of age or over was received;~~

D. the name and address of the person to whom ~~any~~ a dog or cat three months of age or over was transferred; and

E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed ~~at~~ on the ~~kennels~~ premises.

~~All~~ Records required by this part ~~shall~~ must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

1720.1570 INSPECTIONS.

Periodic inspections ~~will be made by agents of the board of all kennels licensed under this rule in addition to the inspection required prior to obtaining a license. Duly authorized agents may enter upon the premises of any dog kennel licensed hereunder during daylight hours for the purpose of inspecting for compliance with the provision of the law and these rules.~~ must be made in cooperation with the United States Department of Agriculture, pursuant to *Minnesota Statutes*, section 347.35.

1720.1575 INVESTIGATION OF COMPLAINTS.

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of $100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in *Minnesota Statutes*, section 347.38. If the complaint is deemed unfounded by the board investigator, the deposit must go into the general fund. Duly authorized agents are exempt from the $100 deposit for investigation of a complaint.

1720.1576 EXPENSES OF INVESTIGATION.

A person who violates *Minnesota Statutes*, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

1720.1578 COST RECOVERY.

Money from license fees, fines, penalties, or deposits under *Minnesota Statutes*, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for by the state treasurer to the board to enable a showing that costs of inspection and enforcement of *Minnesota Statutes*, sections 346.55 and 347.31 to 347.40, have been recovered.

REPEALER.

Subpart 1. *Minnesota Rules*, parts 1720.1330, subpart 3; 1720.1340; 1720.1350; 1720.1360; 1720.1370; 1720.1380; 1720.1470; 1720.1580; 1720.1590; 1720.1600; 1720.1610; 1720.1620; 1720.1630; 1720.1640; 1720.1650; 1720.1660; and 1720.1670, are repealed.

Subp. 2. **Remove Duplication and Footnotes.** *Minnesota Rules*, parts 1710.0350, 1710.0360, 1710.0370, 1710.0380, 1710.0390, 1717.0400, 1710.0410, 1710.0420, 1710.0430, 1710.0440, 1710.0450, 1710.0460, 1710.0470, 1710.0480, 1710.0490, 1710.5000, 1710.0510, 1710.0520, 1710.0530, and 1710.0540, are repealed.

INSTRUCTION TO REVISOR. In the next and subsequent editions of *Minnesota Rules*, the revisor shall change the words "secretary and executive officer" to "executive secretary" in chapters 1700, 1705, 1715, and 1720.

State Board of Education

Withdrawal of Proposed Permanent Rules Relating to Class Size Ratios

NOTICE IS HEREBY GIVEN that the proposed rules relating to Class Size Ratios, as published in the *State Register* at Volume 12, Number 11, pages 438-439, September 14, 1987, (12 S.R. 438) are withdrawn.

Department of Public Service

Notice of Withdrawal of Proposed Rules Relating to Cost-Share Maxi-Audit Grants for Public and Private Nonprofit Institutions

NOTICE IS HEREBY GIVEN that the proposed rules relating to Cost-share Maxi-audit grants for public and private nonprofit institutions, as published in the *State Register* on February 8, 1988, pages 1651-1655 (12 S.R. 1651), are withdrawn.

Dated: 17 January 1989

Tony Perpich, Commissioner
Department of Public Service

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

EXHIBIT J

CERTIFICATE OF THE

BOARD OF ANIMAL HEALTH

RESOLUTION ADOPTING THE RULE

I, Sharon Hurley, do hereby certify that I am a member and the President of the Board of Animal Health, a board duly authorized under the Laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Animal Health, duly and properly called and held on the 21st day of April, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified:

> "RESOLVED, that the rule relating to the Maintenance, Operation and Inspection of Kennels and Dealers, Parts 1720.1330-1720.1670, is approved and adopted, pursuant to authority vested in the Board by Minnesota Statutes, Section 35.03, 1988. Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is authorized to sign the Findings of Fact, Conclusions, and Order Adopting the Rule and to perform the necessary acts to provide that the rule shall have the force and effect of law".

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of April, 1989.

Sharon I. Hurley

Sharon I. Hurley, President
Minnesota Board of Animal Health

Henry L Bansal

Attest by one other Board Member

EXHIBIT K

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Board of Animal Health Governing the Maintenance, Operation and Inspection of Kennels and Dealers, Parts 1720.1330 - 1720.1670.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on January 30, 1989 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on January 27, 1989. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Maintenance, Operation and Inspection of Kennels and Dealers is adopted this 21st day of April, 1989, pursuant to authority vested in the Board by Minnesota Statutes, Section 35.03, 1988.

STATE OF MINNESOTA

T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

EXHIBIT M

IN THE MATTER OF THE ADOPTION
OF THE RULE OF THE STATE BOARD
OF ANIMAL HEALTH GOVERNING THE
MAINTENANCE, OPERATION AND
INSPECTION OF KENNELS AND DEALERS,
PARTS 1720.1330 THROUGH 1720.1670.

DECLARATION OF COUNSEL

I, Paul Strandberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, Chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0098.

Paul Strandberg
Special Assistant, Attorney General

Dated: 4/27/89

MINNESOTA BOARD OF ANIMAL HEALTH

LIST OF ATTACHED DOCUMENTS

C. Notice of Intent to Adopt Rule Without Public Hearing.

D. Proposed Rule - Certified by Revisor.

E. Notice to Adopt Without Public Hearing as Mailed.

F. Statement of Need and Reasonableness.

G. Affidavit of Mailing the Notice of Intent.

H. Copy of Notice of Intent - as published in State Register.

I. Rule as Adopted (Original and three copies).

J. Resolution to Approve and Adopt Rule.

K. Findings of Fact, Conclusions and Order Adopting Rule.

L. All written requests, submissions or comments.

M. Recommended Declaration of Counsel.