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**Consumer Protection & Business  
Committee**

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**HB 1640**

**Brief Description:** Concerning retail pet stores.

**Sponsors:** Representatives Appleton and Stanford.

**Brief Summary of Bill**

- Prohibits pet stores from selling a dog or cat unless is is obtained from an animal care and control agency or animal rescue group.

**Hearing Date:** 2/5/19

**Staff:** Robbi Kesler (786-7153).

**Background:**

State law regulates the treatment of animals in a variety of contexts. Animal cruelty statutes prohibit harming or killing animals in most situations, and transporting or confining animals in an unsafe manner. State law also requires dog breeding operations to limit the number of adult, intact dogs they have at one time, and to meet requirements regarding space, sanitation, and safety.

Certain categories of animal sales are regulated at the federal and state levels. There are federal and state laws regarding the sale of livestock, and the sale of animals for use in research. The retail or private sale of domesticated animals is generally not regulated at either the federal or state level; however, some local governments impose regulations on the sale of animals intended for use as pets. Examples of local regulations include imposing licensing requirements on retail pet stores and prohibiting the sale of animals in public places.

An "animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county ordinances regulating the care, control, licensing,

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or treatment of animals. An "animal rescue group" means a nonprofit organization that has as its primary purpose the prevention of abuse, neglect, cruelty, exploitation, or homelessness of animals; and exclusively obtains dogs, cats, or other animals for placement that are:

- stray or abandoned;
- surrendered or relinquished by animal owners or caretakers;
- transferred from other animal rescue organizations; or
- born in the care of such nonprofit organization other than through intentional breeding by the nonprofit organization.

**Summary of Bill:**

It is unlawful for a retail pet store to sell or offer for sale any dog or cat unless the dog or cat comes from an animal care and control agency or animal rescue group and the dog or cat has been spayed or neutered before the buyer takes possession. A retail pet store is defined as a for-profit place of business open to the public that offers pet supplies or pets for sale.

A retail pet store may also enter into a cooperative agreement with an animal care and control agency or animal rescue groups to showcase or display dogs or cats available for adoption. At a minimum, the animal care and control agency or animal rescue group must determine the person seeking to adopt the animal is qualified and that the animal is spayed or neutered before being released to the person adopting the animal.

Retail pet stores offering dogs or cats for sale or adoption must maintain records of the name and address of the animal care and control agency or animal rescue groups where the dog or cat was obtained and must also display this information on each dog or cat cage or enclosure. These records must be maintained for one year and be provided to the buyer or person adopting the animal at the time the person takes ownership of the dog or cat. These records must also be made available to the local animal care and control agency.

A first time violation is a civil penalty of \$500. Each animal offered for sale constitutes a separate violation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 2019.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.