

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1168

02/01/2023 Authored by Berg, Freiberg, Curran, Pursell, Wolgamott and others
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to state government; establishing the Companion Animal Board; providing
1.3 duties and responsibilities; establishing a companion animal license plate;
1.4 transferring duties; requiring a report; authorizing rulemaking; appropriating
1.5 money; amending Minnesota Statutes 2022, sections 35.02, subdivision 1; 347.58,
1.6 subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 168;
1.7 346.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 ARTICLE 1
1.10 COMPANION ANIMAL BOARD

1.11 Section 1. [346.60] DEFINITIONS.

1.12 Subdivision 1. Scope. For purposes of sections 346.60 to 346.65, the terms defined in
1.13 this section have the meanings given.

1.14 Subd. 2. Animal rescue. "Animal rescue" means any not-for-profit organization with
1.15 tax-exempt status under section 501(c)(3) of the Internal Revenue Code that:

1.16 (1) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted, displaced,
1.17 or surrendered companion animals;

1.18 (2) uses private foster homes as the primary means of housing animals; and

1.19 (3) does not breed animals.

1.20 Subd. 3. Animal shelter. "Animal shelter" means any not-for-profit organization with
1.21 tax-exempt status under section 501(c)(3) of the Internal Revenue Code that:

2.1 (1) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted, displaced,
 2.2 or surrendered companion animals;

2.3 (2) operates a physical facility as the primary means of accepting and housing animals;
 2.4 and

2.5 (3) does not breed animals.

2.6 Subd. 4. **Board.** "Board" means the Companion Animal Board.

2.7 Subd. 5. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis*
 2.8 *domesticus*.

2.9 Subd. 6. **Companion animal or pet.** "Companion animal" or "pet" has the meaning
 2.10 given in sections 343.20, subdivision 6; and 346.36, subdivision 6.

2.11 Subd. 7. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis*
 2.12 *familiaris*.

2.13 Sec. 2. **[346.61] COMPANION ANIMAL BOARD; PURPOSE.**

2.14 (a) The Companion Animal Board is created to promote the welfare of cats, dogs, and
 2.15 other pets; serve those individuals in the community who care for these animals; and support
 2.16 the human-animal bond. The board must administer and enforce sections 346.60 to 346.65.

2.17 (b) The authority of the board is limited to cats, dogs, and other animals kept as pets,
 2.18 including rabbits, guinea pigs, ferrets, small rodents, nonnative birds, small nonvenomous
 2.19 amphibians and reptiles, and other nonagricultural domesticated animals.

2.20 (c) The board has no authority or jurisdiction over:

2.21 (1) cattle, sheep, swine, goats, farmed Cervidae, poultry, or other animals used for food,
 2.22 agricultural products, or other agricultural uses;

2.23 (2) regulated animals, as defined in section 346.155, subdivision 1, paragraph (e);

2.24 (3) wild animals, as defined in section 97A.015, subdivision 55; and

2.25 (4) racehorses regulated under chapter 240.

2.26 (d) The board's authority must not be interpreted or construed to interfere with or
 2.27 supersede the authority of the Board of Veterinary Medicine over the practice of veterinary
 2.28 medicine under chapter 156, or the authority of the Board of Animal Health to control and
 2.29 prevent dangerous and reportable diseases under chapter 35.

3.1 **Sec. 3. [346.62] BOARD STRUCTURE.**

3.2 **Subdivision 1. Members; officers.** (a) The board consists of the following 13 members
3.3 appointed by the governor who represent companion animal interests and experiences:

3.4 (1) four members who represent the practice of veterinary medicine as follows:

3.5 (i) two licensed veterinarians who practice veterinary medicine in this state;

3.6 (ii) one veterinarian employed by the Board of Animal Health; and

3.7 (iii) one veterinarian employed by the University of Minnesota College of Veterinary
3.8 Medicine;

3.9 (2) four members who represent Minnesota communities, Tribes, and local governments,
3.10 as follows:

3.11 (i) one county or municipal government employee who represents community needs
3.12 and local governance;

3.13 (ii) one member who represents a federally recognized Tribe located in Minnesota; and

3.14 (iii) two at-large public members;

3.15 (3) three members who represent Minnesota animal shelters and animal rescues as
3.16 follows:

3.17 (i) one member employed by, or a current board member of, a licensed animal shelter
3.18 located in the seven-county metropolitan area;

3.19 (ii) one member employed by, or a current board member of, a licensed animal shelter
3.20 located in greater Minnesota; and

3.21 (iii) one member employed by, or a current board member of, a Minnesota animal rescue;

3.22 (4) one member who is a licensed Minnesota commercial cat or dog breeder; and

3.23 (5) one member who is a licensed social worker, mental health professional, or other
3.24 individual who represents human welfare issues and interactions with companion animals.

