

Senate Bill 214

By: Senators Williams of the 27th, Martin of the 9th and Tillery of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to animal protection, so as to regulate the retail sale of
3 dogs and cats in this state; to provide for definitions; to provide that dogs and cats transported
4 into this state for sale or offered for sale in this state shall be protected against certain
5 diseases and parasites; to provide for examinations and certifications by veterinarians; to
6 provide for certain rights of purchasers of dogs and cats; to provide for notices and
7 representations to purchasers; to provide for the quarantine of dogs and cats suspected of
8 carrying disease; to provide for cumulative effect of article; to require regulatory consistency;
9 to provide for a short title; to provide for related matters; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 This Act shall be known and may be cited as the "Consumer Protection Pet Purchase Act."

14 style="text-align:center">**SECTION 2.**

15 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
16 general provisions relative to animal protection, is amended by revising Code Section 4-11-2,
17 relating to definitions, as follows:

18 "4-11-2.

19 As used in this article, the term:

20 (1) 'Adequate food and water' means food and water which is sufficient in an amount and
21 appropriate for the particular type of animal to prevent starvation, dehydration, or a
22 significant risk to the animal's health from a lack of food or water.

23 (1.1) 'Animal control officer' means an individual authorized by local law or by the
24 governing authority of a county or municipality to carry out the duties imposed by this
25 article or imposed by local ordinance.

26 (2) 'Animal shelter' means any facility operated by or under contract for the state, a
 27 county, a municipal corporation, or any other political subdivision of the state for the
 28 purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted
 29 dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian
 30 or veterinarians which operates for such purpose in addition to its customary purposes;
 31 and any facility operated, owned, or maintained by a duly incorporated humane society,
 32 animal welfare society, or other nonprofit organization for the purpose of providing for
 33 and promoting the welfare, protection, and humane treatment of animals.

34 (3) 'Broker' means a person, business, firm, corporation, or organization that sells or
 35 transfers a cat or dog to a retail pet store owner, whether or not the broker is also the
 36 breeder of the cat or dog for the purpose of resale by another person, business, firm,
 37 corporation, or organization.

38 ~~(3)~~(4) 'Equine' means any member of the Equidae species, including horses, mules, and
 39 asses.

40 ~~(4)~~(5) 'Humane care' of animals means, but is not limited to, the provision of adequate
 41 heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent
 42 with the normal requirements and feeding habits of the animal's size, species, and breed.

43 ~~(5)~~(6) 'Kennel' means any establishment, other than an animal shelter, where dogs or cats
 44 are maintained for boarding, holding, training, or similar purposes for a fee or
 45 compensation.

46 ~~(5.1)~~(7) 'Owner' means a person ~~who~~ that intentionally exercises custody, control,
 47 possession, or ownership of an animal.

48 ~~(6)~~(8) 'Person' means any person, firm, corporation, partnership, association, or other
 49 legal entity; any public or private institution; the State of Georgia; or any county,
 50 municipal corporation, or political subdivision of the state.

51 ~~(7)~~(9) 'Pet dealer' or 'pet dealership' means any person ~~who~~ that sells, offers to sell,
 52 exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals
 53 customarily obtained as pets in this state or any person required to have a pet dealer
 54 license under the rules of the department, Chapter 40-13-13. However, a person ~~who~~ that
 55 sells only animals that ~~he or she~~ such person has produced ~~and~~ or raised, not to exceed
 56 30 animals a year, shall not be considered a pet dealer under this article unless such
 57 person is licensed for a business by a local government or has a Georgia sales tax
 58 number. The Commissioner may with respect to any breed of animals decrease the 30
 59 animal per year exception in the foregoing sentence to a lesser number of any animals for
 60 any species that is commonly bred and sold for commercial purposes in lesser quantities.
 61 Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute
 62 the veterinarian as a pet dealer, kennel, or stable under this article.

63 (10) 'Retail pet store owner' means a pet dealer that operates a commercial establishment
 64 engaging in a for profit business of selling at retail rates dogs or cats to be kept as
 65 household pets and is required to be licensed as a pet dealer under this Code section and
 66 the rules of the department, Chapter 40-13-13.

67 ~~(8)~~(11) 'Secretary of agriculture' means the secretary of the United States Department of
 68 Agriculture.

69 ~~(9)~~(12) 'Stable' means any building, structure, pasture, or other enclosure where equines
 70 are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other
 71 similar purposes and a fee is charged for maintaining such equines or for the use of such
 72 equines."

