

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 Also, the old rule has many parts that repeat the language of the Law; therefore, the repetitive language is repealed in the proposed rule.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Parts 1720.1340; 1720.1350; 1720.1360; 1720.1370; 1720.1380; 1720.1580; 1720.1630; 1720.1640; and 1720.1660, are being repealed because they are duplications of MN Stat.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MN Rules, Parts 1720.1650 and 1720.1670 are being repealed because they were deleted from MN.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MN Rules, Parts 1720.1330, Subpart 3; 1720.1470; 1720.1490; 1720.1600; 1720.1610; and 1720.1620 are being repealed only because they are reinstated in MN Rule, Parts 1720.1330, Subpart 5a; 1720.1555; 1720.1537; 1720.1538; 1720.1545; and 1720.1546 respectively.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.

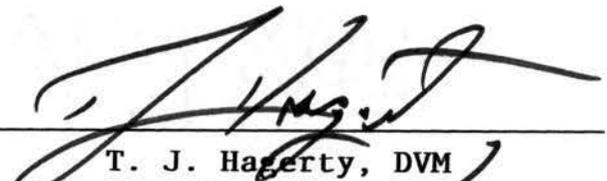
Subpart 2 of the Repealer: Remove duplication and footnotes; MN. Rules, Parts 1710.0350; 1710.0360; 1710.0370; 1710.0380; 1710.0390; 1710.0400; 1710.0410; 1710.0420; 1710.0430; 1710.0440; 1710.0450; 1710.0460; 1710.0470; 1710.0480; 1710.0490; 1710.0500; 1710.0510; 1710.0520; 1710.0530; 1710.0540 has 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