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Bill 159

(Chapter 14 of the Statutes of Ontario, 2024)

An Act to amend the Provincial Animal Welfare Services Act, 2019

The Hon. M. Kerzner
Solicitor General

1st Reading	December 4, 2023
2nd Reading	April 18, 2024
3rd Reading	June 5, 2024
Royal Assent	June 6, 2024



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 159 and does not form part of the law.
Bill 159 has been enacted as Chapter 14 of the Statutes of Ontario, 2024.*

The *Provincial Animal Welfare Services Act, 2019* is amended. Among the changes are the following:

1. The Lieutenant Governor in Council may make regulations governing record-keeping with respect to dogs.
2. The Lieutenant Governor in Council may make regulations prohibiting the sale or transfer of dogs under certain circumstances.
3. The operation of puppy mills is prohibited.

An Act to amend the Provincial Animal Welfare Services Act, 2019

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Subsection 1 (1) of the *Provincial Animal Welfare Services Act, 2019* is amended by adding the following definition:

“dog” means any dog (*Canis lupus familiaris*) and includes an animal which is a cross between a dog and another member of the *Canis* genus, including but not limited to a wolf (*Canis lupus*) or coyote (*Canis latrans*); (“chien”)

2 The Act is amended by adding the following section:**Record keeping**

14.1 Every person who satisfies such criteria as may be prescribed by the Lieutenant Governor in Council shall, in accordance with the regulations, keep such records as may be prescribed by the Lieutenant Governor in Council in respect of dogs.

3 The Act is amended by adding the following section:

PROHIBITED SALE AND TRANSFER OF DOG

Prohibition against sale or transfer

23.1 (1) No person shall sell or transfer a dog contrary to the regulations, if any, made by the Lieutenant Governor in Council.

Definition, “transfer”

(2) In this section, and in the regulations made for the purposes of this section,

“transfer” includes offer for transfer and expose for transfer, but does not include a gift.

4 (1) The Act is amended by adding the following section:

OPERATION OF PUPPY MILLS

Prohibition, operation of puppy mills

23.2 (1) No person shall operate a puppy mill.

Operating a puppy mill

(2) For the purposes of this section and section 23.3, a person operates a puppy mill if the person breeds dogs and does any of the following:

1. Failing to take appropriate action to address any severe matting, visible parasites or emaciation in each dog.
2. Failing to isolate a dog from other dogs or animals, including failing to ensure there is no contact with objects, including food and water containers, that are used by other dogs or animals, where there are reasonable grounds to believe that the dog is suffering from a contagious disease or is at high risk of developing a contagious disease, except in such circumstances as may be prescribed by the Lieutenant Governor in Council.
3. Failing to ensure that each dog’s environment is,
 - i. kept sufficiently clean as to ensure that the dog is not required to stand, sit or lie down in excrement, urine, mud or water, and
 - ii. cleaned as frequently as necessary, using cleaning products that do not pose a risk to the dog, to prevent an accumulation of excrement, urine or other waste that would pose a risk to the dog’s health, to maintain a sanitary environment, to minimize the presence of parasites and to ensure the health of the dog.

Separate offences

(3) Each contravention of a paragraph of subsection (2) is deemed to constitute a separate offence of operating a puppy mill.

(2) Subsection 23.2 (2) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

4. Breeding a female dog that is less than 12 months old, except in such circumstances as may be prescribed by the Lieutenant Governor in Council.

(3) Subsection 23.2 (2) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

5. Breeding a female dog for the first time before its second heat, except in such circumstances as may be prescribed by the Lieutenant Governor in Council.

(4) Subsection 23.2 (2) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

6. Breeding a parent dog with any dog in one of their litters, except in such circumstances as may be prescribed by the Lieutenant Governor in Council.

(5) Subsection 23.2 (2) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

7. Breeding dogs that are siblings from the same parent dog, except in such circumstances as may be prescribed by the Lieutenant Governor in Council.

(6) Subsection 23.2 (2) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

8. Separating a puppy from its mother or substitute mother before the age of 56 days, except in such circumstances as may be prescribed by the Lieutenant Governor in Council.

