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## SENATE BILL No. 134

Proposed Changes to introduced printing by AM013409

### DIGEST OF PROPOSED AMENDMENT

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.

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 15-20-5~~ [IC 15-22] IS ADDED TO THE  
2 INDIANA CODE AS A NEW ~~CHAPTER~~ [ARTICLE] TO READ  
3 AS FOLLOWS [EFFECTIVE JULY 1, 2023]:  
4 ~~<Chapter 5. Regulation of the Sale of Companion~~  
5 ~~Animals>~~ [ARTICLE 22. RETAIL SALE OF DOGS  
6 Chapter 1. Applicability  
7 Sec. 1. This article applies only to the following:  
8 (1) A city (as defined by IC 36-1-2-3).  
9 (2) An incorporated town.  
10 Chapter 2. Definitions]

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Sec. 1. As used in this ~~<chapter, "companion animal" means a dog or cat>~~ [article, "hobby breeder" means a person who maintains at least five (5) and not more than twenty (20) unaltered female dogs that are at least twelve (12) months of age].

Sec. 2. As used in this ~~<chapter>~~ [article], "kennel" means an establishment that:

(1) operates for the:

(A) breeding;

(B) boarding;

(C) training; or

(D) sale;

of dogs; and

(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 ~~<chapter>~~ [article], "retail pet store" means a commercial enterprise that sells ~~<companion animals>~~ [dogs] or ~~<companion animal>~~ [dog] accessories for profit.

(b) The term ~~<does not include>~~ [excludes] a kennel.

Sec. 4. As used in this ~~<chapter>~~ [article], "unit" means a ~~<county, city, town, or township>~~.

~~— Sec. 5. (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 ~~<or enforce>~~ an ordinance or regulation that prohibits or effectively prohibits the sale of a ~~<companion animal>~~ [dog] by a retail pet store that acquires ~~<companion animals>~~ [dogs] from ~~<a>~~ [any of the following]:

(1) [A] commercial dog broker or commercial dog breeder that ~~<i>~~ [meets the following criteria:

(A) Is registered as required by IC 15-21-2-1 ~~<i>~~

~~— (2) >~~ I.

(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~~;~~ or

~~(3) casual breeder (as defined in IC 15-21-1-1(c)).~~

~~(b) This section does not apply to a unit's adoption or enforcement of an ordinance or regulation that enforces a state or federal law.~~

~~SECTION 2. IC 15-21-1-1, AS AMENDED BY P.L.1-2010; SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) This article does not apply to:~~

~~(1) an animal shelter;~~

~~(2) a humane society;~~

~~(3) an~~ [ 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, humane society,] animal rescue operation~~;~~

~~(4) a casual breeder;~~

~~(4) (5) a hobby breeder;~~

~~(5) (6) a person who breeds at least seventy-five percent (75%) of the person's dogs as sport dogs for hunting sporting purposes; or~~

~~(6) (7) a person who breeds at least seventy-five percent (75%) of the person's dogs as:~~

~~(A) service dogs; or as~~

~~(B) dogs for use by the police or the armed forces;~~

~~(C) personal protection dogs;~~

~~(D) therapy dogs; and~~

~~(E) guide dogs.~~

~~(b) As used in this section, "animal rescue operation" means~~



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1 ~~a person or organization:~~

2 ~~— (1) that accepts within one (1) year:~~

3 ~~— (A) more than twelve (12) dogs; or~~

4 ~~— (B) more than nine (9) dogs and more than three (3)~~  
 5 ~~unweaned litters of puppies;~~

6 ~~— that are available for adoption for human companionship as~~  
 7 ~~pets or as companion animals in permanent adoptive homes~~  
 8 ~~and that are maintained in a private residential dwelling; or~~

9 ~~— (2) that uses a system of private residential dwellings as~~  
 10 ~~foster homes for the dogs.~~

11 ~~The term does not include a person or organization that breeds~~  
 12 ~~dogs.~~

13 ~~— (c) As used in this section, "hobby breeder" "casual breeder"~~  
 14 ~~means a person who maintains five (5) to fewer than twenty (20)~~  
 15 ~~unaltered female dogs that are at least twelve (12) months of age~~  
 16 ~~and is recognized by a kennel society.~~

17 ~~— (d) As used in this section, "hobby breeder" means a person~~  
 18 ~~who:~~

19 ~~— (1) maintains four (4) or less breeding female dogs;~~

20 ~~— (2) only sells the offspring of the breeding female dogs raised~~  
 21 ~~on the breeder's premises:~~

22 ~~— (A) as pets; or~~

23 ~~— (B) for exhibition; and~~

24 ~~— (3) is recognized by a national or international kennel~~  
 25 ~~association. >[, or animal shelter;~~

26 that the retail pet store is aware of.

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

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

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

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

42 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 include:

(1) the customer's name and address;

(2) a statement that the veterinarian examined the dog;

(3) the date or dates that the dog was examined;

(4) the breed and age of the dog, if known;

(5) a statement that the dog has or had a disease, illness, or congenital or hereditary condition; and

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

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

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

(2) exchange the dog for another dog of comparable value chosen by the customer;

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

(4) if the dog is deceased, be reimbursed:

(A) the full purchase price of the dog; and

(B) reasonable veterinary fees associated with the diagnosis and treatment of the dog, not to exceed the purchase price of the dog.

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