

**Hall of the House of Representatives**  
91st General Assembly - Regular Session, 2017  
**Amendment Form**

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**Subtitle of House Bill No. 1715**

TO CREATE THE PROTECTION FOR DOG OWNERS ACT; AND TO ESTABLISH STANDARDS FOR DOG BREEDER BUSINESSES.

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**Amendment No. 1 to House Bill No. 1715**

Amend House Bill No. 1715 as originally introduced:

Delete the title in its entirety and substitute the following:

"AN ACT TO CREATE THE PROTECTION FOR DOG OWNERS ACT; TO DEFINE DECEPTIVE TRADE PRACTICES FOR DOG SALES; TO CREATE THE PROFESSIONAL AND DIRECT-SELL DOG BREEDER ACT; TO REQUIRE REGISTRATION OF DOG BREEDERS; TO ESTABLISH STANDARDS FOR DOG BREEDER BUSINESSES; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute the following:

"TO CREATE THE PROTECTION FOR DOG OWNERS ACT; TO DEFINE DECEPTIVE TRADE PRACTICES FOR DOG SALES; TO CREATE THE PROFESSIONAL AND DIRECT-SELL DOG BREEDER ACT; AND TO CREATE OVERSIGHT OF DOG SELLERS."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 4, Chapter 97, is amended to add an additional subchapter to read as follows:

Subchapter 2 – Protection for Dog Owners Act

4-97-201. Title.

This subchapter shall be known and may be cited as the "Protection for Dog Owners Act".

4-97-202. Definitions.

As used in this subchapter:

(1)(A) "Health problem" means an illness, a disease, or a disorder identified by the consumer's veterinarian and confirmed by the seller's veterinarian that has a significant adverse effect on the health of a dog.

(B) "Health problem" does not mean internal or external parasites unless the presence of a parasite makes the dog clinically ill;



(2) "Misrepresent" means selling, trading, adopting, delivering, or transferring a dog to another person with the knowledge that the dog has a health problem that is not documented in writing and signed by the person receiving the dog at or before the sale, trade, adoption, delivery, or transfer;

(3) "Person" means an individual, corporation, limited liability company, firm, company, association, or other entity;

(4) "Releasing agency" means:

(A) An animal control agency or humane shelter operated by a municipality, county, or other governmental agency;

(B) An animal shelter;

(C) An animal welfare organization;

(D) A dog pound;

(E) A humane organization;

(F) An incorporated nonprofit animal adoption organization;

(G) The Humane Society of the United States or any society for the prevention of cruelty to animals; or

(H) Another similar entity;

(5) "Rescue caregiver" means a person who:

(A) Provides temporary care to dogs at a private residence or other premises;

(B) Operates under the authority of or in cooperation with a releasing agency; or

(C) Sells, trades, delivers, or transfers dogs to another person under the authority of or in cooperation with a releasing agency;

(6) "Sell" means to sell, trade, adopt, deliver, or transfer a dog to a person for compensation; and

(7) "Seller" means a person who sells, trades, adopts, or transfers a dog to another person for compensation.

#### 4-97-203. Deceptive trade practices.

The following are unfair or deceptive trade practices that violate this subchapter:

(1)(A) The sale and physical transfer of a dog younger than eight (8) weeks of age.

(B) However, delivering or transferring a dog to a foster dam, a veterinarian, a releasing agency, a rescue caregiver, or a state registered or federally licensed breeder is not a violation;

(2) Misrepresenting the physical condition, fitness, or veterinary history of a dog at the time of the dog's sale, trade, adoption, delivery, or transfer;

(3) Altering, counterfeiting, fabricating, or falsifying a veterinary health certificate or veterinary record of a dog; or

(4) Knowingly altering, counterfeiting, fabricating, misrepresenting, or falsifying a registration or pedigree certificate.

