HOUSE BILL 1662

C2 8lr2363

By: Delegates Kramer, Busch, Arentz, Aumann, Barkley, Barve, Brooks, Carey, Chang, Cullison, Davis, Fennell, Frush, Hixson, Impallaria, Jameson, Kelly, Lam, R. Lewis, Luedtke, Metzgar, Miele, Moon, Morales, Platt, Robinson, Sanchez, Stein, Valderrama, Waldstreicher, and K. Young, Branch, Clippinger, Frick, Lisanti, Mautz, and A. Miller

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

No More Puppy-Mill Pups Act of 2018
Business Regulation – Retail Pet Stores
(No More Puppy- and Kitten-Mills Act of 2018)

5 FOR the purpose of prohibiting certain retail pet stores from offering for sale, transferring, 6 or disposing of cats or dogs; repealing certain provisions of law that authorize the 7 sale of certain cats and dogs and set forth the requirements for a retail pet store that 8 offers to sell certain cats or dogs under certain circumstances; repealing certain 9 provisions of law relating to remedies a certain purchaser is entitled to after purchasing a certain cat or dog; providing for the construction of a certain provision 10 of this Act; making certain conforming changes; altering a certain definition; defining 11 12 a certain term; providing for a delayed effective date; and generally relating to a prohibition on the sale, transfer, or disposal of cats and dogs by retail pet stores. 13

- 14 BY repealing and reenacting, with amendments,
- 15 Article Business Regulation
- 16 Section 19–701, 19–706, and 19–707
- 17 Annotated Code of Maryland
- 18 (2015 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

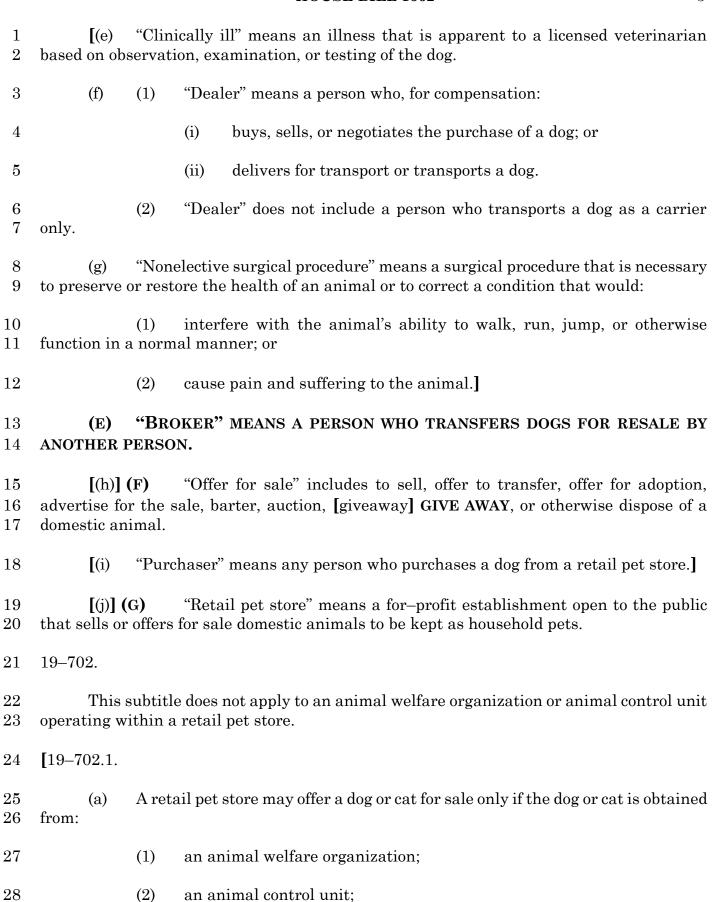
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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otherwise transfer to the public.

1 2 3 4	Annotated Code of Maryland				
5 6 7 8 9	BY repealing Article – Business Regulation Section 19–702.1, 19–703, 19–704, and 19–705 Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)				
10 11 12 13 14	BY adding to Article – Business Regulation Section 19–703 Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)				
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
17	Article – Business Regulation				
18	19–701.				
19	(a) In this subtitle the following words have the meanings indicated.				
20 21	(b) "Animal control unit" has the meaning stated in § 10–617 of the Criminal Law Article.				
22 23	(c) (1) "Animal welfare organization" means a nonprofit organization [established to promote animal welfare]:				
24 25	(I) that has tax exempt status under $\S 501(c)(3)$ of the U.S. Internal Revenue Code; AND				
26 27	(II) WHOSE MISSION AND PRACTICE IS THE RESCUE OF ANIMALS AND THE PLACEMENT OF THOSE ANIMALS IN PERMANENT HOMES.				
28 29 30	(2) "ANIMAL WELFARE ORGANIZATION" DOES NOT INCLUDE AN ORGANIZATION THAT OBTAINS ANIMALS FROM A BREEDER OR BROKER IN EXCHANGE FOR PAYMENT OR COMPENSATION.				
31	(d) "Breeder" means a person who breeds or raises dogs to sell, exchange, or				



