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ENGROSSED SUBSTITUTE HOUSE BILL 1424

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State of Washington

68th Legislature

2023 Regular Session

**By** House Consumer Protection & Business (originally sponsored by Representatives Berg, Walen, Simmons, Kloba, Street, Taylor, Alvarado, Bateman, Stonier, Paul, Fosse, Macri, Reed, Berry, Senn, Duerr, Riccelli, Doglio, Callan, Peterson, Fitzgibbon, Stearns, Ortiz-Self, Goodman, Thai, Springer, Gregerson, Ramel, Bergquist, and Pollet)

READ FIRST TIME 02/16/23.

1 AN ACT Relating to consumer protection with respect to the sale  
2 and adoption of dogs and cats; amending RCW 16.52.360, 16.52.015, and  
3 16.52.310; adding a new section to chapter 63.10 RCW; adding a new  
4 section to chapter 63.14 RCW; adding a new section to chapter 31.04  
5 RCW; and prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 16.52.360 and 2021 c 76 s 1 are each amended to read  
8 as follows:

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

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

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

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

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

20 (ii) From a United States department of agriculture licensed  
21 broker pursuant to the federal animal welfare act, Title 7 U.S.C.

1 Sec. 2131 et seq. as amended, that obtains dogs from a breeder in  
2 compliance with this section. A licensed broker shall provide all  
3 breeder documentation required by a breeder under this section as  
4 well as any applicable federal and state license numbers for the  
5 breeder or the broker;

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

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

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

13 (d) A retail pet store shall, prior to obtaining a dog from a  
14 breeder or a broker, obtain all inspection reports for the breeder  
15 created by the United States department of agriculture within the  
16 previous three years, if applicable. A retail pet store shall  
17 maintain and, upon request, produce the records for a period of five  
18 years following the sale of a dog obtained from a breeder or broker;

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

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

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

25 (iii) Supporting documentation providing the applicable federal  
26 or state license numbers for the breeder of the dog or cat, if  
27 applicable;

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

32 (i) Full name;

33 (ii) Kennel name, if applicable;

34 (iii) City and state; and

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

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

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

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

5 (3) A retail pet store may provide space and appropriate care for  
6 animals, including dogs and cats, owned by an animal care and control  
7 agency or animal rescue group for the purpose of adopting those  
8 animals to the public. Each retail pet store shall display on each  
9 cage or pen containing a dog or cat a label stating the certificate  
10 of source, including the name and address of the animal care and  
11 control agency or animal rescue group.

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

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

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

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

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

23 (1) Law enforcement agencies and animal care and control agencies  
24 may enforce the provisions of this chapter. Animal care and control  
25 agencies may enforce the provisions of this chapter in a county or  
26 city only if the county or city legislative authority has entered  
27 into a contract with the agency to enforce the provisions of this  
28 chapter.

29 (2) Animal control officers enforcing this chapter shall comply  
30 with the same constitutional and statutory restrictions concerning  
31 the execution of police powers imposed on law enforcement officers  
32 who enforce this chapter and other criminal laws of the state of  
33 Washington.

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

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

38 (b) The power to issue citations based on probable cause to  
39 offenders for civil infractions and misdemeanor and gross misdemeanor

1 violations of this chapter or RCW 9.08.070 through 9.08.078 or  
2 81.48.070;

3 ~~((b))~~ (c) The power to cause a law enforcement officer to  
4 arrest and take into custody any person the animal control officer  
5 has probable cause to believe has committed or is committing a  
6 violation of this chapter or RCW 9.08.070 or 81.48.070. Animal  
7 control officers may make an oral complaint to a prosecuting attorney  
8 or a law enforcement officer to initiate arrest. The animal control  
9 officer causing the arrest shall file with the arresting agency a  
10 written complaint within ~~((twenty-four))~~ 24 hours of the arrest,  
11 excluding Sundays and legal holidays, stating the alleged act or acts  
12 constituting a violation;

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

15 ~~((d))~~ (e) The power to prepare affidavits in support of search  
16 warrants and to execute search warrants when accompanied by law  
17 enforcement officers to investigate violations of this chapter or RCW  
18 9.08.070 or 81.48.070, and to seize evidence of those violations.

19 (4) Upon request of an animal control officer who has probable  
20 cause to believe that a person has violated this chapter or RCW  
21 9.08.070 or 81.48.070, a law enforcement agency officer may arrest  
22 the alleged offender.

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

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

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

32 (a) Provide space to allow each dog to turn about freely, to  
33 stand, sit, and lie down. The dog must be able to lie down while  
34 fully extended without the dog's head, tail, legs, face, or feet  
35 touching any side of an enclosure and without touching any other dog  
36 in the enclosure when all dogs are lying down simultaneously. The  
37 interior height of the enclosure must be at least six inches higher  
38 than the head of the tallest dog in the enclosure when it is in a  
39 normal standing position. Each enclosure must be at least three times

1 the length and width of the longest dog in the enclosure, from tip of  
2 nose to base of tail and shoulder blade to shoulder blade.

3 (b) Provide each dog that is over the age of four months with a  
4 minimum of one exercise period during each day for a total of not  
5 less than one hour of exercise during such day. Such exercise must  
6 include either leash walking or giving the dog access to an enclosure  
7 at least four times the size of the minimum allowable enclosure  
8 specified in (a) of this subsection allowing the dog free mobility  
9 for the entire exercise period, but may not include use of a cat  
10 mill, jenny mill, slat mill, or similar device, unless prescribed by  
11 a doctor of veterinary medicine. The exercise requirements in this  
12 subsection do not apply to a dog certified by a doctor of veterinary  
13 medicine as being medically precluded from exercise.

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

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

23 (ii) Housing facilities must enable all dogs to remain dry and  
24 clean;

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

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

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

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

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

39 (viii) All dogs in the same enclosure at the same time must be  
40 compatible, as determined by observation. Animals with a vicious or

1 aggressive disposition must never be placed in an enclosure with  
2 another animal, except for breeding purposes. Breeding females in  
3 heat may not be in the same enclosure at the same time with sexually  
4 mature males, except for breeding purposes. Breeding females and  
5 their litters may not be in the same enclosure at the same time with  
6 other adult dogs. Puppies under twelve weeks may not be in the same  
7 enclosure at the same time with other adult dogs, other than the dam  
8 or foster dam unless under immediate supervision.

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

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

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

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

22 (a) A publicly operated animal control facility or animal  
23 shelter;

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

26 (c) A veterinary facility;

27 (d) A retail pet store;

28 (e) A research institution;

29 (f) A boarding facility; or

30 (g) A grooming facility.

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

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

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

38 (b) "Retail pet store" means a commercial establishment that  
39 engages in a for-profit business of selling at retail cats, dogs, or

1 other animals to be kept as household pets and is regulated by the  
2 United States department of agriculture.

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

5 A lessor shall not finance a consumer lease for the purchase of a  
6 dog or cat. A lease contract entered into on or after the effective  
7 date of this section for the purchase of a dog or cat is void and  
8 unenforceable and the lessor shall have no right to collect, receive,  
9 or retain any principal, interest, or charges related to the lease  
10 contract.

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

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

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

20 A licensee shall not finance or make a loan for the purchase of a  
21 dog or cat. A loan entered into on or after the effective date of  
22 this section for the purchase of a dog or cat is void and  
23 unenforceable and the licensee shall have no right to collect,  
24 receive, or retain any principal, interest, or charges related to the  
25 loan.

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