

HOUSE BILL 1662

C2

8lr2363

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~~ K. Young, Branch, Clippinger, Frick, Lisanti, Mautz, and A. Miller**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~**No More Puppy-Mill Pups Act of 2018**~~
3 **Business Regulation – Retail Pet Stores**
4 **(No More Puppy- and Kitten-Mills Act of 2018)**

5 FOR the purpose of prohibiting certain retail pet stores from offering for sale, transferring,
6 or disposing of cats or dogs; repealing certain provisions of law that authorize the
7 sale of certain cats and dogs and set forth the requirements for a retail pet store that
8 offers to sell certain cats or dogs under certain circumstances; repealing certain
9 provisions of law relating to remedies a certain purchaser is entitled to after
10 purchasing a certain cat or dog; providing for the construction of a certain provision
11 of this Act; making certain conforming changes; altering a certain definition; defining
12 a certain term; providing for a delayed effective date; and generally relating to a
13 prohibition on the sale, transfer, or disposal of cats and dogs by retail pet stores.

14 BY repealing and reenacting, with amendments,
15 Article – Business Regulation
16 Section 19–701, 19–706, and 19–707
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 Article – Business Regulation
2 Section 19–702
3 Annotated Code of Maryland
4 (2015 Replacement Volume and 2017 Supplement)

5 BY repealing
6 Article – Business Regulation
7 Section 19–702.1, 19–703, 19–704, and 19–705
8 Annotated Code of Maryland
9 (2015 Replacement Volume and 2017 Supplement)

10 BY adding to
11 Article – Business Regulation
12 Section 19–703
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2017 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Business Regulation**

18 19–701.

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

20 (b) “Animal control unit” has the meaning stated in § 10–617 of the Criminal Law
21 Article.

22 (c) **(1)** “Animal welfare organization” means a nonprofit organization
23 [established to promote animal welfare]:

24 **(I)** that has tax exempt status under § 501(c)(3) of the U.S. Internal
25 Revenue Code; AND

26 **(II) WHOSE MISSION AND PRACTICE IS THE RESCUE OF ANIMALS**
27 **AND THE PLACEMENT OF THOSE ANIMALS IN PERMANENT HOMES.**

28 **(2) “ANIMAL WELFARE ORGANIZATION” DOES NOT INCLUDE AN**
29 **ORGANIZATION THAT OBTAINS ANIMALS FROM A BREEDER OR BROKER IN**
30 **EXCHANGE FOR PAYMENT OR COMPENSATION.**

31 (d) “Breeder” means a person who breeds or raises dogs to sell, exchange, or
32 otherwise transfer to the public.

1 [(e) “Clinically ill” means an illness that is apparent to a licensed veterinarian
2 based on observation, examination, or testing of the dog.

3 (f) (1) “Dealer” means a person who, for compensation:

4 (i) buys, sells, or negotiates the purchase of a dog; or

5 (ii) delivers for transport or transports a dog.

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

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

10 (1) interfere with the animal’s ability to walk, run, jump, or otherwise
11 function in a normal manner; or

12 (2) cause pain and suffering to the animal.]

13 **(E) “BROKER” MEANS A PERSON WHO TRANSFERS DOGS FOR RESALE BY**
14 **ANOTHER PERSON.**

15 [(h)] **(F)** “Offer for sale” includes to sell, offer to transfer, offer for adoption,
16 advertise for the sale, barter, auction, [giveaway] **GIVE AWAY**, or otherwise dispose of a
17 domestic animal.

18 [(i) “Purchaser” means any person who purchases a dog from a retail pet store.]

19 [(j)] **(G)** “Retail pet store” means a for-profit establishment open to the public
20 that sells or offers for sale domestic animals to be kept as household pets.

21 19–702.

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

24 [19–702.1.

25 (a) A retail pet store may offer a dog or cat for sale only if the dog or cat is obtained
26 from:

27 (1) an animal welfare organization;

28 (2) an animal control unit;

1 (3) the original breeder of the dog or cat if the breeder meets the
2 requirements under subsection (b) of this section; or

3 (4) a dealer that obtained the dog or cat from the original breeder if the
4 dealer and original breeder meet the requirements under subsection (b) of this section.

