

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**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **No More Puppy–Mill Pups Act of 2018**

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

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

17 BY repealing and reenacting, without amendments,
18 Article – Business Regulation
19 Section 19–702
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2017 Supplement)

22 BY repealing
23 Article – Business Regulation
24 Section 19–702.1, 19–703, 19–704, and 19–705
25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – Business Regulation

Section 19–703

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Business Regulation

19–701.

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

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

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

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

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

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

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

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

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

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

(ii) delivers for transport or transports a dog.

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

1 only.

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

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

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

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

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

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

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

15 19–702.

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

18 [19–702.1.

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

21 (1) an animal welfare organization;

22 (2) an animal control unit;

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

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

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

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

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

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

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

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

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

[19–703.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. the facility where the dog was born; and

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

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

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

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

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

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

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

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

2. the litter number; and

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

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

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

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

(2) any bona fide prospective purchaser on request;

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

(4) an animal control unit.]

19-703.

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

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

[19-704.

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

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

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

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

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

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

(b) It is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article for a retail pet store to include any false or misleading statements

1 in the health certificate or written record provided to a purchaser under subsection (a) of
2 this section.]

3 [19–705.

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

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

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

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

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

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

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

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

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

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

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

(1) the illness or death resulted from:

(i) maltreatment or neglect by the purchaser;

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

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

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

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

[19–706.] **19–704.**

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

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

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

(b) (1)] A violation of [§ 19–702.1 of] this subtitle:

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

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

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

[19–707.] **19–705.**

Nothing in this subtitle limits[:

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2018.