## **HOUSE BILL 1662**

C2 (8lr2363)

## ENROLLED BILL

- Economic Matters/Finance -

Introduced 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

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							Proofre	ader.
Sealed	with the	Great Seal and	presented	to the	e Governor,	for his	approval	this
	day of		_ at			_ o'cloc	k,	M.
							Spe	aker.
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AN AC'	T concerni	ng						
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## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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

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

Italics indicate opposite chamber/conference committee amendments.



1 2 3	<u>Assembly</u> : altering a certain definition; defining a certain term; <u>providing for a delayed effective date</u> ; and generally relating to a prohibition on the sale, transfer, or disposal of cats and dogs by retail pet stores.
4 5 6 7 8	BY repealing and reenacting, with amendments, Article – Business Regulation Section 19–701, 19–706, and 19–707 Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)
9 10 11 12 13	BY repealing and reenacting, without amendments, Article – Business Regulation Section 19–702 Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)
14 15 16 17 18	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)
19 20 21 22 23	BY adding to Article – Business Regulation Section 19–703 Annotated Code of Maryland (2015 Replacement Volume and 2017 Supplement)
24 25	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
26	Article – Business Regulation
27	19–701.
28	(a) In this subtitle the following words have the meanings indicated.
29 30	(b) "Animal control unit" has the meaning stated in $\S~10-617$ of the Criminal Law Article.
31 32	(c) (1) "Animal welfare organization" means a nonprofit organization [established to promote animal welfare]:
33 34	(I) that has tax exempt status under § 501(c)(3) of the U.S. Internal Revenue Code; AND

1 2	(II) WHOSE MISSION AND PRACTICE IS THE RESCUE OF ANIMALS AND THE PLACEMENT OF THOSE ANIMALS IN PERMANENT HOMES.
3 4 5	(2) "ANIMAL WELFARE ORGANIZATION" DOES NOT INCLUDE AN ORGANIZATION THAT OBTAINS ANIMALS FROM A BREEDER OR BROKER IN EXCHANGE FOR PAYMENT OR COMPENSATION.
6 7	(d) "Breeder" means a person who breeds or raises dogs to sell, exchange, or otherwise transfer to the public.
8	[(e) "Clinically ill" means an illness that is apparent to a licensed veterinarian based on observation, examination, or testing of the dog.
0	(f) (1) "Dealer" means a person who, for compensation:
1	(i) buys, sells, or negotiates the purchase of a dog; or
12	(ii) delivers for transport or transports a dog.
13 14	(2) "Dealer" does not include a person who transports a dog as a carrier only.
15 16	(g) "Nonelective surgical procedure" means a surgical procedure that is necessary to preserve or restore the health of an animal or to correct a condition that would:
17 18	(1) interfere with the animal's ability to walk, run, jump, or otherwise function in a normal manner; or
9	(2) cause pain and suffering to the animal.]
20 21	(E) "Broker" means a person who transfers dogs for resale by another person.
22 23 24	[(h)] (F) "Offer for sale" includes to sell, offer to transfer, offer for adoption, advertise for the sale, barter, auction, [giveaway] GIVE AWAY, or otherwise dispose of a domestic animal.
25	[(i) "Purchaser" means any person who purchases a dog from a retail pet store.]
26 27	[(j)] (G) "Retail pet store" means a for-profit establishment open to the public that sells or offers for sale domestic animals to be kept as household pets.