#### 4-97-204. Disclosures.

(a) Upon payment in full, a seller shall provide written, signed, and dated disclosures to the consumer that includes the following information:

(1) The name, address, the United States Department of Agriculture license number of the professional dog breeder or any broker who

may have had possession of the dog;

(2) The date of the dog's birth or the date the breeder received the dog;

(3) The dog's identifying tag number, collar number, tattoo, or microchip number, if any;

(4) For a dog represented as eligible for registration by a dog registry, the registration application, known as a "puppy paper" shall be provided upon fulfillment of the seller's terms;

(5) A record of inoculations, vaccinations, worming treatments, parasite prevention treatments, medication, and veterinary treatment received by the dog while in the seller's possession; and

(6) A statement signed by the breeder that:

(A) The dog:

(i) Is apparently free of and does not exhibit any signs of any:

(a) Contagious or infectious disease; and

(b) Defect that is congenital or hereditary;

and

(ii) Does not exhibit any signs of clinical illness or parasitic infestation on the date of sale; or

(B) Discloses any known health problems.

(b) The seller shall maintain for eighteen (18) months a copy of the disclosures required under subsection (a) of this section.

(c)(1) A seller that represents a dog as eligible for registration with a dog registry organization shall provide the consumer with the documents necessary for registration upon fulfillment of the seller's terms.

(2) If the documents required under subdivision (c)(1) of this section are not received from the seller within thirty days (30) of fulfillment of all seller terms, the consumer may:

(A) Retain the dog and receive a refund not to exceed twenty-five percent (25%) of the original purchase price; or

(B) Return the dog, along with all documentation pertaining to the dog.

4-97-205. Dog unfit for sale.

(a) A dog is considered to have been unfit for sale at the time of sale if:

(1) Within ten (10) days after the date of sale of a dog to a consumer, a veterinarian states in writing that the dog is clinically ill or has died from a health problem that existed in the dog at the time of sale; and

(2) Within one (1) year after the date of sale of a dog to a consumer, a veterinarian states in writing that the dog has died from or has been diagnosed with a congenital defect that was or will be fatal.

(b) A dog shall not be found unfit for purchase for the purposes of subsection (a) of this section because of:

(1) A veterinary finding of intestinal or external parasites unless the dog is critically ill or dies due to the parasitic condition;

(2) An injury sustained or illness contracted subsequent to the date of sale; or

(3)(A) A health problem which in addition to a health certificate or guarantee of good health required under subsection (a) of this

section is separately disclosed by the seller in writing at the time of sale.

(B) A disclosure under subdivision (b)(3)(A) of this section shall be:

(i) Signed by both the seller and the purchaser at the time of sale; and

(ii) Documented in the health certificate or a guarantee of good health.

#### 4-97-206. Complaints – Remedies.

To obtain a remedy under this subchapter, the consumer shall:

(1)(A) With respect to a dog unfit for sale as described in § 4-97-205:

(i) Notify the seller in writing within three (3) business days of the date of the veterinarian’s written statement under § 4-97-205(a); and

(ii) Provide the seller with the name, address, and telephone number of the veterinarian and a copy of the veterinarian’s written statement.

(B) If the consumer chooses to receive a full refund for the dog, return the dog to the seller no later than five (5) business days after receipt of a written statement from a veterinarian indicating the dog was unfit for sale; and

(2)(A) With respect to a deceased dog that was unfit for sale, notify the seller and provide a copy of the veterinarian’s written statement under § 4-97-205(a) within three (3) business days of the date of the veterinarian’s written statement.

(B) Remedies available to the consumer under subdivision (a)(2)(A) of this section include:

(i) With respect to a deceased dog, the seller shall provide the consumer at the consumer’s discretion:

(a) A dog of equal value, if available;

(b) Reimbursement of veterinarian fees not to exceed fifty percent (50%) of the original purchase price of the dog for reasonable veterinary fees; or

(c) A refund of the full purchase price of the dog; and

(ii) With respect to a dog unfit for sale, the seller, at the consumer’s discretion, shall:

(a) Accept return of the dog for a refund of the full purchase price;

(b) Exchange the dog for a dog of equivalent value, if available; or

(c) Allow the consumer to retain the dog and receive reimbursement for veterinarian fees not to exceed twenty five percent (25%) of the original purchase price of the dog.

