

# HOUSE BILL 645

C2, E1

5lr2128

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By: **Delegate Kramer**

Introduced and read first time: February 12, 2015

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting the sale of dogs and cats by certain businesses and  
5 individuals under certain conditions and at certain locations; establishing certain  
6 penalties for a violation of this Act; providing for the application of this Act; and  
7 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)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 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

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

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

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

20 WHEREAS, The treatment of dogs and cats in mass breeding facilities and  
21 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

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

27 WHEREAS, The mass commercial production and commercial retail sale of dogs and  
28 cats is inconsistent with the State’s goal of ensuring the humane care and welfare of dogs  
29 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:

1 **Article – Business Regulation**

2 19–701.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Breeder” means a person who breeds or raises dogs to sell, exchange, or  
5 otherwise transfer to the public.

6 (c) “Clinically ill” means an illness that is apparent to a licensed veterinarian  
7 based 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.

11 (2) “Dealer” does not include a person who transports a dog as a carrier  
12 only.

13 (e) “Nonelective surgical procedure” means a surgical procedure that is necessary  
14 to preserve or restore the health of an animal or to correct a condition that would:

15 (1) interfere with the animal’s ability to walk, run, jump, or otherwise  
16 function in 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.

19 (g) “Retail pet store” means a for–profit establishment open to the public that  
20 sells or offers for sale domestic animals to be kept as household pets.

21 19–702.

22 This subtitle does not apply to a bona fide nonprofit organization **OR**  
23 **GOVERNMENT–OPERATED ANIMAL CONTROL UNIT** operating within a retail pet store.

24 **19–702.1.**

25 **(A) THIS SECTION DOES NOT APPLY TO A RETAIL PET STORE LOCATION**  
26 **THAT WAS SELLING DOGS OR CATS BEFORE JUNE 1, 2015.**





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.