3.25 **Subd. 2. Terms; compensation; removal; vacancies.** The membership terms,
3.26 compensation, removal of members, and filling of vacancies on the board are governed by
3.27 section 15.0575.

3.28 **Subd. 3. Executive director; employees.** The board must appoint and employ an
3.29 executive director who is not a member of the board to serve at the pleasure of the board.
3.30 The board must set the duties of the executive director and employ, upon recommendation

4.1 of the executive director, licensed veterinarians and other staff as necessary to carry out the
4.2 board's duties.

4.3 **Sec. 4. [346.63] DUTIES OF THE BOARD.**

4.4 Subdivision 1. **Regulatory enforcement.** The board must enforce state laws that regulate
4.5 companion animals as follows:

4.6 (1) the licensing, enforcement, and inspection of cat and dog kennels and dealers under
4.7 sections 347.31 to 347.40 and any rules adopted pursuant to those sections; and

4.8 (2) the licensing, enforcement, and inspection of commercial dog and cat breeders under
4.9 sections 347.57 to 347.65 and any rules adopted pursuant to those sections.

4.10 Subd. 2. **Education and communication.** The board must provide expertise about
4.11 companion animal issues and promote responsible pet ownership through providing
4.12 information, education, and communication. Duties include but are not limited to:

4.13 (1) establishing and maintaining a website that provides information and resources for
4.14 the public on issues related to companion animal care and welfare;

4.15 (2) providing expertise and assistance to other state government agencies and local
4.16 governments on issues related to companion animals, including emergency and disaster
4.17 relief, community cat programs, temporary pet housing, and other needs; and

4.18 (3) supporting and promoting humane education and outreach campaigns related to
4.19 companion animal care and welfare.

4.20 Subd. 3. **Services and resources.** (a) The board must promote the welfare of companion
4.21 animals and provide long-term efficiencies and collaboration in the animal welfare and
4.22 human welfare fields.

4.23 (b) The board must determine and define community and statewide needs for the welfare
4.24 of companion animals. The board must support these needs by collecting, analyzing, and
4.25 disseminating quantitative and qualitative data as it relates to companion animals and their
4.26 care.

4.27 (c) Based on an analysis of need, the board may establish statewide programs or
4.28 collaborate with and assist in the delivery of services and resources provided by
4.29 Minnesota-based:

4.30 (1) nonprofit organizations;

4.31 (2) local governments;

5.1 (3) veterinary clinics or practices; and

5.2 (4) postsecondary institutions with a mission or programs targeting companion animal
5.3 welfare or the human-animal bond.

5.4 Subd. 4. **Grants.** (a) The board must administer a grant program. The scope and purpose
5.5 of the grants, to the extent possible, is to provide funding that allows the grantee to achieve
5.6 measurable outcomes in the care and welfare of companion animals.

5.7 (b) The board may make grants from money available in the companion animal account
5.8 to assist entities identified in subdivision 3, paragraph (c), and to support the board's duties
5.9 under subdivisions 2 and 3.

5.10 (c) The board must determine grant priorities and administer the grant program in
5.11 compliance with sections 16B.97 to 16B.991. Grants may include but are not limited to
5.12 financial assistance for veterinary services and training, animal shelter management, capital
5.13 expenses, equipment, pet care education, and other needs as defined by the board under
5.14 subdivision 3, paragraph (b).

5.15 (d) The board must report annually by February 15 to the legislative committees with
5.16 jurisdiction over companion animals on grants made under this subdivision during the
5.17 previous calendar year. The report must include the amount of grant money that the board
5.18 issued, the geographic distribution of grants, and measurable outcomes including but not
5.19 limited to the number of companion animals served.

5.20 Subd. 5. **Annual report.** On or before January 15 each year, the board must publish and
5.21 make available an annual report.

5.22 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.23 Sec. 5. **[346.64] AUTHORITY OF BOARD.**

5.24 Subdivision 1. **Rulemaking authority.** The board may adopt rules necessary to carry
5.25 out the powers, duties, and responsibilities given to the board under section 346.63,
5.26 subdivision 1, clauses (1) and (2).

5.27 Subd. 2. **Advisory task force.** The board may create an advisory task force under section
5.28 15.014 with a majority of members who have a working knowledge of companion animal
5.29 health and welfare issues.

5.30 Subd. 3. **Certificates of veterinary inspection.** The Board of Animal Health must
5.31 provide a copy of each new certificate of veterinary inspection for companion animals to

6.1 the Companion Animal Board within 30 days of receiving the certificate of veterinary
 6.2 inspection.