#### 4-97-207. Rights of a seller.

(a) A seller is not liable for a refund, replacement, or reimbursement of veterinary fees of a consumer if any one (1) or more of the following conditions exist:

(1) The health problem or death resulted from maltreatment, neglect, or a disease contracted while the dog was in the possession of the

consumer or from an injury sustained subsequent to receipt of the animal by the consumer;

(2) A written statement that disclosed the health problem or congenital defect required under § 4-97-508(b)(3)(A) for which the consumer seeks remedy was provided by the seller and was signed by the consumer on or before the date of sale; or

(3) The person to whom the dog was sold, traded, adopted, delivered, or transferred signed a statement that no refund, replacement dog, or reimbursement of veterinary fees would be provided.

(b)(1) If a seller chooses to contest a demand for remedy, the seller may require the consumer to produce the dog for examination or autopsy by a veterinarian designated by the seller.

(2) For a remedy under subdivision (b)(1) of this section, the seller shall pay the cost of this examination or autopsy.

(3) If the seller is not obligated to provide a remedy, the seller may recover against the consumer costs incurred under subdivision (b)(2) of this section.

(4)(A) For the purpose of conducting a necropsy, the consumer shall deliver the dog's corpse to the seller.

(B) Except as provided for under subdivision (b)(3) of this section, the seller shall reimburse the consumer for the cost of transport of the corpse.

#### 4-97-208. Cause of action.

(a) If a seller does not provide the remedy selected by a consumer under this subchapter, the consumer may initiate an action in a court of competent jurisdiction.

(b) The prevailing party in an action under this subchapter may recover costs and reasonable attorney fees.

#### 4-97-209. Civil penalty.

A county sheriff may assess and collect from a seller for a remedial civil penalty not to exceed two hundred fifty dollars (\$250) for each separate violation of this subchapter.

#### 4-97-210. Applicability.

This subchapter does not:

(1) Limit other remedies provided by law: or

(2) Apply to a kennel that primarily houses dogs in training to be or actively engaged as hunting dogs, sporting dogs, or service dogs.

SECTION 2. Arkansas Code Title 17 is amended to add an additional chapter to read as follows:

### CHAPTER 56 ANIMAL SALES

#### Subchapter 1 – Professional and Hobby Dog Breeders Act

#### 17-56-101. Title.

This subchapter shall be known and may be cited as the "Professional and Direct-Sell Dog Breeder Act".

17-56-102. Definitions.

As used in this subchapter:

(1) "Business hours" means between 9:00 a.m. and 5:00 p.m., Monday through Friday, except for legal federal holidays;

(2) "Direct-sell dog breeder" means a person that:

(A) Is exempt from the requirements of a United States Department of Agriculture license who sells, trades, adopts, delivers, or transfers dogs directly to a consumer for compensation;

(B) Possesses five (5) or more female dogs capable of breeding, and

(C) Annually sells twenty (20) or more puppies raised on premises owned by the direct-sell dog breeder;

(3) "Dog" means a canis lupus familiaris or canis familiaris hybrid;

(4)(A) "Health problem" means an illness, a disease, or a disorder identified by the consumer's veterinarian and confirmed by the seller's veterinarian that has a significant adverse effect on the health of a dog.

(B) "Health problem" does not mean internal or external parasites unless the presence of a parasite makes the dog clinically ill;

(5) "Housing facility" means land, premises, shed, barn, building, trailer, or other structure or area, housing, or facility intended to house dogs;

(6) "Owner" means any person who has a property right in a dog;

(7) "Person" means an individual, corporation, limited liability company, firm, company, association, or other legal entity;

(8)(A) "Professional dog breeder" means a person who is licensed by the United States Department of Agriculture and who sells, trades, adopts, delivers, or transfers to another person wholesale or retail dogs or puppies with or without compensation.

