

SHB 1424 - H AMD 88

By Representative Connors

ADOPTED 03/02/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 16.52.360 and 2021 c 76 s 1 are each amended to
4 read as follows:

5 (1) Except as provided in this section, a retail pet store may
6 not sell or offer for sale any dog or cat.

7 (2) A retail pet store that sold or offered for sale any dog or
8 cat prior to July 25, 2021, may sell or offer for sale a dog or cat
9 only if the retail pet store meets the following requirements:

10 (a) Any dog or cat sold or offered for sale must be sold or
11 offered for sale only at the address identified on the retail pet
12 store's business license, as defined in RCW 19.02.020;

13 (b) Any dog sold or offered for sale must be obtained either:

14 (i) Directly from a breeder, including an out-of-state breeder,
15 who satisfies the requirements of RCW 16.52.310; or

16 (ii) From a United States department of agriculture licensed
17 broker pursuant to the federal animal welfare act, Title 7 U.S.C.
18 Sec. 2131 et seq. as amended, that obtains dogs from a breeder in
19 compliance with this section. A licensed broker shall provide all
20 breeder documentation required by a breeder under this section as
21 well as any applicable federal and state license numbers for the
22 breeder or the broker;

23 (c) Any dog sold or offered for sale must possess documentation
24 obtained from its breeder, either directly or through a United States
25 department of agriculture licensed broker, demonstrating:

26 (i) The dog was not separated from its mother prior to the age of
27 eight weeks; and

28 (ii) The breeder's compliance with RCW 16.52.310 on the date the
29 dog was obtained from the breeder;

30 (d) A retail pet store shall, prior to obtaining a dog from a
31 breeder or a broker, obtain all inspection reports for the breeder
32 created by the United States department of agriculture within the

1 previous three years, if applicable. A retail pet store shall
2 maintain and, upon request, produce the records for a period of five
3 years following the sale of a dog obtained from a breeder or broker;

4 (e) Any advertisement, including website postings, offering to
5 sell a dog or cat must include:

6 (i) A range of prices at which a dog or cat, breed of dog or cat,
7 or dogs or cats having other distinguishing traits are offered for
8 sale;

9 (ii) The age of the dog or cat; and

10 (iii) Supporting documentation providing the applicable federal
11 or state license numbers for the breeder of the dog or cat, if
12 applicable;

13 (f) The retail pet store shall post in a location visible from
14 the entrance of the retail pet store on a kiosk or other form of
15 bulletin board the purchase price, age, and the following information
16 on the dog's breeder or cat's breeder:

17 (i) Full name;

18 (ii) Kennel name, if applicable;

19 (iii) City and state; and

20 (iv) Any applicable state or federal license numbers; and

21 (g) The retail pet store shall disclose to a prospective consumer
22 in writing, prior to the sale of a dog or cat, the following
23 information about the dog or cat:

24 (i) The purchase price of the dog or cat; and

25 (ii) Any applicable federal or state license numbers and an
26 unredacted list of all violations of any federal or state law the dog
27 breeder or cat breeder received in the previous two years on a
28 federal or state inspection report.

29 (3) A retail pet store may provide space and appropriate care for
30 animals, including dogs and cats, owned by an animal care and control
31 agency or animal rescue group for the purpose of adopting those
32 animals to the public. Each retail pet store shall display on each
33 cage or pen containing a dog or cat a label stating the certificate
34 of source, including the name and address of the animal care and
35 control agency or animal rescue group.

36 (4)(a) A retail pet store that violates this section is subject
37 to a civil penalty of \$250.

38 (i) Civil penalties for violations of this section must be paid
39 to the county where the violation occurred.

1 (ii) Civil penalties issued under this section are appealable to
2 the office of administrative hearings.

3 (b) Any retail pet store that violates this section three or more
4 times over a one-year period is prohibited from selling or offering
5 to sell any dog or cat.

6 **Sec. 2.** RCW 16.52.015 and 2011 c 172 s 2 are each amended to
7 read as follows:

8 (1) Law enforcement agencies and animal care and control agencies
9 may enforce the provisions of this chapter. Animal care and control
10 agencies may enforce the provisions of this chapter in a county or
11 city only if the county or city legislative authority has entered
12 into a contract with the agency to enforce the provisions of this
13 chapter.

14 (2) Animal control officers enforcing this chapter shall comply
15 with the same constitutional and statutory restrictions concerning
16 the execution of police powers imposed on law enforcement officers
17 who enforce this chapter and other criminal laws of the state of
18 Washington.

