

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 505
Finance

(Senator Gladden, *et al.*)

Pet Stores - Sale of Dogs Less than 9 Months of Age Prohibited

This bill prohibits “retail pet stores” from selling, displaying, or in any way transferring a dog less than nine months of age. The bill does not apply to dogs in the possession of a retail pet store on the bill’s October 1, 2010 effective date.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill’s penalty provision. Expenditures are not affected.

Local Effect: It is assumed that the requirements of the bill can be handled with existing budgeted resources in most jurisdictions. To the extent a more rigorous enforcement program is determined to be needed in any jurisdiction, additional resources (including overtime) may be needed.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill does not apply to persons that breed or raise animals to sell to the public; “humane societies” or nonprofit animal adoption organizations; or adoption events operated by such organizations, even if the events are held in conjunction with pet stores.

Retail pet store owners, or operators, that violate the bill’s provisions may be fined \$500 for an initial offense and \$1,000 for each subsequent offense.

Current Law: In general, a dog or cat less than eight weeks of age may not be sold or distributed in the State unless it is accompanied by its dam (female parent).

To determine if dogs are being treated inhumanely in violation of any law, an authorized director of a humane society, accompanied by a sheriff or a deputy sheriff, may inspect a premises:

- where a person is engaged in the business of buying, selling, trading, or breeding dogs; or
- of a kennel where 25 or more dogs are kept.

A person who makes such an inspection must give prior written notice of the time and date of the inspection to the owner or occupant of the premises.

In Baltimore City, the Baltimore City Health Department is required to enforce these inspection provisions. Enforcement in Baltimore County is handled by the Baltimore County Department of Health, Division of Animal Control, or an organization approved by the Baltimore County government.

These premises inspection provisions do not apply to premises:

- where dogs are kept or bred solely for medical or related research or laboratory tests;
- operated by a licensed and regularly practicing veterinarian; or
- where hunting dogs are housed, if the buying, selling, trading, or breeding is incidental to the main purposes of housing, keeping, and using dogs.

The Secretary of Health and Mental Hygiene may prohibit the importation, selling, trading, purchasing, bartering, breeding, raising, keeping, or possession of any animals found to be dangerous to human health and safety. This authority does not apply to domestic cats, dogs, or ferrets; animals used for agricultural, scientific, or educational purposes; animals used for public exhibitions; or any animal that the Secretary determines is not a threat to human health and safety. These provisions may not be construed to prohibit the breeding, raising, keeping, or possession of turtles by a person who has obtained a permit.

The federal Animal Welfare Act (AWA) of 1966 regulates certain animal activities, including commercial dog and cat breeding. The AWA defines the minimum standards of care for dogs, cats, and certain other species of animals bred for commercial resale and exhibition. It also requires that certain commercial breeders be licensed and routinely inspected by the U.S. Department of Agriculture. H.R. 1 of 2008 (the “Farm Bill”), which was enacted in February 2009, prohibits the importation of puppies under six months of age for the purpose of resale.

Background: Many dogs sold as pets in the United States were bred in commercial dog breeding facilities that mass-produce dogs for sale to pet stores (often called puppy mills). Substandard conditions *vis-à-vis* animal welfare are commonly reported at these facilities. Similar types of operations exist for other animals kept as pets or used as feed for other animals. Due to the frequently poor breeding conditions, puppies bred by commercial breeders can be ill-tempered and may suffer from poor health.

In 2008, Virginia enacted Chapter 852 of 2008, which limits the number of adult dogs a commercial breeder may possess at any one time to 50. Louisiana enacted similar legislation in 2008.

Local Fiscal Effect: Because retail pet stores may be inspected for humane treatment under State law and local ordinances, it is assumed that the requirements of this bill can be handled with the existing budgeted resources of local jurisdictions.

Small Business Effect: According to the American Society for the Prevention of Cruelty to Animals (ASPCA), most dogs sold in retail pet stores are less than nine months of age. Assuming compliance with the bill's provisions, pet stores are no longer able to sell puppies, and commercial breeders may experience a steep drop in demand for puppies. Legislative Services also assumes that the bill does not depress the demand for puppies in the State. Therefore, independent breeders and humane societies in the State may experience a meaningful growth in puppy sales as consumers turn to them to purchase or adopt pet dogs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): American Society for the Prevention of Cruelty to Animals; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Legislative Services

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