(B) "Professional dog breeder" does not mean a licensed veterinary practice or a research facility;

(9) "Purchaser" means a person who purchases, receives in trade, adopts, or receives in transfer, a dog;

(10) "Releasing agency" means:

(A) An animal control agency or humane shelter operated by a municipality, county, or other governmental agency;

(B) An animal shelter;

(C) An animal welfare organization;

(D) A dog pound;

(E) A humane organization;

(F) An incorporated nonprofit animal adoption organization;

(G) The Humane Society of the United States or any society for the prevention of cruelty to animals; or

(H) Another similar entity;

(11) "Rescue caregiver" means a person who:

(A) Provides temporary care to dogs at a private residence or other premises;

(B) Operates under the authority of or in cooperation with a releasing agency; and

(C) Sells, trades, delivers, or transfers a dog to another

person under the authority of or in cooperation with a releasing agency; and  
(12) "Veterinarian" means a practitioner of veterinary medicine  
duly licensed under the laws of this or other state.

17-56-103. Registration required.

(a) A person shall not operate, attempt to operate, or offer to  
operate as a professional dog breeder, direct-sell dog breeder, releasing  
agency, or rescue caregiver without first registering with the county sheriff  
of the county in which the professional dog breeder, direct-sell dog breeder,  
releasing agency, or rescue caregiver does business.

(b) Each registration under this subchapter shall expire March 31 each  
year and shall be renewed no later than May 15 of the same year.

(c) A person shall be at least eighteen (18) years of age to register.

17-56-104. County sheriff – Registration procedures – Rules.

(a) Each county sheriff may administer this subchapter in the county  
in which the county sheriff has jurisdiction.

(b)(1) An application to register or renew a registration under this  
subchapter shall be submitted to the county sheriff's department on a form  
created by the county sheriff's department.

(2) The application and renewal form for registration as a  
professional dog breeder shall include:

(A) The name and address of the person seeking to  
register; and

(B) The United States Department of Agriculture:

(i) License number of the professional dog breeder;

(ii) Inspector's name; and

(iii) Most recent inspection date with a copy of the  
most recent inspection report that is available.

(3) The application or renewal form for registration as a  
direct-sell dog breeder, releasing agency, or rescue caregiver shall include:

(A) Proof that the person seeking to register or renew  
registration as a direct-sell dog breeder provides a program of veterinary  
care signed by a veterinarian;

(B) Other information required by the county sheriff's  
department; and

(C) A declaration that the applicant or registrant under  
this subchapter has not been found guilty of, pleaded guilty to, or pleaded  
nolo contendere within the past three (3) years to:

(i) A violation of this subchapter;

(ii) The offense of cruelty to animals, § 5-62-103;

(iii) The offense of aggravated cruelty to a dog,  
cat, or horse, § 5-62-104; or

(iv) An offense with similar elements in another  
state.

(c) Before issuing registration or a renewal of registration under  
this subchapter, a county sheriff's department may:

(1) Perform an inspection to confirm that a housing facility,  
its standards of care for dogs, and records maintained by the applicant or  
registrant under this subchapter conform to this subchapter and the rules  
adopted under this subchapter;

(2) Accept in lieu of inspection a copy of records required

under rules adopted under this subchapter and a signed, dated veterinarian's report of inspection of the housing facility and the dogs contained in the housing facility that demonstrates compliance with this subchapter and the rules adopted under this subchapter;

(3) Require proof of compliance with United States Animal and Plant Health Inspection Service licensing for dog dealers if such licensing is required for the applicant or registrant under this subchapter; or

(4) Any combination of the actions authorized under this subsection.

(d)(1) An inspection required by a county sheriff's department shall be performed by a veterinarian selected by the applicant or registrant under this subchapter and approved by the county sheriff's department.

(2) Payment of fees for inspections performed by a veterinarian selected by the applicant or registrant under this subchapter shall be the sole responsibility of the applicant or registrant under this subchapter.

(e) The applicants and registrants who are required to remit sales tax on the sales of dogs shall pay any sales tax due to the State of Arkansas.