73 **SECTION 3.**

74 Said article is further amended by adding a new Code section to read as follows:

75 "4-11-3.1.

76 (a) No retail pet store owner shall obtain for purposes of resale or sale to the public a dog
 77 or cat except in accordance with this Code section.

78 (b)(1) A retail pet store owner shall not obtain from any source outside of this state a dog
 79 or cat for resale or sell or offer for sale any dog or cat unless obtained through a person
 80 that is licensed under the pet dealer regulations of the United States Department of
 81 Agriculture under the federal Animal Welfare Act; that has been free of any report of a
 82 noncompliance violation by the United States Department of Agriculture under the
 83 federal Animal Welfare Act, as amended, in the two most recent inspections and for a
 84 period of two years prior to offering for sale any such dog or cat; that has not been cited
 85 with a violation of section 2.40 of Title 9 of the Code of Federal Regulations in its two
 86 most recent inspections and for a period of two years; and that has not violated any local,
 87 state, or federal laws related to animal cruelty, animal neglect, or animal fighting for a
 88 period of five years prior to offering for sale any such dog or cat.

89 (2) If such dog or cat is obtained from a source outside of this state, all vaccines and
 90 anthelmintics required under federal and state law shall be administered by or under the
 91 direction of a veterinarian licensed by the state of origin and accredited by the United
 92 States.

93 (3) A certificate of veterinary inspection certifying compliance with this Code section
 94 shall accompany each animal transported into this state for sale and shall be submitted
 95 by the licensed breeder or broker to the department within ten days from the date the
 96 animal enters the state. A copy shall be retained by the retail pet store owner for at least
 97 one year after the retail sale thereof and a copy shall be provided to the purchaser at the
 98 time of sale.

99 (c)(1) A retail pet store owner shall not obtain from any source within this state a dog or
 100 cat for resale or sell or offer for sale any dog or cat unless obtained through a licensed
 101 person described in paragraph (1) of subsection (b) of this Code section that is a pet
 102 dealer licensed by the department; that has been free of any report of noncompliance by
 103 the department in the most recent two inspections and for a period of two years prior to
 104 offering for sale any such dog or cat; and that has not violated any local, state, or federal
 105 laws related to animal cruelty, animal neglect, or animal fighting, for a period of five
 106 years prior to offering for sale any such dog or cat.

107 (2) If such dog or cat is obtained from a source within this state, all vaccines and
 108 anthelmintics required by subsection (d) of this Code section shall be administered by or
 109 under the direction of a veterinarian licensed in this state.

110 (d)(1) Each dog, whether obtained from out of state or within this state, shall receive
 111 vaccines and anthelmintics against the following diseases and internal parasites:

112 (A) Canine distemper;

113 (B) Bordetella;

114 (C) Parainfluenza;

115 (D) Hepatitis;

116 (E) Leptospirosis;

117 (F) Brucellosis;

118 (G) Canine parvo;

119 (H) Rabies, provided that the dog is more than three months of age;

120 (I) Roundworms;

121 (J) Hookworms; and

122 (K) Coccidia.

123 (2) Each cat shall receive vaccines and anthelmintics against the following diseases and
 124 internal parasites:

125 (A) Panleukopenia;

126 (B) Feline viral rhinotracheitis;

127 (C) Calicivirus;

128 (D) Rabies, provided that the cat is more than three months of age;

129 (E) Leptospirosis;

130 (F) Brucellosis;

131 (G) Hookworms;

132 (H) Roundworms; and

133 (I) Coccidia.

134 (3) If the dog or cat is less than four months of age, the vaccines and anthelmintics
 135 required by this subsection shall be administered no more than 30 and no less than 14

136 days before sale within this state. If the dog or cat is four months of age or older, the
137 vaccines and anthelmintics required by this subsection shall be administered at or after
138 four months of age, but no more than one year before sale within this state.

139 (e)(1) A retail pet store owner shall, following the sale of a dog or cat, afford the
140 consumer the remedies provided in this subsection if:

141 (A) Within 14 business days following such sale, a licensed veterinarian of the
142 consumer's choosing certifies the animal has been diagnosed with an illness or disease
143 or the presence of internal or external parasites that make the pet clinically ill,
144 excluding fleas or ticks, not caused by the consumer's abuse or neglect; or

145 (B) Within one year following such sale, a licensed veterinarian of the consumer's
146 choosing certifies the animal to have been diagnosed with a congenital or hereditary
147 disorder which adversely affects the health of the animal.

