

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 645 (Delegate Kramer)
Economic Matters

Commercial Sale of Dogs and Cats - Prohibited - Companion Animal Welfare Act

This bill prohibits a retail pet store from selling or offering to sell a dog or a cat, unless the retail pet store location was doing so before the effective date of the bill. It also does not apply to a government-operated animal control unit operating within a retail pet store. The bill does not limit the ability of a local government to further restrict the sale of dogs or cats by a retail pet store. A person, other than a person who has obtained a kennel license from a local government, is prohibited from selling, offering to sell, displaying for sale, transferring, bartering, trading, or auctioning a dog or a cat at any public place, subject to specified penalties.

The bill takes effect June 1, 2015.

Fiscal Summary

State Effect: The bill's imposition of penalty provisions does not have a material effect on State finances or operations.

Local Effect: Local government operations and finances are not materially affected.

Small Business Effect: Meaningful.

Analysis

Bill Summary: A person, other than a person who has obtained a kennel license from a local government, may not sell, offer to sell, display for sale, transfer, barter, trade, or auction a dog or cat at any public place. A violation of this provision is a misdemeanor

and is subject to a maximum penalty of a \$500 fine for a first offense and a \$1,000 fine and/or 30 days imprisonment for a second or subsequent offense. Existing penalties continue to apply to a retail pet store that sells or offers to sell a dog.

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 female parent. Chapters 214 and 215 of 2012 established conditions and requirements for remedy when a dog sold at a retail pet store is found to have an undisclosed disease, illness, or prior condition. It also established certification, recordkeeping, and public disclosure requirements for retail pet stores that conduct business in the State, as well as penalties for noncompliance. A violation is an unfair or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA's civil and criminal penalty provisions.

Sale of Dogs by Retail Pet Stores

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;
- the gender, color, and any identifying markings of the dog;
- documentation and specific details pertaining to all inoculations, worming treatments, and other medical treatments;
- the name and address of the breeder or dealer who supplied the dog, the 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.

A dog's records must be kept for at least one year after the date of sale of the dog.

Health Certification Requirements at Retail Pet Stores

A retail pet store must provide a health certificate from a State-licensed veterinarian, issued within 30 days before the date of sale, to a purchaser at the time of a sale of a dog. The certificate must state that the dog (1) has no known disease, illness, or congenital or hereditary condition which is diagnosable with reasonable accuracy and (2) does not appear to be clinically ill from parasitic infection at the time of the examination.

A person who has purchased a dog from a retail pet store is entitled to a remedy under certain conditions related to the health of the dog. A person entitled to a remedy may (1) return the dog to the retail pet store for a full refund of the purchase price; (2) exchange the dog for another dog of comparable value chosen by the purchaser, if available; or (3) retain the dog and be reimbursed by the retail pet store for reasonable and documented veterinary fees, not exceeding the purchase price of the dog.

Inspection of Dog Businesses

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, with prior written notice, may inspect premises (1) where a person is engaged in the business of buying, selling, trading, or breeding dogs or (2) of a kennel where 25 or more dogs are kept. 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.

Kennel License for Dog Breeders

Chapter 297 of 2011 requires a person to obtain a kennel license if (1) the person owns or has custody of 15 or more unspayed female dogs over six months old; (2) the dogs are kept for the purpose of breeding and selling their offspring; and (3) the person sells dogs from six or more litters per year.

Background: The federal Animal Welfare Act (AWA) of 1966 regulates certain animal activities, including commercial dog and cat breeding. 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 are 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. Approximately 21 states have enacted laws that provide specific recourse for the purchaser of a sick or diseased animal from a retail pet store.

Small Business Effect: There is a meaningful impact for small businesses in the State due to the prohibition against the sale of dogs and cats by retail pet stores that do not already do so as of June 1, 2015. Retail pet stores established or desiring to expand to new locations after that date are negatively affected. These businesses are likely small businesses and experience reduced revenues from the prohibition in addition to a competitive disadvantage to existing retail pet stores.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Carroll and Montgomery counties; Town of Leonardtown; American Veterinary Medical Association; Department of Legislative Services

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md/mcr

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