

Updated January 31, 2023 (9:09am)

SENATE BILL No. 134

AM013409 has been incorporated into introduced printing.

Synopsis: Sale of companion animals.

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2023

IN 134—LS 6656/DI 150



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Introduced

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE BILL No. 134

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2023]:
4 **ARTICLE 22. RETAIL SALE OF DOGS**
5 **Chapter 1. Applicability**
6 **Sec. 1. This article applies only to the following:**
7 (1) A city (as defined by IC 36-1-2-3).
8 (2) An incorporated town.
9 **Chapter 2. Definitions**
10 **Sec. 1. As used in this article, "hobby breeder" means a person**
11 **who maintains at least five (5) and not more than twenty (20)**
12 **unaltered female dogs that are at least twelve (12) months of age.**
13 **Sec. 2. As used in this article, "kennel" means an**
14 **establishment that:**
15 (1) operates for the:
16 (A) breeding;

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- 1 (B) boarding;
- 2 (C) training; or
- 3 (D) sale;
- 4 of dogs; and
- 5 (2) is liable for payment of a county option dog tax, if the
- 6 kennel is located in a county that has adopted a tax under
- 7 IC 6-9-39-3.

8 Sec. 3. (a) As used in this article, "retail pet store" means a
 9 commercial enterprise that sells dogs or dog accessories for profit.
 10 (b) The term excludes a kennel.

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

13 Chapter 3. Ordinances and Regulations Concerning the Retail 14 Sale of Dogs

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

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

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

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

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

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

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

32 (3) A hobby breeder.

33 Chapter 4. Sales of Dogs by Retail Pet Stores

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

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

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

42 (3) The date and description of any inoculation or medical



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treatment that the dog received while in the possession of the:

(A) retail pet store; and

(B) commercial dog breeder, commercial dog broker, humane society, animal rescue operation, or animal shelter;

that the retail pet store is aware of.

(4) If the dog was supplied by a commercial dog breeder or commercial dog broker, the name and address of the commercial dog breeder or commercial dog broker.

(5) If eligible for registration with a pedigree registry, the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.

(6) A copy of the retail pet store's policy regarding warranties, refunds, or returns, and an explanation of the remedy under section 3(c) of this chapter, in addition to any other remedies available at law.

(7) Disclosure that the dog has been microchipped and the microchip has been enrolled in a nationally searchable data base. Each dog must be microchipped by the retail pet store operator before the sale of the dog.

Sec. 2. A retail pet store may not sell a dog to a person who is less than eighteen (18) years of age.

Sec. 3. (a) A customer who purchases a dog from a retail pet store is entitled to a remedy under subsection (c) if:

(1) within fourteen (14) days after the date of sale, a licensed veterinarian states in writing that at the time of sale:

(A) the dog was unfit for purchase due to illness or disease or the presence of symptoms of a contagious or infectious disease that are extreme enough to influence the general health of the dog, excluding fleas or ticks; or

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

(2) within two (2) years after the date of sale, a licensed veterinarian states in writing that the dog:

(A) possesses a congenital or hereditary condition that adversely affects the health of the dog or requires either hospitalization or a nonelective surgical procedure; or

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

(b) The veterinarian's statement under subsection (a)(2) must



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

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