148 (2) If such veterinarian certifies an animal in accordance with paragraph (1) of this
149 subsection, the consumer shall be afforded:

150 (A) The right to return the animal and receive a refund of the purchase price, including
151 but not limited to sales tax, and reimbursement for reasonable veterinary costs up to the
152 purchase price of the dog or cat directly related to the veterinarian's examination and
153 certification provided for in paragraph (1) of this subsection and any reasonable
154 nonemergency and emergency veterinarian services necessary to relieve suffering;

155 (B) The right to exchange the animal for a dog or cat of the consumer's choice and of
156 equivalent value and receive reimbursement for reasonable veterinary costs up to the
157 purchase price of the dog or cat directly related to the veterinarian's examination and
158 certification provided for in paragraph (1) of this subsection and any reasonable
159 nonemergency and emergency veterinarian services necessary to relieve suffering; or

160 (C) The right to retain the animal and receive reimbursement for reasonable
161 nonemergency and emergency veterinary costs for necessary services and treatment
162 related to the attempt to cure or curing of the dog or cat. Reimbursement for veterinary
163 costs shall not exceed the purchase price of the dog or cat.

164 (3) Any refund or exchange required by this subsection shall be made by the retail pet
165 store owner no later than ten business days following receipt of a signed veterinary
166 certification as required in paragraph (1) of this subsection. The consumer shall provide
167 such certification to the retail pet store owner no later than five business days following
168 the veterinarian's examination.

169 (4) A retail pet store owner shall disclose at the time of sale the presence of any and all
170 specific congenital or hereditary defects or disorders. Such disclosure shall be made to
171 the consumer verbally by reviewing related documentation and a disclosure statement in
172 addition to written documentation or a description provided by a licensed veterinarian

173 specifying the defect or disorder and any known consequences of the defect or disorder.
 174 A retail pet store owner shall obtain a signature from the consumer acknowledging verbal
 175 disclosure and receipt of the veterinary documentation related to the specified defect or
 176 disorder. Such signatures shall be on a separate piece of paper titled 'Notice of
 177 Congenital or Hereditary Defect or Disorder' and shall state the specific defect or disorder
 178 and the language 'Consumer has no right to any refund or exchange for defects or
 179 disorders described below.' A consumer shall have no right to any refund or exchange
 180 pursuant to this subsection for any defects or disorders which have been disclosed as
 181 provided in this paragraph.

182 (5) For purposes of this subsection, the cost of veterinary services shall be considered
 183 reasonable if comparable to the cost of similar services rendered by other licensed
 184 veterinarians in proximity to the treating veterinarian and necessary for examination,
 185 certification, or treatment, including emergency veterinarian treatment.

186 (f) Every retail pet store owner shall provide to the purchaser of each dog or cat a copy of
 187 the signed Notice of Congenital or Hereditary Defect or Disorder, where applicable.

188 (g) Every retail pet store owner shall post in a conspicuous location on or near each cat or
 189 dog's cage or enclosure a written statement of no less than 12 point type containing the
 190 following information for each dog or cat:

- 191 (1) The date of the animal's birth or approximate age as established by a veterinarian;
- 192 (2) The breeder's full name, address, and phone number;
- 193 (3) The breeder's website and email, if known;
- 194 (4) The United States Department of Agriculture license number;
- 195 (5) If the breeder is required to be licensed in the state in which the breeder is located,
 196 the breeder's state license number;
- 197 (6) The breed, sex, color, and any identifying marks, including any tag, tattoo, collar
 198 number, or microchip information; and
- 199 (7) The date the retail pet store owner took possession of the animal.

200 (h) Every retail pet store owner shall provide to the purchaser of each dog or cat at the
 201 point of sale the following information:

- 202 (1) All information required by subsection (g) of this Code section;
- 203 (2) If the retail pet store owner is also the breeder, then the date when the animal was
 204 offered for sale;
- 205 (3) If the broker is different from the breeder, the full name, address, and phone number
 206 of the broker of the animal; an email address, if available; the United States Department
 207 of Agriculture license number of the broker; and, if the broker is required to be licensed
 208 in the state in which the broker is located, the broker's state license number;

209 (4) The name and address of the veterinarian attending to the animal while the animal
 210 is in the custody of the retail pet store and the date of the most recent veterinarian
 211 examination, health record, and record of each inoculation and worming treatment
 212 administered to the animal, including the date of administration and the type of vaccine
 213 or worming treatment; and

214 (5) If the animal is obtained from a source outside of this state, the two most recent
 215 inspection reports completed with regard to such source by the United States Department
 216 of Agriculture prior to the sale of such animal.