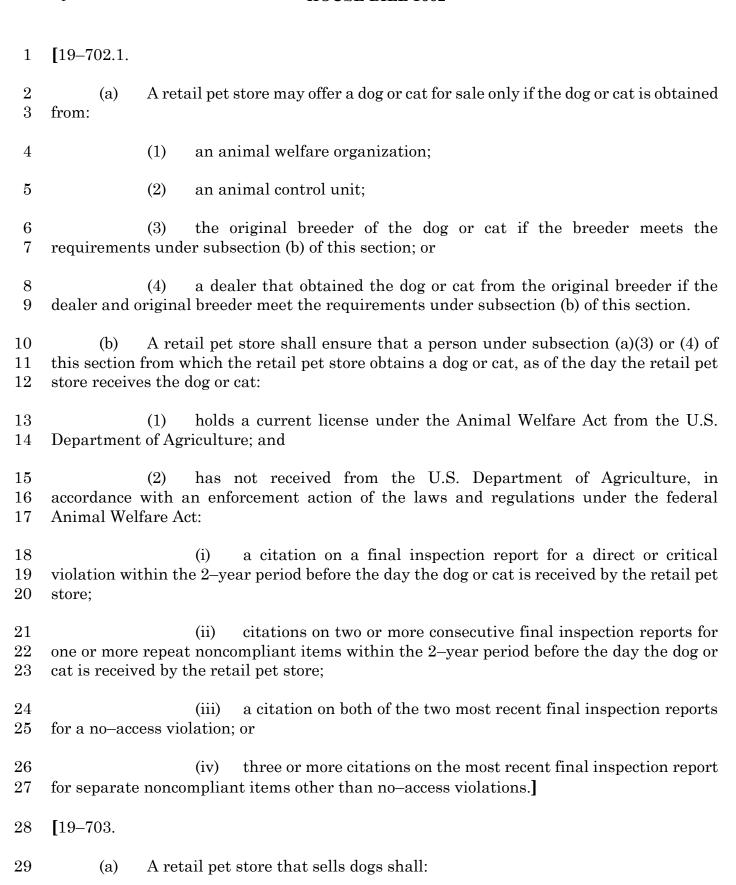
This subtitle does not apply to an animal welfare organization or animal control unit operating within a retail pet store.

19-702.

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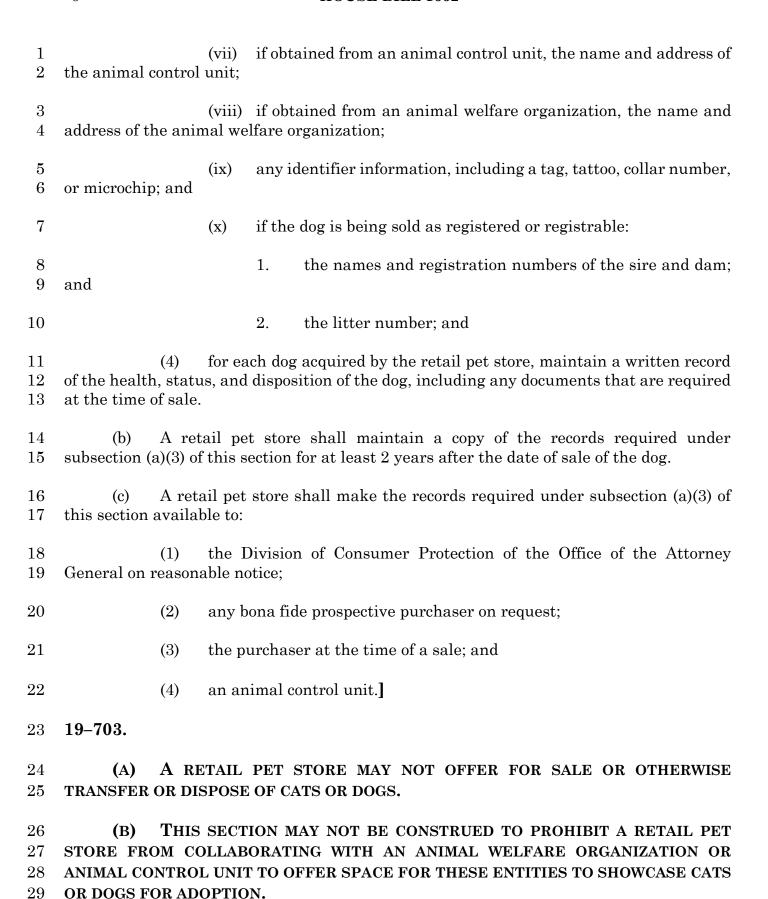
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post conspicuously on each dog's cage:

1		(i)	the breed, age, and date of birth of the dog, if known;
2 3	breeder and, if app	(ii) plicable	if obtained from a breeder or dealer, the state in which the e, the dealer of the dog is located;
4 5	Department of Ag	(iii) ricultu	if obtained from a breeder or dealer, the United States re license number of the breeder and, if applicable, the dealer;
6 7	control unit; and	(iv)	if obtained from an animal control unit, the name of the animal
8 9	animal welfare org	(v) ganizat	if obtained from an animal welfare organization, the name of the tion and the organization's federal tax identification number;
10 11 12 13 14	final inspection re	the caports f	conspicuously on each dog's cage or, if the posting would block age, near the dog's cage, if obtained from a breeder or dealer, the or the breeder and, if applicable, the dealer, issued by the United griculture from the 2 years immediately before the date the pet
15 16	(3) each dog in the po		tain a written record that includes the following information about n of the retail pet store:
17		(i)	the breed, age, and date of birth of the dog, if known;
18		(ii)	the sex, color, and any identifying markings of the dog;
19 20 21			documentation of all inoculations, worming treatments, and ts, if known, including the date of the medical treatment, the and title of the treatment provider;
22		(iv)	if obtained from a breeder or dealer, the name and address of:
23 24	dog;		1. the breeder and, if applicable, the dealer who supplied the
25			2. the facility where the dog was born; and
26			3. the transporter or carrier of the dog, if any;
27 28	Department of Ag	(v) ricultu	if obtained from a breeder or dealer, the United States re license number of the breeder and, if applicable, the dealer;
29 30 31	issued by the Unit the date the pet st		if obtained from a breeder or dealer, the final inspection reports tes Department of Agriculture from the 2 years immediately before teived the dog;



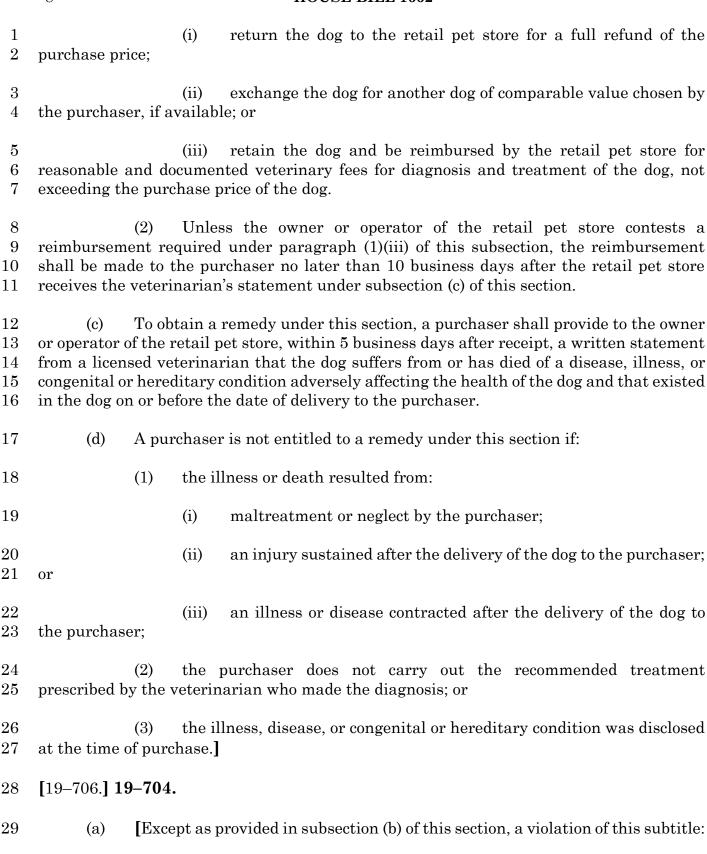
- 1 [19–704.
- 2 (a) A retail pet store shall provide to a purchaser at the time of a sale of a dog:
- 3 (1) a health certificate from a veterinarian licensed in the State issued 4 within 30 days before the date of sale certifying that the dog:
- 5 (i) has no known disease, illness, or congenital or hereditary 6 condition which is diagnosable with reasonable accuracy; and
- 7 (ii) does not appear to be clinically ill from parasitic infection at the 8 time of the examination;
- 9 (2) the written record about the dog maintained by the retail pet store 10 under § 19–703(a)(3) of this subtitle; and
- 11 (3) a statement notifying the purchaser of the specific rights available to 12 the purchaser under this subtitle.
- 13 (b) It is an unfair or deceptive trade practice within the meaning of Title 13 of the 14 Commercial Law Article for a retail pet store to include any false or misleading statements 15 in the health certificate or written record provided to a purchaser under subsection (a) of 16 this section.]
- 17 [19–705.
- 18 (a) (1) A person who purchased a dog from a retail pet store is entitled to a 19 remedy under this section if:
- 20 (i) within 7 days after the date of the sale, the person had the dog 21 examined by a veterinarian licensed in the State and, within 14 days after the date of the 22 sale, the licensed veterinarian states in writing that the dog suffers from or has died of a 23 disease or illness adversely affecting the health of the dog and that existed in the dog on or 24 before the date of delivery to the purchaser; or
- 25 (ii) within 180 days after the date of the sale, a licensed veterinarian 26 states in writing that the dog possesses or has died of a congenital or hereditary condition 27 adversely affecting the health of the dog or that requires hospitalization or a nonelective 28 surgical procedure.
- 29 (2) Intestinal or external parasites may not be considered to adversely 30 affect the health of the dog unless the presence of the parasites makes the dog clinically ill.
- 31 (b) (1) A purchaser entitled to a remedy under subsection (a) of this section 32 may:

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(1)

of the Commercial Law Article; and



is an unfair or deceptive trade practice within the meaning of Title 13

- 1 (2)is subject to the enforcement and penalty provisions contained in Title 2 13 of the Commercial Law Article. 3 (b) **(1)** A violation of [§ 19–702.1 of] this subtitle: is an unfair or deceptive trade practice within the meaning 4 [(i)] **(1)** 5 of Title 13 of the Commercial Law Article: and 6 [(ii)] **(2)** except for the provisions of § 13–411 of the Commercial 7 Law Article, is subject to the enforcement and penalty provisions contained in Title 13 of 8 the Commercial Law Article. 9 [(2)] (B) Each offer of an animal for sale in violation of [§ 19–702.1 of] this 10 subtitle is a separate violation. 11 [19–707.] **19–705.** 12 Nothing in this subtitle limits [: 13 (1) the rights or remedies otherwise available to a purchaser; 14 (2)the ability of the owner or operator of a retail pet store and purchaser 15 to agree to additional terms and conditions that do not impair the rights granted to a 16 purchaser under this subtitle; or 17 the ability of the State or a local government to prosecute the owner or 18 operator of a retail pet store for any other violation of law. 19 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General 20 Assembly that: 21animal welfare organizations initiate contact with retail pet stores, as provided under § 19–703(b) of the Business Regulation Article, as enacted by Section 1 of 2223this Act, that will no longer be able to offer for sale cats and dogs, to facilitate collaboration to showcase cats and dogs for: 2425 adoption from an animal control unit or an animal welfare *(i)* 26organization; or 27 purchase from local breeders; and (ii) 28 the Senate Finance Committee and the House Economic Matters *(2)* 29 Committee monitor the implementation of this Act.
- 30 <u>SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take</u> 31 <u>effect January 1, 2020.</u>

SECTION 2. 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2018 January 1, 2019 October 1 2018.
Approved:
Governor.
Speaker of the House of Delegates.
President of the Senate.