

2016 Regular Session

SENATE BILL NO. 337

BY SENATOR MARTINY

ANIMALS. Provides relative to the sale of dogs and cats in retail stores. (gov sig)

1 AN ACT

2 To enact Part VIII of Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 3:2511, relative to retail pet stores; to provide relative to the sale
4 of dogs and cats by retail pet stores; to prohibit the sale of certain dogs and cats in
5 retail pet stores; to require certain signs, reports and records; to provide for
6 definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VIII of Chapter 17 of Title 3 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 3:2511, is hereby enacted to read as follows:

10 **PART VIII. RETAIL PET SALES**

11 **§2511. Restrictions on the retail sale of dogs and cats**

12 **A. As used in this Part, the following terms are defined as follows:**

13 **(1) "Animal care facility" means an animal control center or animal**
14 **shelter, maintained by or under contract with any state, county, or municipality,**
15 **whose mission or practice is protecting the welfare of animals and the**
16 **placement of animals in permanent homes or with animal rescue organizations.**

17 **(2) "Animal rescue organization" means any not-for-profit organization**

1 which has tax-exempt status under Section 501(c)(3) of the Internal Revenue
2 Code, whose mission and practice is the rescue of animals and the placement of
3 those animals in permanent homes, and which does not obtain dogs or cats from
4 a breeder or broker for payment or compensation.

5 (3) "Breeder" means a person who holds a class A license pursuant to the
6 federal Animal Welfare Act, 7 USC 2131, et seq., that has not been suspended
7 in the last five years.

8 (4) "Cat" means a member of the Felis catus family.

9 (5) "Dog" means a member of the Canis familiaris family, or hybrid
10 thereof.

11 (6) "Offer for sale" means to sell, offer for sale or adoption, barter,
12 auction, give away or otherwise dispose of a dog or cat.

13 (7) "Retail pet store" means a retail establishment where dogs or cats are
14 sold, exchanged, bartered or offered for sale as pet animals to the general public
15 at retail. Such definition shall not include an animal care facility or animal
16 rescue organization.

17 (8) "USDA" means the United States Department of Agriculture.

18 B. A retail pet store shall only offer for sale dogs and cats that have been
19 obtained from the following sources:

20 (1) A breeder that is in compliance with R.S. 3:2772(H).

21 (2) A breeder that has not received from the USDA, pursuant to the
22 Animal Welfare Act, 7 USC 2131 et seq., or regulations adopted thereunder any
23 of the following:

24 (a) A citation on an inspection report for a direct violation during the
25 three-year period prior to the purchase of the dog or cat by the pet shop.

26 (b) A citation on an inspection report during the three-year period prior
27 to the purchase of the animal by the pet shop for three or more indirect
28 violations.

29 (c) A citation on the two most recent inspection reports prior to the

1 purchase of the animal by the pet shop for no-access violations.

2 (3) An animal care facility.

3 (4) An animal rescue organization.

4 C. A retail pet store shall not offer for sale a dog or cat that is younger
5 than eight weeks old.

6 D. Each retail pet store offering dogs or cats for sale shall post, in a
7 conspicuous location on the cage or enclosure for each dog or cat, a sign
8 containing the following:

9 (1) The date and place of birth of each dog or cat, or, if not known, the
10 approximate age of the dog or cat.

11 (2) The sex, color markings, and other identifying information of each
12 dog or cat, including any tag, tattoo, collar number, or microchip information.

13 (3) The name, business address, phone number, and email address of the
14 breeder of the dog or cat.

15 (4) The breeder's USDA license number, and, if the breeder is required
16 to be licensed in the state in which the breeder is located, the breeder's state
17 license number.

18 E. Every retail pet store offering dogs or cats for sale shall post, in a
19 conspicuous location on or near the cage or enclosure for each dog or cat, the
20 USDA inspection reports of the breeder for the two years prior to the first day
21 that the dog or cat is offered for sale by the retail pet store.

22 F. Every retail pet store offering dogs or cats for sale shall maintain
23 records of the source of each dog or cat, including a description of the dog or
24 cat, the name, business address, email address, and USDA license number of the
25 breeder for at least two years following the date of acquisition. Such records
26 shall be made available, immediately upon request, to any law enforcement
27 officer or animal control officer.

28 G. Nothing contained in this Section shall prohibit a municipality or
29 parish from enacting ordinances or regulations establishing more stringent

1 **restrictions governing the sale of animals at retail pet stores.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
 3 signed by the governor, upon expiration of the time for bills to become law without signature
 4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 337 Original

2016 Regular Session

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Proposed law provides for the following definitions:

- (1) "Animal care facility" means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is protecting the welfare of animals and the placement of animals in permanent homes or with animal rescue organizations.
- (2) "Animal rescue organization" means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, whose mission and practice is the rescue of animals and the placement of those animals in permanent homes, and which does not obtain dogs or cats from a breeder or broker for payment or compensation.
- (3) "Breeder" means a person who holds a class A license pursuant to the federal Animal Welfare Act 7 USC 2131, et seq., that has not been suspended in the last five years.
- (4) "Cat" means a member of the Felis catus family.
- (5) "Dog" means a member of the Canis familiaris family, or hybrid thereof.
- (6) "Offer for sale" means to sell, offer for sale or adoption, barter, auction, give away or otherwise dispose of a dog or cat.
- (7) "Retail pet store" means a retail establishment where dogs or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization.
- (8) "USDA" means the United States Department of Agriculture.

Proposed law prohibits a retail pet store from offering for sale dogs and cats that have not been obtained from the following sources:

- (1) A breeder that is in compliance with present law.
- (2) A breeder that has not received from the USDA, pursuant to the Animal Welfare Act, 7 USC 2131 et seq., or regulations adopted thereunder any of the following:
 - (a) A citation on an inspection report for a direct violation during the three-year

period prior to the purchase of the dog or cat by the pet shop.

- (b) A citation on an inspection report during the three-year period prior to the purchase of the animal by the pet shop for three or more indirect violations.
 - (c) A citation on the two most recent inspection reports prior to the purchase of the animal by the pet shop for no-access violations.
- (3) An animal care facility.
 - (4) An animal rescue organization.

Proposed law prohibits a retail pet store from offering for sale a dog or cat that is younger than eight weeks old.

Proposed law requires each retail pet store offering dogs or cats for sale to post, in a conspicuous location on the cage or enclosure for each dog or cat, a sign containing the following:

- (1) The date and place of birth of each dog or cat, or, if not known, the approximate age of the dog or cat.
- (2) The sex, color markings, and other identifying information of each dog or cat, including any tag, tattoo, collar number, or microchip information.
- (3) The name, business address, phone number, and email address of the breeder of the dog or cat.
- (4) The breeder's USDA license number, and, if the breeder is required to be licensed in the state in which the breeder is located, the breeder's state license number.

Proposed law requires retail pet stores offering dogs or cats for sale to post USDA inspection reports of the breeder for the two years prior to the first day that the dog or cat is offered for sale.

Proposed law requires retail pet stores offering dogs or cats for sale to maintain records of the source of each dog or cat, including a description of the dog or cat, the name, business address, email address, and USDA license number of the breeder for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to any law enforcement officer or animal control officer.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:2511)