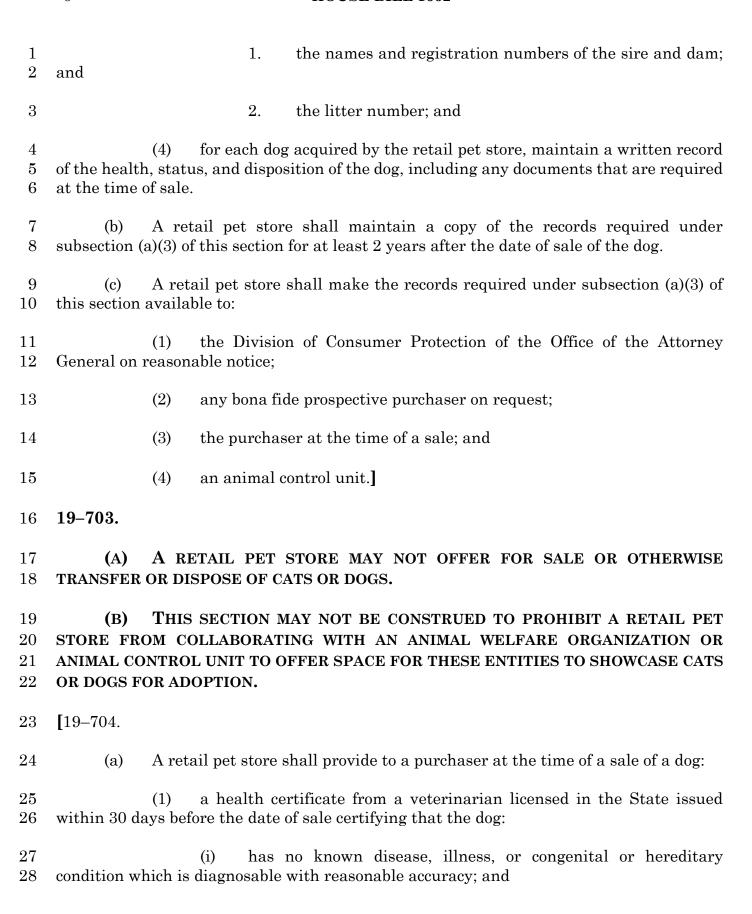
- 1 (3) the original breeder of the dog or cat if the breeder meets the 2 requirements under subsection (b) of this section; or
- 3 (4) a dealer that obtained the dog or cat from the original breeder if the dealer and original breeder meet the requirements under subsection (b) of this section.
- 5 (b) A retail pet store shall ensure that a person under subsection (a)(3) or (4) of 6 this section from which the retail pet store obtains a dog or cat, as of the day the retail pet 7 store receives the dog or cat:
- 8 (1) holds a current license under the Animal Welfare Act from the U.S. 9 Department of Agriculture; and
- 10 (2) has not received from the U.S. Department of Agriculture, in 11 accordance with an enforcement action of the laws and regulations under the federal 12 Animal Welfare Act:
- 13 (i) a citation on a final inspection report for a direct or critical 14 violation within the 2-year period before the day the dog or cat is received by the retail pet 15 store;
- 16 (ii) citations on two or more consecutive final inspection reports for one or more repeat noncompliant items within the 2-year period before the day the dog or cat is received by the retail pet store;
- 19 (iii) a citation on both of the two most recent final inspection reports 20 for a no–access violation; or
- 21 (iv) three or more citations on the most recent final inspection report 22 for separate noncompliant items other than no–access violations.]
- 23 [19–703.
- 24 (a) A retail pet store that sells dogs shall:
- 25 (1) post conspicuously on each dog's cage:
- 26 (i) the breed, age, and date of birth of the dog, if known;
- 27 (ii) if obtained from a breeder or dealer, the state in which the 28 breeder and, if applicable, the dealer of the dog is located;
- 29 (iii) if obtained from a breeder or dealer, the United States 30 Department of Agriculture license number of the breeder and, if applicable, the dealer;
- 31 (iv) if obtained from an animal control unit, the name of the animal 32 control unit; and

