

2 CSR 30-9.010 Animal Care Facilities Definitions

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

(Z) Examination means a complete physical evaluation from head to tail of a covered dog or cat by a licensed veterinarian to include auscultation, palpation, and a visual inspection in which the heart rate, respiratory rate, breeding soundness, and the results of palpation are assessed and recorded as indicated on the forms provided;

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

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

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

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

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

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

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

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

(GG) Indoor housing facility means any structure or building with environmental controls, housing or intended to house animals and meeting the following requirements:

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

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

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

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

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

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

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

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

(MM) Outdoor housing facility means any structure, building, land, or premises, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the rules, and in which temperatures cannot be controlled within set limits;

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

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

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

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

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

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

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

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

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

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

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

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

(ZZ) State means Missouri;

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

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

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

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

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

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

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

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

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

(8) Attending Veterinarian and Adequate Veterinary Care.

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

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

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

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

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

(D) Each licensee subject to the provisions of section 273.345, RSMo, shall ensure that animals with serious illness or injury as defined in 2 CSR 30-9.010 (2) (WW) receive prompt treatment by a licensed veterinarian.

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

(1) Facilities and Operating Standards

(C) Sheltered Housing Facilities

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

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

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

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

5. Surfaces.

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

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

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

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

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

(D) Outdoor Housing Facilities

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

- A. Animals that are not acclimated to the temperatures prevalent in the area or region where they are maintained;
- B. Animal breeds that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates);
- C. Sick, infirm, aged, or young animals; and
- D. When their acclimation status is unknown, animals must not be kept in outdoor facilities when the ambient temperature is less than fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C).

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

- A. Provide the animals with adequate protection and shelter from the cold and heat;
- B. Provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
- C. Be provided with a wind break and rain break at the entrance; and
- D. Contain clean, dry bedding material if the ambient temperature is below fifty degrees Fahrenheit (50 °F) or ten degrees Celsius (10 °C). Additional clean, dry bedding is required when the temperature is thirty-five degrees Fahrenheit (35 °F) or one and seven-tenths degrees Celsius (1.7 °C) or lower.

3. Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cans, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may not be of bare dirt or sand; must have adequate drainage; and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities, including houses, dens, and the like, that cannot be readily cleaned and sanitized, must be replaced when worn or soiled. If aggregate or fine gravel is used for flooring, it must be appropriate to the size of the dog.

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

1. General Requirements

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

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

- (I) Have no sharp points or edges that could injure the animals;
- (II) Protect the animals from injury;
- (III) Contain the animals securely;
- (IV) Keep other animals from entering the enclosure;
- (V) Enable the animals to remain dry and clean;
- (VI) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the animals;
- (VII) Provide sufficient shade to shelter all the animals housed in the primary enclosure at one time;
- (VIII) Provide all the animals with easy and convenient access to clean food and water;
- (IX) Enable all surfaces in contact with the animals to be readily cleaned and sanitized in accordance with this rule, or be replaceable when worn or soiled;
- (X) Have floors that are constructed in a manner that protects the animals' feet and legs from injury and that, if elevated construction, it must be constructed of materials strong enough to prevent sagging and with a mesh small enough that will not allow the animals' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of elevated flooring, a solid resting surface(s) that, in the aggregate, is large enough to hold all the occupants of the primary enclosure at the same time comfortably must be provided; and
- (XI) Provide sufficient space to allow each animal to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.

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

- (I) Wire strand flooring shall be prohibited;
- (II) Bare metal flooring shall be prohibited;
- (III) Slatted flooring must be flat, no less than two and one-half inches (2.5") in width, and constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. Any premanufactured slatted flooring must be described by manufacturer and specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised;
- (IV) Plastic flooring must be constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. Any premanufactured flooring must be described by manufacturer and specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised;
- (V) Expanded metal flooring coated with a flexible plastic surface must be constructed of materials strong enough to prevent sagging and with openings that will not allow the animals' feet to pass through any openings in the floor. The coating must be maintained in such a manner that the animal is not allowed to come into contact with the metal. Any premanufactured flooring must be described by manufacturer and

specifications, listed on the approved flooring list maintained by the state veterinarian, and posted on the department's website, as revised; and

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

2. Additional requirements for cats.

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

(I) Each primary enclosure housing cats must be at least twenty-four inches (24") high or sixty and ninety-six hundredths centimeters (60.96 cm). Temporary housing such as queening cages may be reduced to a height of eighteen inches (18") or forty-five and seventy-two hundredths centimeters (45.72 cm) to reduce injury to kittens;

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

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

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

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

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

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

D. Resting surfaces. Each primary enclosure housing cats must contain a resting surface(s) that, in the aggregate, is large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated,

impervious to moisture, and be able to be easily cleaned and sanitized or easily replaced when soiled or worn.

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

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

3. Additional Requirements for dogs

A. Space.

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

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

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

(IV) Permanent tethering of dogs is prohibited for use as a primary enclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Exemptions.

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

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

(2) Animal Health and Husbandry Standards

(B) Exercise for Dogs.

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

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

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

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

(II) Any dog exhibits aggressive or vicious behavior.

2. Methods and period of providing exercise opportunity.

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

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

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

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

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

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

(IV) Other similar activities.

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

3. Exemptions. If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be

exempted from meeting the requirements of this section for those specific dogs. This exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed and signed at least every thirty (30) days by the attending veterinarian.

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

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

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

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

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

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

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

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

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

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

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

- (c) The lighting within the indoor facility must include natural lighting;
- (d) The outdoor exercise yard must be fenced and maintained in a manner that it protects the animals from injury and contains the animals securely;
- (e) The outdoor exercise yard must include one (1) or more shelter structures that are accessible to each animal and large enough to allow each animal to sit, stand, and lie in a normal manner and turn about freely;
- (f) The outdoor exercise yard must be large enough to allow the dogs to achieve a full running stride. The yard must be at least ten (10) times the space calculated from part (1)(F)3.A.(I) of this rule (minimum amount of floor space), and the dimensions must be included in the written request for exemption;
- (g) The exercise plan must be approved by the state veterinarian and include a schedule or journal that allows for verification of compliance and must include a plan to implement constant and unfettered access prior to January 1, 2016;
- (h) Application for such exemption shall be specific to the breed of dog and signed by the attending veterinarian for that facility along with the department's program veterinarian; and

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

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

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

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

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

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

- (iii) Outdoor housing facilities are exempt from any additional requirements of constant and unfettered access to the outdoors provided that they meet the following:

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

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

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

- (d) The animal areas must have constant natural airflow.