6.3 Subd. 4. **Funds received.** The board may accept gifts or other financial contributions
 6.4 from any source to support the board's purposes and duties. The board may apply for and
 6.5 accept grants of money from the United States, the state, a subdivision of the state, any
 6.6 foundation, or any private person to support the board's purposes and duties.

6.7 **EFFECTIVE DATE.** This section is effective July 1, 2024, except subdivisions 2 and
 6.8 4 are effective July 1, 2023.

6.9 **Sec. 6. [346.65] COMPANION ANIMAL ACCOUNT; APPROPRIATION.**

6.10 A companion animal account is created in the special revenue fund. All fees and penalties
 6.11 collected by the board and, except as provided in section 4.07, subdivision 3, any money
 6.12 received by the board as gifts, grants, or other private or public funds must be deposited in
 6.13 the state treasury and credited to the companion animal account. Money in the account,
 6.14 including interest on the account, is appropriated to the board to administer and award grants
 6.15 under sections 346.60 to 346.65.

6.16 **Sec. 7. TRANSFER OF DUTIES.**

6.17 Subdivision 1. **Transfer.** (a) The responsibility to administer the duties listed in clauses
 6.18 (1) and (2) is transferred from the Board of Animal Health to the Companion Animal Board
 6.19 effective July 1, 2024:

6.20 (1) the licensing, enforcement, and inspection of kennels and dealers under Minnesota
 6.21 Statutes, sections 347.31 to 347.40, and Minnesota Rules, part 1721.0520; and

6.22 (2) the licensing, enforcement, and inspection of commercial breeders under Minnesota
 6.23 Statutes, sections 347.57 to 347.65.

6.24 (b) The transfer required under this section is pursuant to Minnesota Statutes, section
 6.25 15.039, except the transfer of unexpended funds under Minnesota Statutes, section 15.039,
 6.26 subdivision 6, and the transfer of personnel under Minnesota Statutes, section 15.039,
 6.27 subdivision 7, do not apply.

6.28 (c) The Board of Animal Health must provide the Companion Animal Board with access
 6.29 to data, documentation, and record keeping, including data classified as nonpublic, if the
 6.30 data, documentation, or record keeping is related to the duties being transferred from the
 6.31 Board of Animal Health to the Companion Animal Board.

7.1 Subd. 2. **Report.** No later than February 1, 2024, the executive director of the Board of
 7.2 Animal Health and the executive director of the Companion Animal Board must jointly
 7.3 report to the legislative committees with jurisdiction over state government regarding the
 7.4 status of the transfer required under subdivision 1, including whether the directors recommend
 7.5 that the legislature modify the July 1, 2024, effective date.

7.6 **Sec. 8. RULEMAKING AUTHORITY.**

7.7 The Companion Animal Board must amend Minnesota Rules, parts 1721.0490 and
 7.8 1721.0520, to make conforming changes related to the transfer of duties under section 7.
 7.9 The Companion Animal Board may use the good cause exemption under Minnesota Statutes,
 7.10 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
 7.11 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
 7.12 14.388.

7.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

7.14 **Sec. 9. INITIAL APPOINTMENT OF EXECUTIVE DIRECTOR.**

7.15 The Companion Animal Board must appoint an executive director no later than six
 7.16 months after the governor appoints the initial board members.

7.17 **Sec. 10. APPROPRIATION; COMPANION ANIMAL BOARD.**

7.18 \$2,854,000 in fiscal year 2024 and \$3,057,000 in fiscal year 2025 are appropriated from
 7.19 the general fund to the Companion Animal Board to perform the board's duties under
 7.20 Minnesota Statutes, chapter 346. Of the amount appropriated each year, at least:

7.21 (1) \$250,000 is for the grant program under Minnesota Statutes, section 346.63,
 7.22 subdivision 4; and

7.23 (2) \$750,000 is for a pilot program administered under Minnesota Statutes, section
 7.24 346.63, subdivision 4, that provides effective solutions to the veterinary staffing crisis, such
 7.25 as training or other methods to attract and retain veterinarians and veterinary technicians.
 7.26 The allocation in this clause is onetime.

7.27 **Sec. 11. REVISOR INSTRUCTION.**

7.28 Except as provided in article 3, section 2, the revisor of statutes must change the terms
 7.29 "Board of Animal Health" or "board" to "Companion Animal Board" and make any

8.1 corresponding changes in Minnesota Statutes, sections 346.55, 346.58, 347.31 to 347.40,
8.2 and 347.57 to 347.65.

8.3 **EFFECTIVE DATE.** This section is effective July 1, 2024.