5 (b) A retail pet store shall ensure that a person under subsection (a)(3) or (4) of
6 this section from which the retail pet store obtains a dog or cat, as of the day the retail pet
7 store receives the dog or cat:

8 (1) holds a current license under the Animal Welfare Act from the U.S.
9 Department of Agriculture; and

10 (2) has not received from the U.S. Department of Agriculture, in
11 accordance with an enforcement action of the laws and regulations under the federal
12 Animal Welfare Act:

13 (i) a citation on a final inspection report for a direct or critical
14 violation within the 2-year period before the day the dog or cat is received by the retail pet
15 store;

16 (ii) citations on two or more consecutive final inspection reports for
17 one or more repeat noncompliant items within the 2-year period before the day the dog or
18 cat is received by the retail pet store;

19 (iii) a citation on both of the two most recent final inspection reports
20 for a no-access violation; or

21 (iv) three or more citations on the most recent final inspection report
22 for separate noncompliant items other than no-access violations.]

23 [19-703.

24 (a) A retail pet store that sells dogs shall:

25 (1) post conspicuously on each dog's cage:

26 (i) the breed, age, and date of birth of the dog, if known;

27 (ii) if obtained from a breeder or dealer, the state in which the
28 breeder and, if applicable, the dealer of the dog is located;

29 (iii) if obtained from a breeder or dealer, the United States
30 Department of Agriculture license number of the breeder and, if applicable, the dealer;

31 (iv) if obtained from an animal control unit, the name of the animal
32 control unit; and

1 (v) if obtained from an animal welfare organization, the name of the
2 animal welfare organization and the organization's federal tax identification number;

3 (2) post conspicuously on each dog's cage or, if the posting would block
4 viewing the dog in the cage, near the dog's cage, if obtained from a breeder or dealer, the
5 final inspection reports for the breeder and, if applicable, the dealer, issued by the United
6 States Department of Agriculture from the 2 years immediately before the date the pet
7 store received the dog;

8 (3) maintain a written record that includes the following information about
9 each dog in the possession of the retail pet store:

10 (i) the breed, age, and date of birth of the dog, if known;

11 (ii) the sex, color, and any identifying markings of the dog;

12 (iii) documentation of all inoculations, worming treatments, and
13 other medical treatments, if known, including the date of the medical treatment, the
14 diagnoses, and the name and title of the treatment provider;

15 (iv) if obtained from a breeder or dealer, the name and address of:

16 1. the breeder and, if applicable, the dealer who supplied the
17 dog;

18 2. the facility where the dog was born; and

19 3. the transporter or carrier of the dog, if any;

20 (v) if obtained from a breeder or dealer, the United States
21 Department of Agriculture license number of the breeder and, if applicable, the dealer;

22 (vi) if obtained from a breeder or dealer, the final inspection reports
23 issued by the United States Department of Agriculture from the 2 years immediately before
24 the date the pet store received the dog;

25 (vii) if obtained from an animal control unit, the name and address of
26 the animal control unit;

27 (viii) if obtained from an animal welfare organization, the name and
28 address of the animal welfare organization;

29 (ix) any identifier information, including a tag, tattoo, collar number,
30 or microchip; and

31 (x) if the dog is being sold as registered or registrable:

1 1. the names and registration numbers of the sire and dam;
2 and

3 2. the litter number; and

4 (4) for each dog acquired by the retail pet store, maintain a written record
5 of the health, status, and disposition of the dog, including any documents that are required
6 at the time of sale.

7 (b) A retail pet store shall maintain a copy of the records required under
8 subsection (a)(3) of this section for at least 2 years after the date of sale of the dog.

9 (c) A retail pet store shall make the records required under subsection (a)(3) of
10 this section available to:

11 (1) the Division of Consumer Protection of the Office of the Attorney
12 General on reasonable notice;

13 (2) any bona fide prospective purchaser on request;

14 (3) the purchaser at the time of a sale; and

15 (4) an animal control unit.]

16 **19-703.**

17 **(A) A RETAIL PET STORE MAY NOT OFFER FOR SALE OR OTHERWISE**
18 **TRANSFER OR DISPOSE OF CATS OR DOGS.**

19 **(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A RETAIL PET**
20 **STORE FROM COLLABORATING WITH AN ANIMAL WELFARE ORGANIZATION OR**
21 **ANIMAL CONTROL UNIT TO OFFER SPACE FOR THESE ENTITIES TO SHOWCASE CATS**
22 **OR DOGS FOR ADOPTION.**

23 **[19-704.**

24 (a) A retail pet store shall provide to a purchaser at the time of a sale of a dog:

25 (1) a health certificate from a veterinarian licensed in the State issued
26 within 30 days before the date of sale certifying that the dog:

27 (i) has no known disease, illness, or congenital or hereditary
28 condition which is diagnosable with reasonable accuracy; and

1 (ii) does not appear to be clinically ill from parasitic infection at the
2 time of the examination;

3 (2) the written record about the dog maintained by the retail pet store
4 under § 19–703(a)(3) of this subtitle; and

5 (3) a statement notifying the purchaser of the specific rights available to
6 the purchaser under this subtitle.