217 (i)(1) A pet dealer shall not state, promise, or represent to the purchaser, directly or
 218 indirectly, that a dog is registered or capable of being registered with an animal pedigree
 219 registry organization, unless the pet dealer provides the purchaser with the documents
 220 necessary for that registration within 120 days following the date of sale of the dog.

221 (2) In the event that a pet dealer fails to provide the documents necessary for registration
 222 within 120 days following the date of sale, the purchaser shall, upon written notice to the
 223 pet dealer, be entitled to retain the animal and receive a partial refund of 75 percent of the
 224 purchase price, plus sales tax, or return the dog along with all documentation previously
 225 provided the purchaser for a full refund, including sales tax."

226 **SECTION 4.**

227 Said article is further amended by revising Code Section 4-11-9.1, relating to quarantine of
 228 animals or areas by the Commissioner, as follows:

229 "4-11-9.1.

230 (a) In the control, suppression, prevention, and eradication of animal diseases, the
 231 Commissioner or any duly authorized representative acting under his or her authority is
 232 authorized and required to quarantine an animal, premises, or any area when he or she shall
 233 determine that animals in such place or places are infected with a contagious or infectious
 234 disease, that the unsanitary condition of such place or places might cause the spread of such
 235 disease, that the animal has or has been exposed to any contagious or infectious disease,
 236 or that the owner or occupant of such place or places is not observing sanitary practices
 237 prescribed under the authority of this article or any other law of this state.

238 (b) The Commissioner or his or her duly authorized representative is authorized to issue
 239 and enforce written or printed stop sale, stop use, or stop movement orders to the owners
 240 or custodians of any animals, ordering them to hold such animals at a designated place,
 241 when the Commissioner or his or her duly authorized representative finds such animals:

- 242 (1) To be infected with or to have been exposed to any contagious or infectious disease;
 243 (2) To be held by a person ~~who~~ that is required to be licensed under this article and
 244 whose license has expired;

245 (3) To be held by a person ~~who~~ that is required to be licensed under this article and ~~who~~
 246 that has failed to obtain a license within ten days of the date on which written notice of
 247 need to obtain a license was given to such person by the Commissioner or his or her
 248 authorized representative; or

249 (4) To have been held in violation of this article,
 250 until the law has been complied with and such animals have been released, in writing, by
 251 the Commissioner or the violations have been otherwise legally disposed of by written
 252 authority.

253 (c) It shall be unlawful for any person to sell, use, or move any animal in violation of any
 254 quarantine or stop sale, stop use, or stop removal order issued under this Code section.

255 (d) Should a retail pet store owner have reason to suspect a dog or cat in its custody, or
 256 returned by a purchaser, is infected with a contagious or infectious disease, the animal shall
 257 immediately be quarantined away from the presence of other dogs and cats until such time
 258 that an examining veterinarian determines the animal has no sign of contagious or
 259 infectious disease; provided, however, that the commissioner shall be authorized to
 260 quarantine any additional animals, premises, or areas if he or she determines that such
 261 further action is necessary for the control, suppression, prevention, or eradication of animal
 262 diseases. The retail pet store owner, or operator or employee thereof, shall not sell such
 263 a quarantined animal until such time as a veterinarian licensed to practice in this state treats
 264 the animal and determines that such animal is free of clinical signs of infectious disease or
 265 that the animal is fit for sale."

266 **SECTION 5.**

267 Said article is further amended by adding a new Code section to read as follows:

268 "4-11-9.9.

269 Nothing in this article shall in any way limit the rights or remedies that are otherwise
 270 available to a consumer under any other law nor shall this article in any way limit a retail
 271 pet store owner and purchaser from agreeing between themselves upon additional terms
 272 and conditions that are not inconsistent with this article; provided, however, that any
 273 agreement or contract by a purchaser to waive any rights under this article shall be null and
 274 void and shall be unenforceable."

275 **SECTION 6.**

276 The Commissioner of Agriculture shall ensure that all rules and regulations of the
 277 Department of Agriculture are consistent with the provisions of this Act.

278

SECTION 7.

279 All laws and parts of laws in conflict with this Act are repealed.