

PROPOSED AMENDMENT

SB 134 # 9

DIGEST

Retail sale of dogs. Enacts an article concerning the retail sale of dogs. Provides that restrictions on ordinances concerning the retail sale of dogs do not apply to a city or incorporated town that adopts an ordinance before January 1, 2023. Defines a "hobby breeder". Provides that restrictions on the retail sale of dogs apply to certain cities and incorporated towns. Defines a "kennel" to include an establishment that is liable for the payment of a county option dog tax. Removes a reference to companion animals.

- 1 Delete committee amendment AM013402, adopted by the Senate
- 2 Agriculture Committee on January 23, 2023.
- 3 Delete everything after the enacting clause and insert the following:
- 4 SECTION 1. IC 15-22 IS ADDED TO THE INDIANA CODE AS
- 5 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 6 2023]:
- 7 **ARTICLE 22. RETAIL SALE OF DOGS**
- 8 **Chapter 1. Applicability**
- 9 **Sec. 1. This article applies only to the following:**
- 10 (1) A city (as defined by IC 36-1-2-3).
- 11 (2) An incorporated town.
- 12 **Chapter 2. Definitions**
- 13 **Sec. 1. As used in this article, "hobby breeder" means a person**
- 14 **who maintains at least five (5) and not more than twenty (20)**
- 15 **unaltered female dogs that are at least twelve (12) months of age.**
- 16 **Sec. 2. As used in this article, "kennel" means an establishment**
- 17 **that:**
- 18 (1) operates for the:
- 19 (A) breeding;
- 20 (B) boarding;
- 21 (C) training; or
- 22 (D) sale;
- 23 of dogs; and
- 24 (2) is liable for payment of a county option dog tax, if the

kennel is located in a county that has adopted a tax under IC 6-9-39-3.

Sec. 3. (a) As used in this article, "retail pet store" means a commercial enterprise that sells dogs or dog accessories for profit.

(b) The term excludes a kennel.

Sec. 4. As used in this article, "unit" means a city (as defined by IC 36-1-2-3) or an incorporated town.

Chapter 3. Ordinances and Regulations Concerning the Retail Sale of Dogs

Sec. 1. (a) This section does not apply to a unit that adopts an ordinance or regulation before January 1, 2023, that prohibits the sale of dogs in retail pet stores.

(b) A unit may not adopt an ordinance or regulation that prohibits or effectively prohibits the sale of a dog by a retail pet store that acquires dogs from any of the following:

(1) A commercial dog broker or commercial dog breeder that meets the following criteria:

(A) Is registered as required by IC 15-21-2-1.

(B) Is certified by a national science based breeder standards program.

(C) Is audited by an independent auditing firm that complies with the applicable standards of the International Organization for Standardization.

(2) A licensee (as defined in 9 CFR 1.1) that is subject to 9 CFR 3.1 and has no direct violations for the previous two (2) years.

(3) A hobby breeder.

Chapter 4. Sales of Dogs by Retail Pet Stores

Sec. 1. Before the time of sale of a dog, a retail pet store operator must, to the best of the operator's knowledge, provide to the consumer the following information on the dog being offered for sale:

(1) The retail price of the dog, including any additional fees or charges.

(2) The dog's breed or breeds, if known, age, date of birth, sex, and color.

(3) The date and description of any inoculation or medical treatment that the dog received while in the possession of the:

(A) retail pet store; and

(B) commercial dog breeder, commercial dog broker,

- 1 humane society, animal rescue operation, or animal
- 2 shelter;
- 3 that the retail pet store is aware of.
- 4 (4) If the dog was supplied by a commercial dog breeder or
- 5 commercial dog broker, the name and address of the
- 6 commercial dog breeder or commercial dog broker.
- 7 (5) If eligible for registration with a pedigree registry, the
- 8 name and registration numbers of the sire and dam and the
- 9 address of the pedigree registry where the sire and dam are
- 10 registered.
- 11 (6) A copy of the retail pet store's policy regarding
- 12 warranties, refunds, or returns, and an explanation of the
- 13 remedy under section 3(c) of this chapter, in addition to any
- 14 other remedies available at law.
- 15 (7) Disclosure that the dog has been microchipped and the
- 16 microchip has been enrolled in a nationally searchable data
- 17 base. Each dog must be microchipped by the retail pet store
- 18 operator before the sale of the dog.
- 19 Sec. 2. A retail pet store may not sell a dog to a person who is
- 20 less than eighteen (18) years of age.
- 21 Sec. 3. (a) A customer who purchases a dog from a retail pet
- 22 store is entitled to a remedy under subsection (c) if:
- 23 (1) within fourteen (14) days after the date of sale, a licensed
- 24 veterinarian states in writing that at the time of sale:
- 25 (A) the dog was unfit for purchase due to illness or disease
- 26 or the presence of symptoms of a contagious or infectious
- 27 disease that are extreme enough to influence the general
- 28 health of the dog, excluding fleas or ticks; or
- 29 (B) the dog has died from a disease that existed in the dog
- 30 on or before the date of delivery of the dog to the
- 31 customer; or
- 32 (2) within two (2) years after the date of sale, a licensed
- 33 veterinarian states in writing that the dog:
- 34 (A) possesses a congenital or hereditary condition that
- 35 adversely affects the health of the dog or requires either
- 36 hospitalization or a nonelective surgical procedure; or
- 37 (B) has died of a congenital or hereditary condition.
- 38 (b) The veterinarian's statement under subsection (a)(2) must
- 39 include:
- 40 (1) the customer's name and address;

- 1 **(2) a statement that the veterinarian examined the dog;**
- 2 **(3) the date or dates that the dog was examined;**
- 3 **(4) the breed and age of the dog, if known;**
- 4 **(5) a statement that the dog has or had a disease, illness, or**
- 5 **congenital or hereditary condition; and**
- 6 **(6) the findings of the examination or necropsy, including any**
- 7 **lab results or copies of the results.**
- 8 **(c) A customer entitled to a remedy under this section may:**
- 9 **(1) return the dog to the retail pet store for a full refund of the**
- 10 **purchase price;**
- 11 **(2) exchange the dog for another dog of comparable value**
- 12 **chosen by the customer;**
- 13 **(3) retain the dog and be reimbursed for reasonable**
- 14 **veterinary fees for diagnosis and treatment of the dog, not to**
- 15 **exceed the purchase price of the dog; or**
- 16 **(4) if the dog is deceased, be reimbursed:**
- 17 **(A) the full purchase price of the dog; and**
- 18 **(B) reasonable veterinary fees associated with the**
- 19 **diagnosis and treatment of the dog, not to exceed the**
- 20 **purchase price of the dog.**

(Reference is to SB 134 as introduced and as amended by
AM013402 as adopted by the Senate Agriculture Committee.)