19 (3) Animal control officers have the following enforcement powers
20 when enforcing this chapter:

21 (a) The power to issue civil penalties based on violations under
22 section 1 of this act;

23 (b) The power to issue citations based on probable cause to
24 offenders for civil infractions and misdemeanor and gross misdemeanor
25 violations of this chapter or RCW 9.08.070 through 9.08.078 or
26 81.48.070;

27 ~~((b))~~ (c) The power to cause a law enforcement officer to
28 arrest and take into custody any person the animal control officer
29 has probable cause to believe has committed or is committing a
30 violation of this chapter or RCW 9.08.070 or 81.48.070. Animal
31 control officers may make an oral complaint to a prosecuting attorney
32 or a law enforcement officer to initiate arrest. The animal control
33 officer causing the arrest shall file with the arresting agency a
34 written complaint within ~~((twenty-four))~~ 24 hours of the arrest,
35 excluding Sundays and legal holidays, stating the alleged act or acts
36 constituting a violation;

37 ~~((e))~~ (d) The power to carry nonfirearm protective devices for
38 personal protection;

1 (~~(d)~~) (e) The power to prepare affidavits in support of search
2 warrants and to execute search warrants when accompanied by law
3 enforcement officers to investigate violations of this chapter or RCW
4 9.08.070 or 81.48.070, and to seize evidence of those violations.

5 (4) Upon request of an animal control officer who has probable
6 cause to believe that a person has violated this chapter or RCW
7 9.08.070 or 81.48.070, a law enforcement agency officer may arrest
8 the alleged offender.

9 **Sec. 3.** RCW 16.52.310 and 2009 c 286 s 2 are each amended to
10 read as follows:

11 (1) A person may not own, possess, control, or otherwise have
12 charge or custody of more than (~~(fifty)~~) 50 dogs with intact sexual
13 organs over the age of six months at any time.

14 (2) Any person who owns, possesses, controls, or otherwise has
15 charge or custody of more than (~~(ten)~~) 10 dogs with intact sexual
16 organs over the age of six months and keeps the dogs in an enclosure
17 for the majority of the day must at a minimum:

18 (a) Provide space to allow each dog to turn about freely, to
19 stand, sit, and lie down. The dog must be able to lie down while
20 fully extended without the dog's head, tail, legs, face, or feet
21 touching any side of an enclosure and without touching any other dog
22 in the enclosure when all dogs are lying down simultaneously. The
23 interior height of the enclosure must be at least six inches higher
24 than the head of the tallest dog in the enclosure when it is in a
25 normal standing position. Each enclosure must be at least three times
26 the length and width of the longest dog in the enclosure, from tip of
27 nose to base of tail and shoulder blade to shoulder blade.

28 (b) Provide each dog that is over the age of four months with a
29 minimum of one exercise period during each day for a total of not
30 less than one hour of exercise during such day. Such exercise must
31 include either leash walking or giving the dog access to an enclosure
32 at least four times the size of the minimum allowable enclosure
33 specified in (a) of this subsection allowing the dog free mobility
34 for the entire exercise period, but may not include use of a cat
35 mill, jenny mill, slat mill, or similar device, unless prescribed by
36 a doctor of veterinary medicine. The exercise requirements in this
37 subsection do not apply to a dog certified by a doctor of veterinary
38 medicine as being medically precluded from exercise.

1 (c) Maintain adequate housing facilities and primary enclosures
2 that meet the following requirements at a minimum:

3 (i) Housing facilities and primary enclosures must be kept in a
4 sanitary condition. Housing facilities where dogs are kept must be
5 sufficiently ventilated at all times to minimize odors, drafts,
6 ammonia levels, and to prevent moisture condensation. Housing
7 facilities must have a means of fire suppression, such as functioning
8 fire extinguishers, on the premises and must have sufficient lighting
9 to allow for observation of the dogs at any time of day or night;

10 (ii) Housing facilities must enable all dogs to remain dry and
11 clean;

12 (iii) Housing facilities must provide shelter and protection from
13 extreme temperatures and weather conditions that may be uncomfortable
14 or hazardous to the dogs;

15 (iv) Housing facilities must provide sufficient shade to shelter
16 all the dogs housed in the primary enclosure at one time;

17 (v) A primary enclosure must have floors that are constructed in
18 a manner that protects the dogs' feet and legs from injury;