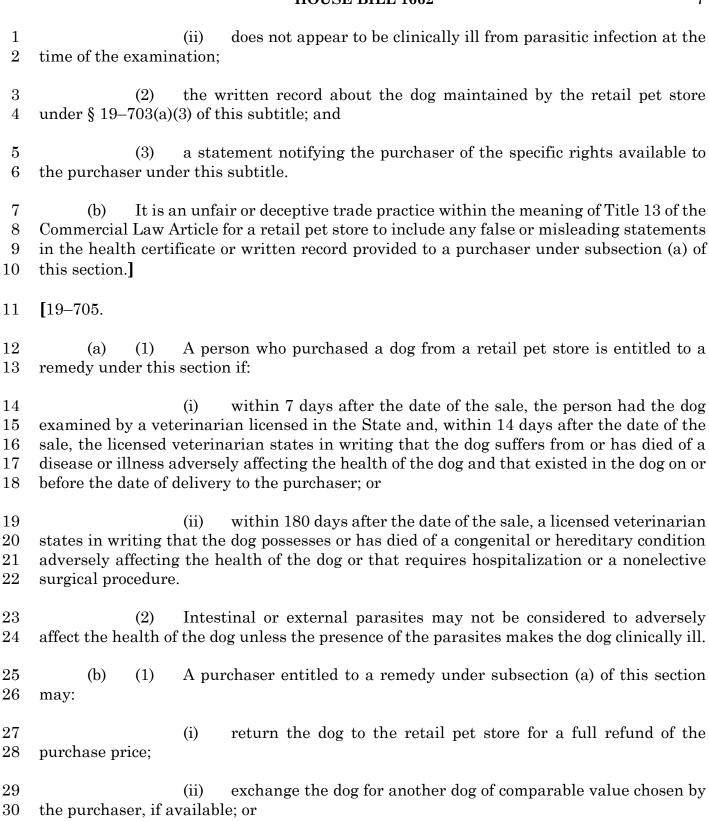
$\frac{1}{2}$	animal welfare org	(v) anizat	if obtained from an animal welfare organization, the name of the ion and the organization's federal tax identification number;	
3 4 5 6 7	(2) post conspicuously on each dog's cage or, if the posting would block viewing the dog in the cage, near the dog's cage, if obtained from a breeder or dealer, the final inspection reports for the breeder and, if applicable, the dealer, issued by the United States Department of Agriculture from the 2 years immediately before the date the pet store received the dog;			
8 9	(3) each dog in the pos		ain a written record that includes the following information about n of the retail pet store:	
10		(i)	the breed, age, and date of birth of the dog, if known;	
11		(ii)	the sex, color, and any identifying markings of the dog;	
12 13 14	(iii) documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnoses, and the name and title of the treatment provider;			
15		(iv)	if obtained from a breeder or dealer, the name and address of:	
16 17	dog;		1. the breeder and, if applicable, the dealer who supplied the	
18			2. the facility where the dog was born; and	
19			3. the transporter or carrier of the dog, if any;	
20 21	Department of Agr	(v) icultui	if obtained from a breeder or dealer, the United States re license number of the breeder and, if applicable, the dealer;	
22 23 24	issued by the Unite		if obtained from a breeder or dealer, the final inspection reports es Department of Agriculture from the 2 years immediately before eived the dog;	
25 26	the animal control	(vii) unit;	if obtained from an animal control unit, the name and address of	
27 28	address of the anin	. ,	if obtained from an animal welfare organization, the name and fare organization;	
29 30	or microchip; and	(ix)	any identifier information, including a tag, tattoo, collar number,	

if the dog is being sold as registered or registrable:

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(x)





31 (iii) retain the dog and be reimbursed by the retail pet store for 32 reasonable and documented veterinary fees for diagnosis and treatment of the dog, not 33 exceeding the purchase price of the dog.

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- 1 (2) Unless the owner or operator of the retail pet store contests a 2 reimbursement required under paragraph (1)(iii) of this subsection, the reimbursement 3 shall be made to the purchaser no later than 10 business days after the retail pet store 4 receives the veterinarian's statement under subsection (c) of this section.
 - (c) To obtain a remedy under this section, a purchaser shall provide to the owner or operator of the retail pet store, within 5 business days after receipt, a written statement from a licensed veterinarian that the dog suffers from or has died of a disease, illness, or congenital or hereditary condition adversely affecting the health of the dog and that existed in the dog on or before the date of delivery to the purchaser.
- 10 (d) A purchaser is not entitled to a remedy under this section if:
- 11 (1) the illness or death resulted from:
- (i) maltreatment or neglect by the purchaser;
- 13 (ii) an injury sustained after the delivery of the dog to the purchaser;

14 or

- 15 (iii) an illness or disease contracted after the delivery of the dog to 16 the purchaser;
- 17 (2) the purchaser does not carry out the recommended treatment 18 prescribed by the veterinarian who made the diagnosis; or
- 19 (3) the illness, disease, or congenital or hereditary condition was disclosed 20 at the time of purchase.]
- 21 **[**19–706.**] 19–704.**
- (a) [Except as provided in subsection (b) of this section, a violation of this subtitle:
- 23 (1) is an unfair or deceptive trade practice within the meaning of Title 13 24 of the Commercial Law Article; and
- 25 (2) is subject to the enforcement and penalty provisions contained in Title 26 13 of the Commercial Law Article.
- 27 (b) (1) A violation of [§ 19–702.1 of] this subtitle:
- 28 **[**(i)**] (1)** is an unfair or deceptive trade practice within the meaning 29 of Title 13 of the Commercial Law Article; and

1 2 3	[(ii)] (2) except for the provisions of § 13–411 of the Commercial Law Article, is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article.					
$\frac{4}{5}$	- · · · · · · · · · · · · · · · · · · ·					
6	[19–707.] 19–705.					
7	Nothing in this subtitle limits[:					
8	(1) the rights or remedies otherwise available to a purchaser;					
9 10 11	to agree to additional terms and conditions that do not impair the rights granted to					
12 13	(/ 1					
14 15	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018 January 1, 2019.					
	Approved:					
	Governor.					
	Speaker of the House of Delegates.					
	President of the Senate.					