C2, E1

5lr2128

By: **Delegate Kramer** Introduced and read first time: February 12, 2015 Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 Commercial Sale of Dogs and Cats – Prohibited – Companion Animal Welfare 3 Act

- FOR the purpose of prohibiting the sale of dogs and cats by certain businesses and
 individuals under certain conditions and at certain locations; establishing certain
 penalties for a violation of this Act; providing for the application of this Act; and
 generally relating to prohibiting the retail sale of dogs and cats.
- 8 BY repealing and reenacting, without amendments,
- 9 Article Business Regulation
- 10 Section 19–701
- 11 Annotated Code of Maryland
- 12 (2010 Replacement Volume and 2014 Supplement)
- 13 BY repealing and reenacting, with amendments,
- 14 Article Business Regulation
- 15 Section 19–702 and 19–707
- 16 Annotated Code of Maryland
- 17 (2010 Replacement Volume and 2014 Supplement)
- 18 BY adding to
- 19 Article Business Regulation
- 20 Section 19–702.1
- 21 Annotated Code of Maryland
- 22 (2010 Replacement Volume and 2014 Supplement)
- 23 BY adding to
- 24 Article Criminal Law
- 25 Section 10–613.1
- 26 Annotated Code of Maryland
- 27 (2012 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1	BY repealing	and reenacting,	without amendments,
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- 2 Article Local Government
- 3 Section 13–108
- 4 Annotated Code of Maryland
- 5 (2013 Volume and 2014 Supplement)

Preamble

7 WHEREAS, There are countless unwanted dogs and cats that do not have 8 permanent homes, leading to the significant overpopulation of these animals; and

9 WHEREAS, Many of the unwanted dogs and cats are eventually euthanized by 10 shelters; and

11 WHEREAS, Euthanizing dogs and cats is not an economical, humane, or ethical 12 solution to the problem of their overpopulation; and

WHEREAS, The major source of the mass breeding of dogs and cats occurs at puppy
 mills and kitten factories that supply commercial retail stores; and

WHEREAS, One of the most effective, economical, humane, and ethical solutions to the problem of dog and cat overpopulation is to substantially reduce mass breeding for commercial retail sale; and

WHEREAS, The factory–like production and commercial retail sale of dogs and cats
 is immoral and inhumane; and

WHEREAS, The treatment of dogs and cats in mass breeding facilities and commercial retail stores is a matter of national concern; and

22 WHEREAS, Similar to humans, dogs and cats experience fear, hunger, and pain and 23 suffering; and

WHEREAS, Puppy mills, kitten factories, and many commercial retail stores treat dogs and cats as commodities without consideration to the resulting physical and mental suffering endured by these loving animals; and

WHEREAS, The mass commercial production and commercial retail sale of dogs and cats is inconsistent with the State's goal of ensuring the humane care and welfare of dogs and cats; and

30 WHEREAS, The public interest would be best served by stopping the proliferation 31 of commercial retail stores selling dogs and cats in the State; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 33 That the Laws of Maryland read as follows:

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1	Article – Business Regulation			
2	19–701.			
3	(a)	In this subtitle the following words have the meanings indicated.		
4 5	(b) otherwise tr	(b) "Breeder" means a person who breeds or raises dogs to sell, exchange, or rwise transfer to the public.		
6 7	(c) based on ob	(c) "Clinically ill" means an illness that is apparent to a licensed veterinarian on observation, examination, or testing of the dog.		
8	(d)	(1) "Dealer" means a person who, for compensation:		
9		(i) buys, sells, or negotiates the purchase of a dog; or		
10		(ii) delivers for transport or transports a dog.		
$\begin{array}{c} 11 \\ 12 \end{array}$	only.	(2) "Dealer" does not include a person who transports a dog as a carrier		
$\begin{array}{c} 13\\14 \end{array}$	(e) to preserve	"Nonelective surgical procedure" means a surgical procedure that is necessary or restore the health of an animal or to correct a condition that would:		
$\begin{array}{c} 15\\ 16\end{array}$	function in	(1) interfere with the animal's ability to walk, run, jump, or otherwise a normal manner; or		
17		(2) cause pain and suffering to the animal.		
18	(f)	"Purchaser" means any person who purchases a dog from a retail pet store.		
$\begin{array}{c} 19\\ 20 \end{array}$	(g) "Retail pet store" means a for-profit establishment open to the public tha sells or offers for sale domestic animals to be kept as household pets.			
21	19–702.			
$\begin{array}{c} 22\\ 23 \end{array}$		subtitle does not apply to a bona fide nonprofit organization OR ENT-OPERATED ANIMAL CONTROL UNIT operating within a retail pet store.		
24	19-702.1.			
25 26	(A) THAT WAS	THIS SECTION DOES NOT APPLY TO A RETAIL PET STORE LOCATION SELLING DOGS OR CATS BEFORE JUNE 1, 2015.		

