

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 912
Economic Matters

(Delegate Kipke, *et al.*)

Business Regulation - Retail Pet Stores - Required Records for Dogs

This bill establishes recordkeeping requirements for “retail pet stores” that conduct business in the State.

Fiscal Summary

State Effect: The Department of Labor, Licensing, and Regulation (DLLR) may receive additional complaints and inquiries regarding retail pet stores due to the bill. Such activity is not likely to have a significant fiscal impact on DLLR; however, DLLR operations may be impacted as the agency does not have staff in place to manage or receive complaints about retail pet stores or any real enforcement authority to resolve such complaints.

Local Effect: None. The bill does not directly affect local government operations or finances.

Small Business Effect: Potential meaningful operational impact for retail pet store businesses.

Analysis

Bill Summary: Retail pet stores that sell dogs in the State must keep detailed written records for each dog held in the store’s possession. Information that must be maintained includes:

- the breed, age, and birth date of the dog, if known;

- documentation and specific details pertaining to all inoculations, worming treatments, and other medical treatments;
- the name and address of the breeder or dealer and facility where the dog was born and the transporter or carrier of the dog, if any;
- the U.S. Department of Agriculture (USDA) license number of the breeder or dealer, if required;
- any identifier information, including a tag, tattoo, collar number, or microchip; and
- if the dog is being sold as registered or registrable, the names and registration number of the sire and dam and the litter number.

Retail pet stores must also post specified information conspicuously on each dog's cage and maintain a written record of the health, status, and disposition of each dog purchased.

A dog's records must be kept for at least one year after the date of sale of the dog. Records must be made available for inspection by DLLR upon reasonable notice.

Current Law: In general, a dog or cat younger 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 premise:

- 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.

Background: 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 USDA. H.R. 1 of 2008 (the “Farm Bill”), which was enacted in February 2009, prohibits the importation of puppies younger than six months of age for the purpose of resale.

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 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.

Additional Comments: Many of the State’s agencies and boards responsible for licensing and regulating businesses, professions, and trades are housed within DLLR. The Division of Occupational and Professional Licensing within DLLR licenses, regulates, and monitors 24 professions and trades through regulatory boards and commissions. The division’s mission is to ensure that practitioners in certain occupational fields are competent and compliant with professional standards, State laws, and regulations.

The bill requires retail pet stores to maintain records but does not establish an enforcement mechanism for these businesses with any agency of State government. Instead, pet store owners must simply make records available for inspection to DLLR. Animal welfare and retail businesses are outside the purview of DLLR, and the bill does not establish any penalties for failure to comply with the recordkeeping requirements. Thus, DLLR advises that it will not request access to the records as it cannot meaningfully enforce the requirements.

Nevertheless, DLLR anticipates that it will receive inquiries and complaints regarding retail pet stores due to the bill. Although the volume is likely to be relatively low, DLLR does not have any staffing in place to handle inquiries or to resolve complaints. Thus, DLLR operations may be impacted by the bill. The extent of any such impact cannot be reliably estimated, but it is not expected to be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2011
ncs/mcr

Analysis by: Michael T. Vorgetts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510