(f) The county sheriff's department shall not issue a registration to or renew a registration for a person who within the previous three (3) years has been found guilty of, pleaded guilty to, or pleaded nolo contendere to:

(1) A violation of this subchapter;

(2) The offense of cruelty to animals, § 5-62-103;

(3) The offense of aggravated cruelty to a dog, cat, or horse, § 5-62-104; or

(4) An offense with similar elements in another state.

(g)(1) Registration under this section is nontransferable.

(2) If a registrant undergoes a substantial change of ownership of any corporation, limited liability company, partnership, or other entity holding a registration:

(A) The existing registration is void; and

(B) The registrant may apply for a new registration.

#### 17-56-105. Records – Retention – Distribution.

(a)(1) A registrant shall maintain all records required by this subchapter and rules adopted to implement this subchapter for eighteen (18) months after the date a dog is sold, traded, adopted, delivered, or transferred, is euthanized, dies, or is otherwise disposed of, unless otherwise ordered by a court.

(2) The records shall be made available to the county sheriff's department or to a law enforcement officer on request.

(b) A professional dog breeder shall provide to the purchaser at the time of sale, trade, transfer, adoption, delivery, or transfer of a dog, a copy of the record of vaccinations, inoculations, parasite treatment, and preventive and therapeutic veterinary care provided for the dog while the dog was maintained by the professional dog breeder.

(c) A releasing agency that cannot provide to the person who is adopting, trading, or purchasing a dog the records of vaccinations, inoculations, parasite treatment, and preventive and therapeutic veterinary care provided or knowledge of any behavioral, congenital, or hereditary issues while the dog was maintained by the releasing agency shall provide to the person a written statement that to the best of the releasing agency's knowledge the dog or puppy being considered has not been administered



vaccinations, inoculations, parasite treatment, and preventive and therapeutic veterinary care.

17-56-106. Fees.

(a) Each county sheriff shall establish the following fee schedule for operation of this subchapter:

(1) An application fee for registration not to exceed thirty-five dollars (\$35.00);

(2) An inspection fee not to exceed one hundred dollars (\$100);

(3) A returned check fee not to exceed twenty dollars (\$20.00);

(4) A duplicate registration fee not to exceed twenty-five dollars (\$25.00); and

(5) A criminal background report fee not to exceed the cost of a criminal background check by the Identification Bureau of the Department of Arkansas State Police.

(b)(1) The application fee under subdivision (a)(1) of this section shall be waived for a releasing agency and a rescue caregiver.

(2) However, the application fee under subdivision (a)(1) of this section shall not be waived for a releasing agency or a rescue caregiver that:

(A) Sells, trades, adopts, delivers, or transfers dogs imported from outside Arkansas; or

(B) Sells, trades, adopts, delivers, or transfers more than twenty-five (25) dogs per calendar year that are born as a result of matings that occurred:

(i) On the premises or housing facility; or

(ii) While a dam was in the possession of or maintained by the releasing agency or rescue caregiver.

(c) The fees under this section shall be waived for a person licensed or registered, inspected by, and in good standing with the United States Animal and Plant Health Inspection Service as a Class A or Class B animal dealer.

(d)(1) All fees collected by the county sheriff's department for administration of this shall be retained by the county sheriff's department to offset the cost of the program.

(2) Administrative fees or costs associated with this program shall not exceed twenty five dollars (\$25.00) per event.

17-56-107. County sheriff – Inspections.

(a) A county sheriff, or if requested by the registrant, a veterinarian acceptable to the county sheriff and paid for by the registrant may conduct inspections of a housing facility, the dogs maintained in the housing facility, and records that may be required under rules adopted under this subchapter to:

(1) Investigate a credible signed, sworn complaint that a violation of this subchapter is taking place;

(2) Report to the United States Animal and Plant Health Inspection Service a registrant who is required to be licensed by the United States Animal and Plant Health Inspection Service; and

(3) Enforce this subchapter and the rules adopted under this subchapter.