19 (vi) Primary enclosures must be placed no higher than forty-two
20 inches above the floor and may not be placed over or stacked on top
21 of another cage or primary enclosure;

22 (vii) Feces, hair, dirt, debris, and food waste must be removed
23 from primary enclosures at least daily or more often if necessary to
24 prevent accumulation and to reduce disease hazards, insects, pests,
25 and odors; and

26 (viii) All dogs in the same enclosure at the same time must be
27 compatible, as determined by observation. Animals with a vicious or
28 aggressive disposition must never be placed in an enclosure with
29 another animal, except for breeding purposes. Breeding females in
30 heat may not be in the same enclosure at the same time with sexually
31 mature males, except for breeding purposes. Breeding females and
32 their litters may not be in the same enclosure at the same time with
33 other adult dogs. Puppies under twelve weeks may not be in the same
34 enclosure at the same time with other adult dogs, other than the dam
35 or foster dam unless under immediate supervision.

36 (d) Provide dogs with easy and convenient access to adequate
37 amounts of clean food and water. Food and water receptacles must be
38 regularly cleaned and sanitized. All enclosures must contain potable
39 water that is not frozen, is substantially free from debris, and is
40 readily accessible to all dogs in the enclosure at all times.

1 (e) Provide veterinary care without delay when necessary. A dog
2 may not be bred if a veterinarian determines that the animal is unfit
3 for breeding purposes. Only dogs between the ages of twelve months
4 and eight years of age may be used for breeding. Animals requiring
5 euthanasia must be euthanized only by a licensed veterinarian.

6 (3) A person who violates subsection (1) or (2) of this section
7 is guilty of a gross misdemeanor.

8 (4) This section does not apply to the following:

9 (a) A publicly operated animal control facility or animal
10 shelter;

11 (b) A private, charitable not-for-profit humane society or animal
12 adoption organization;

13 (c) A veterinary facility;

14 (d) A retail pet store;

15 (e) A research institution;

16 (f) A boarding facility; or

17 (g) A grooming facility.

18 (5) ~~((Subsection (1) of this section does not apply to a
19 commercial dog breeder licensed, before January 1, 2010, by the
20 United States department of agriculture pursuant to the federal
21 animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).~~

22 ~~(6))~~ For the purposes of this section, the following definitions
23 apply, unless the context clearly requires otherwise:

24 (a) "Dog" means any member of *Canis lupus familiaris*; and

25 (b) "Retail pet store" means a commercial establishment that
26 engages in a for-profit business of selling at retail cats, dogs, or
27 other animals to be kept as household pets and is regulated by the
28 United States department of agriculture.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 63.10
30 RCW to read as follows:

31 A lessor shall not finance a consumer lease for the purchase of a
32 dog or cat. A lease contract entered into on or after the effective
33 date of this section for the purchase of a dog or cat is void and
34 unenforceable and the lessor shall have no right to collect, receive,
35 or retain any principal, interest, or charges related to the lease
36 contract.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 63.14
38 RCW to read as follows:

1 A retail installment transaction entered into on or after the
2 effective date of this section for the purchase of a dog or cat is
3 void and unenforceable and the retail seller shall have no right to
4 collect, receive, or retain any principal, interest, or charges
5 related to the retail installment transaction.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 31.04
7 RCW to read as follows:

8 A licensee shall not finance or make a loan for the purchase of a
9 dog or cat. A loan entered into on or after the effective date of
10 this section for the purchase of a dog or cat is void and
11 unenforceable and the licensee shall have no right to collect,
12 receive, or retain any principal, interest, or charges related to the
13 loan."

14 Correct the title.

EFFECT: Permits retail pet stores who were selling dogs or cats
prior to July 25, 2021, to also sell cats as long as the retail pet
store meets certain requirements.

Modifies the type of dog breeder that retail pet stores may
obtain dogs from by removing the reference to United States
Department of Agriculture (USDA) licensed breeders and instead
requires that dogs are obtained either directly from breeders,
including out-of-state breeders, who satisfy the requirements of RCW
16.52.310, which is the state law regulating breeders, or from USDA
licensed brokers who obtain dogs from breeders who satisfy state
breeder requirements.

Changes "monetary penalty" to "civil penalty" and adds that civil
penalties must be paid to the county where the violation occurred and
that civil penalties are appealable to the Office of Administrative
Hearings.

Permits animal care and control officers to issue civil penalties
for violations committed by retail pet stores.

--- END ---