

PROPOSED AMENDMENT

SB 134 # 2

DIGEST

Retail sale of companion animals. Changes the definition of "companion animal" to mean a domesticated animal. In the definition of "kennel", provides that an establishment may be liable (rather than is liable) for payment of a county option dog tax. Changes the applicability of the legislation to only cities and incorporated towns. Requires a national standards program certification and an ISO audit. Requires a federal USDA licensee to have no violations over the prior two years. Changes application of regulation for the sales provision from a casual breeder to a hobby breeder. Removes the amended definitions of "hobby breeder" and "casual breeder". Requires additional records for a dog or cat to be sold in a pet store. Adds a requirement that dogs may not be sold to any person less than 18 years of age. Creates a remedy for customers if a dog purchased from a retail pet store was unfit for purchase due to illness or disease.

- 1 Page 1, line 6, delete "dog or cat." and insert "**domesticated animal**
- 2 **(as defined in IC 34-30-30-1).**".
- 3 Page 1, line 15, delete "is" and insert "**may be**".
- 4 Page 2, line 4, delete "county,".
- 5 Page 2, line 4, after "city" delete "," and insert "**or incorporated**
- 6 **town.**".
- 7 Page 2, delete line 5.
- 8 Page 2, line 8, after "acquires" delete "**companion**".
- 9 Page 2, line 9, delete "animals" and insert "**dogs**".
- 10 Page 2, line 11, after "IC 15-21-2-1" insert ", **certified by a national**
- 11 **science-based breeder standards program, and audited by an**
- 12 **independent international standards organization auditing firm**".
- 13 Page 2, line 13, after "3.1" insert "**and that has no direct violations**
- 14 **for the previous two (2) years, is certified by a national**
- 15 **science-based breeder standards program, and is audited by an**
- 16 **independent international standards organization auditing firm**".
- 17 Page 2, line 14, delete "casual breeder" and insert "**hobby breeder**".
- 18 Page 2, delete lines 18 through 42, begin a new paragraph and
- 19 insert:
- 20 "**Sec. 6. Prior to the time of sale, every retail pet store operator**
- 21 **must, to the best of his or her knowledge, provide to the consumer**

the following information on any dog or cat being offered for sale:

(1) If the animal is a dog, the retail price of the dog, including any additional fees or charges.

(2) If the animal is a dog, the breed or breeds, if known, age, date of birth, sex, and color of the dog.

(3) If the animal is a dog, the date and description of any inoculation or medical treatment that the dog received while under the possession of the retail pet store.

(4) If the animal is a dog, any information that the retail pet store has regarding the inoculation or medical treatment that the dog received while under the possession of:

(A) a breeder;

(B) an animal control facility; or

(C) an animal shelter.

(5) The name and address of breeder.

(6) If the animal is eligible for registration with a pedigree registry, the following information:

(A) The name and registration numbers of the sire and dam.

(B) The address of the pedigree registry where the sire and dam are registered.

(7) A copy of the retail pet store's policy regarding:

(A) warranties;

(B) refunds; or

(C) returns;

and an explanation of the remedy available under section 8 of this chapter in addition to any other remedies available at law.

(8) If the animal is a dog, disclosure that the dog has been microchipped and the microchip has been enrolled in a nationally searchable data base.

Sec. 7. (a) A dog or cat offered for sale by a retail pet store must be microchipped by the retail pet store operator before the animal may be sold.

(b) A retail pet store may not sell a dog to any person who is less than eighteen (18) years of age.

Sec. 8. (a) A customer who purchases a dog from a retail pet store is entitled to a remedy under this section if:

(1) within fourteen (14) days after the date of sale, the customer presents to the retail pet store a written statement

1 from a licensed veterinarian stating that at the time of sale:

2 (A) the dog was unfit for purchase due to:

3 (i) illness or disease; or

4 (ii) the presence of symptoms of a contagious or
5 infectious disease that are extreme enough to influence
6 the general health of the animal, excluding fleas or ticks;
7 or

8 (B) the dog or cat has died from a disease that existed in
9 the dog or cat on or before the date of delivery to the
10 customer; or

11 (2) within two (2) years after the date of sale, the customer
12 presents to the retail pet store a written statement from a
13 licensed veterinarian stating that the dog:

14 (A) possesses a congenital or hereditary condition that
15 adversely affects the health of the dog or requires either
16 hospitalization or a non-elective surgical procedure; or

17 (B) has died of a congenital or hereditary condition.

18 (b) In order for a customer to be eligible for a remedy under
19 this section, a licensed veterinarian's written statement must
20 include the following information:

21 (1) The customer's name and address.

22 (2) A statement that the veterinarian examined the dog.

23 (3) The date or dates on which the dog was examined.

24 (4) The breed and age of the dog, if known.

25 (5) A statement that the dog has or had a disease, illness, or
26 congenital or hereditary condition that is subject to remedy.

27 (6) The findings of the examination or necropsy, including any
28 lab results or copies of the results.

29 (c) A customer entitled to a remedy under this section may:

30 (1) return the dog to the pet shop for a full refund of the
31 purchase price;

32 (2) exchange the dog for another dog or cat of comparable
33 value chosen by the customer;

34 (3) retain the dog and be reimbursed for reasonable
35 veterinary fees for diagnosis and treatment of the dog or cat,
36 not to exceed the purchase price of the dog; or

37 (4) if the dog is deceased, be reimbursed for the full purchase
38 price of the dog plus reasonable veterinary fees associated
39 with the diagnosis and treatment of the dog or cat, not to
40 exceed one (1) times the purchase price of the dog or cat."

- 1 Delete page 3.
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 134 as introduced.)