(b) Inspections shall be:

(1) Conducted during business hours or another time mutually agreed upon between the county sheriff and the registrant at the location being inspected; and

(2) Limited in scope to items in an inspection checklist that shall be published on the website of the county sheriff; and

(3)(A)(i) The kennel of a registered professional dog breeder licensed by the United States Department of Agriculture is exempt from county sheriff's department inspections under this subchapter.

(ii) However, the professional dog breeder shall provide a copy of the latest inspection report under this subchapter to the county sheriff of the county in which the kennel is located.

(B) The exemption under subdivision (b)(3)(A)(i) of this section does not limit a county sheriff's duty to investigate sworn, written complaints about a professional dog breeder.

(c) A registrant shall not unreasonably fail to cooperate with the county sheriff for acting in accordance with this subchapter.

(d) If an inspection reveals a violation of this subchapter or rules adopted under this subchapter, the county sheriff shall give the registrant a detailed list of each violation found during the inspection within a reasonable time after the inspection.

(e)(1)(A) The county sheriff shall allow a registrant found in violation of this subchapter thirty (30) days after the date of receipt of the list of violations to correct all violations contained on the list.

(B) An extension of this deadline may be granted at the discretion of the county sheriff.

(2)(A) Before the expiration of the thirty-day period or before the expiration of an extension to the thirty-day period, the registrant shall notify the county sheriff in writing of the actions taken to correct the violations.

(B) The housing facility and records may be reinspected at the discretion of the county sheriff.

(C) If a reinspection finds that each violation contained on the list has been corrected and no other violations have been found, the county sheriff shall not take further action against the registrant with regard to the violations.

(3)(A) If at the reinspection the county sheriff finds that the registrant has not corrected each violation on the list, but if in the opinion of the county sheriff the registrant has made a significant effort towards correcting each violation, the county sheriff may issue a warning and extend the deadline under subdivision (e)(1)(B) of this section for another thirty-day period.

(B) If in the opinion of the sheriff the registrant has not made an adequate effort towards correcting each violation on the list provided by the county sheriff under subsection (d) of this section, the county sheriff may assess a civil penalty of not less than fifty dollars (\$50.00) and not more than two hundred fifty dollars (\$250), including court costs, per violation of this subchapter or the rules adopted under this subchapter.

(4) The registrant may be required to pay an inspection fee not to exceed fifty dollars (\$50.00) for each reinspection.

17-56-108. Revocation and suspension – Penalties.

(a) A county sheriff may revoke, suspend, or refuse to issue or renew a professional dog breeder registration, a direct-sell dog breeder registration, or a releasing agency registration for one (1) or more of the following reasons:

(1) An uncorrected violation of this subchapter or the rules promulgated under this subchapter;

(2) The applicant or registrant under this subchapter has been found guilty of, pleaded guilty to, or pleaded nolo contendere to:

(A) The offense of cruelty to animals, § 5-62-103;

(B) The offense of aggravated cruelty to a dog, cat, or horse, § 5-62-104; or

(C) An offense with similar elements in another state;

(3) Fraud or deceit in obtaining registration; or

(4) Dishonesty, fraud, or gross negligence while operating as a professional dog breeder.

(b) The county sheriff may revoke, suspend, or refuse to issue or renew a professional dog breeder, hobby breeder, or releasing agency registration to a partnership, corporation, limited liability company, or other business entity if a person with a substantial ownership interest or a person employed by the partnership, corporation, limited liability company, or other business entity has been found guilty of or pleaded guilty or nolo contendere to an offence listed under subsection (a) of this section.

(c)(1) In addition to or in lieu of any other disciplinary actions, the county sheriff may impose a civil penalty of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250) against a person who knowingly acts as a professional dog breeder, a direct-sell dog breeder, a releasing agency, or a rescue caregiver without possessing a registration under this subchapter.

(2) Each day of continued violation of the registration requirements under this subchapter is a separate violation.

#### 17-56-109. Registration renewal.

(a) If the registrant has complied with this subchapter and rules adopted under this subchapter, a registration issued under this subchapter is renewable annually upon application and payment of the application fee by the registrant.