(7) Subsection 23.2 (2) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

9. Doing anything that is prescribed by the Lieutenant Governor in Council for the purposes of this provision.

5 (1) The Act is amended by adding the following section:

Prohibition, encouraging, etc. operation of puppy mill

23.3 (1) No person shall encourage, promote, arrange, assist in, receive a financial or material benefit for or take part in supporting the operation of a puppy mill, including but not limited to the following:

1. Providing a dog for the purposes of breeding to a person who is operating a puppy mill.
2. Making available for use by a person a premises at which the person is operating a puppy mill.
3. Doing anything that is prescribed by the Lieutenant Governor in Council for the purposes of this provision.

Exception

(2) Subsection (1) does not apply in respect of the provision by a veterinarian of veterinary care to a dog or the boarding of a dog by a veterinarian as part of the dog's care.

(2) Subsection 23.3 (1) of the Act, as enacted by subsection (1), is amended by adding the following paragraph:

4. Facilitating the sale or transfer to any person of a dog from a premises at which a person is operating a puppy mill, except as prescribed by the Lieutenant Governor in Council for the purposes of this paragraph.

6 (1) Subsection 24 (1) of the Act is amended by adding the following clause:

(a.1) a prohibition under section 23.2 or 23.3;

(2) Clause 24 (1) (a.1) of the Act, as enacted by subsection (1), is amended by striking out "section 23.2 or 23.3" at the end and substituting "section 23.1, 23.2 or 23.3".

7 Subsection 27 (1) of the Act is repealed and the following substituted:

Power to make reasonable inquiries

(1) An animal welfare inspector may, for any purpose described in subsection 24 (1), demand that the owner or custodian of the animal respond to reasonable inquiries.

8 (1) Subsection 35 (2.1) of the Act is amended by striking out "subsections 38 (1), (2) and (5)" at the end and substituting "subsections 35 (4) to (8) and 38 (1), (2) and (5)".

(2) Section 35 of the Act is amended by adding the following subsection:

Application of ss. 11.1.1, 11.1.2 and 11.1.4 of Ministry of Revenue Act

(6.1) For the purposes of subsection (6), the Minister of Finance may take one or more of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* to enforce the collection of the debt if the Minister, as defined in subsection 1 (1) of this Act, has entered into a memorandum of understanding under section 11.1 of the *Ministry of Revenue Act* for the Minister of Finance to provide collection services to the Ministry and to enforce the collection of the debt.

9 (1) Clause 49 (1) (a) of the Act is amended by adding the following subclause:

(i.1) section 14.1 (Record keeping),

(2) Subsection 49 (2) of the Act is repealed and the following substituted:

Major offences

(2) Every person is guilty of an offence who contravenes any of the following:

1. Subsection 15 (1) (Causing distress).
2. Subsection 15 (2) (Permitting distress).
3. Section 16 (Animal fighting prohibitions).
4. Section 17 (Harming law enforcement or service animal).
5. Section 18 (Prohibited animal possession or breeding).
6. Section 19 (Prohibition on orca possession and breeding).
7. Section 23.2 (Operation of puppy mills).
8. Section 23.3 (Prohibition, encouraging, etc.).

(3) Subsection 49 (2) of the Act, as re-enacted by subsection (2), is amended by adding the following paragraph:

- 6.1 Section 23.1 (Prohibition against sale or transfer).

(4) Paragraphs 1 and 2 of subsection 49 (7) of the Act are repealed and the following substituted:

1. Causing an animal to be in distress in contravention of subsection 15 (1), if the conduct that caused the distress satisfies one of the following:
 - i. The conduct resulted in,
 - A. the death of the animal, or
 - B. the euthanization of the animal after a veterinarian determines it is the most humane course of action.
 - ii. If the animal is a dog and the conduct did not result in one of the outcomes described in sub-subparagraph 1 i A or B,
 - A. the conduct occurred as a result of the person owning or having custody of dogs for purposes that include breeding or selling them or their offspring, or
 - B. the conduct occurred at a premises at which, at the time of the contravention, the person owned or had custody of dogs for purposes that included breeding or selling them or their offspring.
2. Permitting an animal to be in distress in contravention of subsection 15 (2), if the conduct or omission satisfies one of the following:
 - i. The conduct or omission resulted in,
 - A. the death of the animal, or
 - B. the euthanization of the animal after a veterinarian determines it is the most humane course of action.
 - ii. If the animal is a dog and the conduct or omission did not result in one of the outcomes described in sub-subparagraph 2 i A or B,
 - A. the conduct or omission occurred as a result of the person owning or having custody of dogs for purposes that include breeding or selling them or their offspring, or
 - B. the conduct or omission occurred at a premises at which, at the time of the contravention, the person owned or had custody of dogs for purposes that included breeding or selling them or their offspring.
- 2.1 Knowingly or recklessly causing a dog to be exposed to an undue risk of distress in contravention of subsection 15 (3), if the knowing or reckless conduct,
 - i. occurred as a result of the person owning or having custody of dogs for purposes that include breeding or selling them or their offspring, or
 - ii. occurred at a premises at which, at the time of the contravention, the person owned or had custody of dogs for purposes that included breeding or selling them or their offspring.

(5) Section 49 of the Act is amended by adding the following subsections:

Minimum penalties, s. 23.2 (1)

(7.1) Subject to subsection (7.2), the minimum penalty for operating a puppy mill contrary to subsection 23.2 (1) is \$10,000.

Same

(7.2) The offence set out in subsection (7.1) has a minimum penalty of \$25,000 if the conduct or omission in respect of the offence resulted in either of the following:

1. The death of a dog.
2. The euthanization of a dog after a veterinarian determines it is the most humane course of action.

(6) Section 49 of the Act is amended by adding the following subsection:

Minimum penalties, s. 23.3

(7.3) The minimum penalty for contravening section 23.3 is \$10,000.

10 Section 53 of the Act is amended by adding the following subsection:

Application of ss. 11.1.1, 11.1.2 and 11.1.4 of *Ministry of Revenue Act*

(2) For the purposes of subsection (1), the Minister of Finance may take one or more of the measures described in section 11.1.1, 11.1.2 or 11.1.4 of the *Ministry of Revenue Act* to enforce the collection of the debt if the Minister, as defined in subsection 1 (1) of this Act, has entered into a memorandum of understanding under section 11.1 of the *Ministry of Revenue Act* for the Minister of Finance to provide collection services to the Ministry and to enforce the collection of the debt.

11 (1) Subsection 69 (1) of the Act is amended by adding the following clause:

(e.1) governing the keeping of records for the purposes of section 14.1;

(2) Subsection 69 (1) of the Act is amended by adding the following clause:

- (j.1) for the purposes of section 23.1, governing any aspect of the sale or transfer of a dog including, but not limited to,
- (i) prohibiting sales and transfers under certain circumstances,
 - (ii) governing the manner and conditions of sale or transfer,
 - (iii) governing the return of a dog that has been purchased or transferred and the refund of any payment,
 - (iv) prescribing measures to protect the health, welfare and care of dogs that are sold or transferred,
 - (v) prescribing measures to protect the health, welfare and care of other animals that may be affected by a sale or transfer,
 - (vi) prescribing measures to protect the interests of purchasers and transferees,
 - (vii) governing requirements for the identification of dogs before sale or transfer;

(3) Subsection 69 (1) of the Act is amended by adding the following clause:

(j.2) prescribing circumstances that constitute operating a puppy mill for the purposes of paragraph 9 of subsection 23.2 (2);

(4) Subsection 69 (1) of the Act is amended by adding the following clause:

(j.3) prescribing actions for the purposes of paragraph 4 of section 23.3;

Commencement

12 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Sections 2 and 3, subsections 4 (2) to (7), 5 (2), 6 (2), 9 (1) and (3) and section 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Sections 8 and 10 come into force on the later of the day subsection 8 (1) of Schedule 6 to the *Strengthening Safety and Modernizing Justice Act, 2023* comes into force and the day this Act receives Royal Assent.

Short title

13 The short title of this Act is the *Preventing Unethical Puppy Sales Act, 2024*.