

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 and records; to provide for definitions; and  
6 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, parish, 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 offer for sale only 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 store.

26 (b) A citation on an inspection report during the three-year period prior  
27 to the purchase of the animal by the pet store 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 store 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 name of the breeder, the breeder's USDA license number, and,  
9 if the breeder is required to be licensed in the state in which the breeder is  
10 located, the breeder's state license number.

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

17 F. Nothing contained in this Section shall prohibit a municipality or  
18 parish from enacting ordinances or regulations establishing more stringent  
19 restrictions governing the sale of animals at retail pet stores.

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

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The original instrument was prepared by Curry J. Lann. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

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## DIGEST

SB 337 Reengrossed

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, parish, 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 store.
  - (b) A citation on an inspection report during the three-year period prior to the purchase of the animal by the pet store 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 store 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 name of the breeder, 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 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)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Removed requirement 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.
2. Revised requirements that sign contain certain information, and removed certain requirements requiring posting of date and place of birth of each dog or cat, and sex, color markings, and other identifying information of each dog or cat, including any tag, tattoo, collar number, or microchip information, and certain information concerning the breeder.
3. Changed "county" to "parish".

##### Senate Floor Amendments to engrossed bill

1. Makes legislative bureau technical changes.