

ASSEMBLY BILL NO. 246—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

MARCH 13, 2013

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Prohibits the sale or transfer of ownership of a live animal at a swap meet under certain circumstances. (BDR 50-747)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet under certain circumstances; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth various requirements for operators, retailers and dealers
2 of dogs and cats concerning the care of those dogs and cats, including, without
3 limitation, requirements for buildings, enclosures, outdoor facilities, floor space,
4 food and water, sanitation and examinations by veterinarians. (NRS 574.360-
5 574.510) This bill provides that a person who sells, attempts to sell, offers for
6 adoption or transfers ownership of a live animal at a swap meet is guilty of a
7 misdemeanor. This bill provides an exception for selling, attempting to sell,
8 offering for adoption or transferring ownership if: (1) the swap meet is conducted in
9 a county or incorporated city in this State which has adopted an ordinance
10 authorizing the sale of a live animal at a swap meet; (2) the person sells, attempts to
11 sell, offers for adoption or transfers ownership of the animal in accordance with the
12 ordinance; and (3) the ordinance adopted by the county or incorporated city is
13 substantially similar to those provisions of existing law, but is applicable to all
14 animals for sale and all persons who sell, attempt to sell, or offer for adoption or
15 transfer ownership of an animal at a swap meet. This bill does not apply to: (1) the
16 transfer or sale of livestock; (2) any event where the primary purpose is to sell or
17 auction livestock or agricultural implements; (3) the adoption of a cat or dog at an
18 event held outdoors by an animal shelter or rescue organization that is recognized
19 as exempt under section 501(c)(3) of the Internal Revenue Code; or (4) a person



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20 who offers an animal for adoption or otherwise transfers ownership of an animal
21 free of charge at a swap meet if the animal has been appropriately vaccinated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 574 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsections 2 and 3, a*
4 *person who sells or attempts to sell, offers for adoption or*
5 *transfers ownership of a live animal at a swap meet is guilty of a*
6 *misdemeanor.*

7 2. *A person may sell, attempt to sell, offer for adoption or*
8 *transfer ownership of a live animal at a swap meet if:*

9 (a) *The swap meet is conducted in a county or incorporated*
10 *city in this State that has adopted an ordinance authorizing the*
11 *sale of live animals at a swap meet;*

12 (b) *The person sells, attempts to sell, offers for adoption or*
13 *transfers ownership of the animal in accordance with the*
14 *ordinance; and*

15 (c) *The ordinance, at a minimum:*

16 (1) *Includes provisions which are substantially similar to*
17 *the provisions of NRS 574.360 to 574.510, inclusive, and are*
18 *applicable to all animals offered for sale and all persons who sell,*
19 *attempt to sell, offer for adoption or transfer ownership of an*
20 *animal at the swap meet; and*

21 (2) *Does not authorize a person to commit an act of cruelty*
22 *to an animal in violation of NRS 574.050 to 574.200, inclusive.*

23 3. *The provisions of this section do not:*

24 (a) *Apply to any sale or transfer of ownership of any livestock.*

25 (b) *Apply to any event where the primary purpose is to sell or*
26 *auction livestock or agricultural implements.*

27 (c) *Apply to any adoption of a dog or cat at an event held*
28 *outdoors by an animal shelter or rescue organization that is*
29 *recognized as exempt under section 501(c)(3) of the Internal*
30 *Revenue Code, 26 U.S.C. § 501(c)(3).*

31 (d) *Apply to a person who offers for adoption or transfer*
32 *ownership of a live animal at a swap meet if:*

33 (1) *A fee is not charged or collected for the adoption or*
34 *transfer of ownership or otherwise in connection with the*
35 *transaction; and*

36 (2) *The animal has had all the required vaccinations which*
37 *are appropriate based upon the age of the animal.*

38 (e) *Exempt a person from complying with:*



1 (1) Any requirement to obtain a license or other
2 authorization to engage in a business in a county or incorporated
3 city in this State; or

4 (2) Any other requirement of the county or incorporated
5 city to engage in business or to sell, attempt to sell, offer for
6 adoption or transfer ownership of a live animal at a swap meet.

7 4. As used in this section:

8 (a) "Livestock" has the meaning ascribed to it in
9 NRS 569.0085.

10 (b) "Sell" means to barter, exchange, sell, trade, offer for sale,
11 expose for sale, have in possession for sale, arrange the sale of or
12 solicit for sale.

13 (c) "Swap meet" means a flea market, open-air market or
14 other organized event at which two or more persons offer
15 merchandise for sale or exchange.

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