	4 HOUSE BILL 645			
$\frac{1}{2}$	(B) CAT.	A RETAIL PET STORE MAY NOT SELL OR OFFER FOR SALE A DOG OR A		
3	19–707.			
4	Noth	ing in this subtitle limits:		
5		(1) the rights or remedies otherwise available to a purchaser;		
6 7 8		(2) the ability of the owner or operator of a retail pet store and purchaser additional terms and conditions that do not impair the rights granted to a under this subtitle; [or]		
9 10	operator of	(3) the ability of the State or a local government to prosecute the owner or a retail pet store for any other violation of law; OR		
$11\\12$	THE SALE	(4) THE ABILITY OF A LOCAL GOVERNMENT TO FURTHER RESTRICT OF DOGS OR CATS BY A RETAIL PET STORE.		
13		Article – Criminal Law		
14	10-613.1.			
$\begin{array}{c} 15\\ 16\end{array}$	(A) KENNEL LI	This section does not apply to a person who has obtained a icense under § 13–108 of the Local Government Article.		
17 18 19	(B) TRANSFER INCLUDIN	A PERSON MAY NOT SELL, OFFER TO SELL, DISPLAY FOR SALE, a, BARTER, TRADE, OR AUCTION A DOG OR CAT AT ANY PUBLIC PLACE, G:		
20		(1) A STREET;		
21		(2) A HIGHWAY;		
22		(3) A PUBLIC RIGHT–OF–WAY;		
23		(4) A PUBLIC PARKING LOT;		
24		(5) A CARNIVAL;		
25		(6) A BOARDWALK;		
26		(7) A SWAP MEET;		

1	(8) A FAIR; OR		
2	(9) A FLEA MARKET.		
$\frac{3}{4}$	(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:		
5	(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; AND		
6 7	(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.		
8	Article – Local Government		
9	13–108.		
10	(a) This section applies to all counties, including Baltimore City.		
$\begin{array}{c} 11 \\ 12 \end{array}$	(b) Notwithstanding any other provisions of this subtitle, a person shall obtain a kennel license from the local licensing agency if the person:		
$\begin{array}{c} 13\\14 \end{array}$	(1) owns or has custody of 15 or more unspayed female dogs over the age of 6 months kept for the purpose of breeding the dogs and selling their offspring; and		
15	(2) sells dogs from six or more litters in a year.		
$\begin{array}{c} 16 \\ 17 \end{array}$	(c) (1) Each local licensing agency shall collect and maintain a record of the following information for each kennel license issued in the county:		
18	(i) name of the licensee;		
19	(ii) address of the licensee;		
20	(iii) number of dogs maintained by the licensee; and		
21	(iv) number of puppies sold by the licensee in the preceding year.		
$22 \\ 23 \\ 24$	(2) On or before January 15 of each year, each local licensing agency shall report to the Department of Labor, Licensing, and Regulation the information collected under this subsection for the preceding year.		
$25 \\ 26 \\ 27$	(d) The governing body of a county may establish additional kennel license fees to cover the cost of collecting, maintaining, and submitting the records and reports required under subsection (c) of this section.		

1 (e) This section may not be construed to prohibit the governing body of a county 2 from enacting more stringent kennel licensing ordinances.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 4 1, 2015.