8.4 Sec. 12. **EFFECTIVE DATE.**

8.5 Unless otherwise specified, this article is effective July 1, 2023.

8.6 **ARTICLE 2**

8.7 **COMPANION ANIMAL PLATES**

8.8 Section 1. **[168.1283] COMPANION ANIMAL PLATES.**

8.9 Subdivision 1. **Issuance.** The commissioner must issue special Minnesota companion
8.10 animal plates or a single motorcycle plate to an applicant who:

8.11 (1) is a registered owner of a passenger automobile, noncommercial one-ton pickup
8.12 truck, motorcycle, or recreational vehicle;

8.13 (2) pays a fee in the amount specified under section 168.12, subdivision 5, for each set
8.14 of plates, along with any other fees required by this chapter;

8.15 (3) pays the registration tax as required under section 168.013;

8.16 (4) contributes at least \$30 annually to the Companion Animal Board; and

8.17 (5) complies with this chapter and rules governing registration of motor vehicles and
8.18 licensing of drivers.

8.19 Subd. 2. **Design.** In consultation with the Companion Animal Board, the commissioner
8.20 must adopt a suitable plate design for the companion animal plate.

8.21 Subd. 3. **Plates transfer.** On application to the commissioner and payment of a transfer
8.22 fee of \$5, special plates may be transferred to another qualified motor vehicle that is
8.23 registered to the same individual to whom the special plates were originally issued.

8.24 Subd. 4. **Contributions; companion animal account.** Contributions collected under
8.25 subdivision 1, clause (4), must be deposited in the companion animal account established
8.26 under section 346.65.

8.27 Subd. 5. **Exemption.** Special plates issued under this section are not subject to section
8.28 168.1293, subdivision 2.

8.29 **EFFECTIVE DATE.** This section is effective July 1, 2023.

9.1 **ARTICLE 3**

9.2 **CONFORMING CHANGES**

9.3 Section 1. Minnesota Statutes 2022, section 35.02, subdivision 1, is amended to read:

9.4 Subdivision 1. **Members; officers.** The board has six members appointed by the governor
 9.5 with the advice and consent of the senate, four of whom are producers of livestock in the
 9.6 state and at least one of the four livestock producers is also a member of a federally
 9.7 recognized Tribe located in Minnesota, and two of whom are practicing veterinarians licensed
 9.8 in Minnesota. The commissioners of agriculture, natural resources, and health, the dean of
 9.9 the College of Veterinary Medicine, the executive director of the Companion Animal Board,
 9.10 and the director of the Veterinary Diagnostic Laboratory of the University of Minnesota
 9.11 may serve as consultants to the board without vote. Appointments to fill unexpired terms
 9.12 must be made from the classes to which the retiring members belong. The board shall elect
 9.13 a president and a vice-president from among its members and a veterinarian licensed in
 9.14 Minnesota who is not a member to be its executive director for a term of one year and until
 9.15 a successor qualifies. The board shall set the duties of the director.

9.16 **EFFECTIVE DATE.** This section is effective July 1, 2023.

9.17 Sec. 2. Minnesota Statutes 2022, section 347.58, subdivision 4, is amended to read:

9.18 Subd. 4. **Veterinary protocol.** (a) A commercial breeder must establish and maintain
 9.19 a written protocol for disease control and prevention, euthanasia, and veterinary care of
 9.20 animals at each facility. The initial protocol must be developed under the direction and
 9.21 supervision of the Companion Animal Board with oversight from a veterinarian employed
 9.22 by the Companion Animal Board. A commercial breeder must maintain a written protocol
 9.23 that is updated at least every 12 months and that is signed and dated by the Companion
 9.24 Animal Board or by a veterinarian along with the commercial breeder. The written protocol
 9.25 must be available to the Companion Animal Board upon request or at the time of inspection.
 9.26 The Companion Animal Board must provide a copy of each veterinary protocol to the Board
 9.27 of Animal Health. The Companion Animal Board must defer to the Board of Animal Health
 9.28 on all matters related to the control and prevention of dangerous, reportable diseases,
 9.29 including the initial protocol.

9.30 (b) An animal sold or otherwise distributed by a commercial breeder must be accompanied
 9.31 by a veterinary health certificate completed by a veterinarian. The certificate must be
 9.32 completed within 30 days prior to the sale or distribution and must indicate that the animal
 9.33 is current with vaccinations and has no signs of infectious or contagious diseases. The

10.1 certificate accompanying an adult dog that was not spayed or neutered must indicate that
10.2 the dog has no signs of infectious or contagious diseases and was tested for canine brucellosis
10.3 with a test approved by the Board of Animal Health and found to be negative. The
10.4 Companion Animal Board must immediately report and provide copies of all disease-related
10.5 testing, including canine brucellosis and other dangerous, reportable diseases, to the Board
10.6 of Animal Health.

10.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.