7 (b) It is an unfair or deceptive trade practice within the meaning of Title 13 of the
8 Commercial Law Article for a retail pet store to include any false or misleading statements
9 in the health certificate or written record provided to a purchaser under subsection (a) of
10 this section.]

11 [19–705.

12 (a) (1) A person who purchased a dog from a retail pet store is entitled to a
13 remedy under this section if:

14 (i) within 7 days after the date of the sale, the person had the dog
15 examined by a veterinarian licensed in the State and, within 14 days after the date of the
16 sale, the licensed veterinarian states in writing that the dog suffers from or has died of a
17 disease or illness adversely affecting the health of the dog and that existed in the dog on or
18 before the date of delivery to the purchaser; or

19 (ii) within 180 days after the date of the sale, a licensed veterinarian
20 states in writing that the dog possesses or has died of a congenital or hereditary condition
21 adversely affecting the health of the dog or that requires hospitalization or a nonelective
22 surgical procedure.

23 (2) Intestinal or external parasites may not be considered to adversely
24 affect the health of the dog unless the presence of the parasites makes the dog clinically ill.

25 (b) (1) A purchaser entitled to a remedy under subsection (a) of this section
26 may:

27 (i) return the dog to the retail pet store for a full refund of the
28 purchase price;

29 (ii) exchange the dog for another dog of comparable value chosen by
30 the purchaser, if available; or

31 (iii) retain the dog and be reimbursed by the retail pet store for
32 reasonable and documented veterinary fees for diagnosis and treatment of the dog, not
33 exceeding the purchase price of the dog.

1 (2) Unless the owner or operator of the retail pet store contests a
 2 reimbursement required under paragraph (1)(iii) of this subsection, the reimbursement
 3 shall be made to the purchaser no later than 10 business days after the retail pet store
 4 receives the veterinarian's statement under subsection (c) of this section.

5 (c) To obtain a remedy under this section, a purchaser shall provide to the owner
 6 or operator of the retail pet store, within 5 business days after receipt, a written statement
 7 from a licensed veterinarian that the dog suffers from or has died of a disease, illness, or
 8 congenital or hereditary condition adversely affecting the health of the dog and that existed
 9 in the dog on or before the date of delivery to the purchaser.

10 (d) A purchaser is not entitled to a remedy under this section if:

11 (1) the illness or death resulted from:

12 (i) maltreatment or neglect by the purchaser;

13 (ii) an injury sustained after the delivery of the dog to the purchaser;

14 or

15 (iii) an illness or disease contracted after the delivery of the dog to
 16 the purchaser;

17 (2) the purchaser does not carry out the recommended treatment
 18 prescribed by the veterinarian who made the diagnosis; or

19 (3) the illness, disease, or congenital or hereditary condition was disclosed
 20 at the time of purchase.]

21 **[19-706.] 19-704.**

22 (a) **[Except as provided in subsection (b) of this section, a violation of this subtitle:**

23 (1) is an unfair or deceptive trade practice within the meaning of Title 13
 24 of the Commercial Law Article; and

25 (2) is subject to the enforcement and penalty provisions contained in Title
 26 13 of the Commercial Law Article.

27 (b) (1) **A violation of [§ 19-702.1 of] this subtitle:**

28 **[(i) (1)]** is an unfair or deceptive trade practice within the meaning
 29 of Title 13 of the Commercial Law Article; and

1 [(ii) (2) except for the provisions of § 13–411 of the Commercial
2 Law Article, is subject to the enforcement and penalty provisions contained in Title 13 of
3 the Commercial Law Article.

4 [(2) (B) Each offer of an animal for sale in violation of [§ 19–702.1 of] this
5 subtitle is a separate violation.

6 [19–707.] **19–705.**

7 Nothing in this subtitle limits[:

8 (1) the rights or remedies otherwise available to a purchaser;

9 (2) the ability of the owner or operator of a retail pet store and purchaser
10 to agree to additional terms and conditions that do not impair the rights granted to a
11 purchaser under this subtitle; or

12 (3)] the ability of the State or a local government to prosecute the owner or
13 operator of a retail pet store for any other violation of law.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 ~~October 1, 2018~~ January 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.