(b)(1) A county sheriff may charge a late fee not to exceed twenty dollars (\$20.00) for each month or part of a month that a registration renewal is late.

(2) However, the county sheriff may adopt a rule to require application for a new registration if a registrant fails to file a renewal request within sixty (60) days after the expiration of a current registration.

#### 17-56-110. Effect of license revocation.

(a) A person whose registration was previously revoked shall not:

(1) Operate as a professional dog breeder, a direct-sell dog breeder, a releasing agency, or a rescue caregiver unless the person is later issued a registration under this subchapter;

(2)(A) Be eligible to apply for another registration for a period of six (6) months after the date of revocation.

(B) However, the person is not eligible to apply for

another registration for ten (10) years after the date of completion of any sentence or court-ordered probation, whichever is later, if the registration was revoked because the person has been found guilty of, pleaded guilty to, or pleaded nolo contendere to:

- (i) The offense of cruelty to animals, § 5-62-103;
- (ii) The offense of aggravated cruelty to a dog, cat, or horse, § 5-62-104; or
- (iii) An offense with similar elements in another state.

(C) A county sheriff may extend the period of ineligibility under subdivision (a)(2)(B) of this section after the mandatory period of ineligibility has expired.

(b) The county sheriff may refuse to issue a registration to a person who was:

- (1) An officer, agent, or employee of a registrant whose registration has been revoked; and
- (2) Responsible for or participated in a violation upon which the revocation was based.

17-56-111. Confiscation not authorized.

(a) Only a county sheriff may confiscate a dog under this subchapter.

(b) A county sheriff shall seek assistance from a local veterinarian who is not associated with a releasing agency or rescue caregiver and may seek assistance from a releasing agency regarding the confiscation of a dog if the inspecting veterinarian has concluded that the health and well-being of the dog requires immediate removal from the registrant's premises.

(c)(1) Unless under a court order and accompanied by an officer of the county sheriff's department where the premises of a registrant under this subchapter is located, an individual or an agent of a releasing agency shall not enter upon the premises of a registrant under this subchapter without the verbal or written permission of the registrant as witnessed by the county sheriff or an agent of the county sheriff under this subchapter.

(2) A trespassing charge may be brought against an individual or an agent of a releasing agency, the Humane Society of the United States, or a similar organization who violates subdivision (c)(1) of this section.

(d) A dog confiscated under this section shall not be transported outside of the county in which the dog was confiscated.

(e) A dog confiscated under this section shall be afforded at least the minimum standards of care, including without limitation veterinary care, food, water, and shelter is the responsibility of the confiscating agency.

(f)(1) A confiscated dog remains the property of the original owner until adjudication by a civil court or other competent judicial authority.

(2) The original owner of a dog confiscated under this section shall not be coerced into transferring the ownership of the dog to an organization or agency involved in the confiscation of the dog.

(3) The original owner may voluntarily transfer ownership of the confiscated dog to a person or entity approved by the county sheriff.

17-56-112. Care for dogs.

A registrant under this subchapter shall comply with the following standards of care for dogs, unless otherwise directed in writing by a veterinarian:

(1) Each dog shall be provided food at sufficient intervals to maintain health, but not less frequently than one (1) time every twenty-four (24) hours;

(2) Each dog shall be provided fresh water in a clean container at sufficient intervals to maintain health and hydration;

(3) Each dog shall be provided grooming at sufficient intervals to maintain health;

(4) A dog assessed by a veterinarian to be suffering serious injury or health problems shall be provided care either directly by the veterinarian or by the registrant under the supervision of a veterinarian;

(5)(A) Each dog shall be provided the opportunity to exercise on a solid surface a minimum of three (3) times per week, weather conditions permitting.

(B) An opportunity to exercise for the health and well being of the animal including:

(i) Active running and play with compatible dogs or other species;

(ii) Access to an indoor or outdoor area of sufficient size for each dog;

(iii) Leash walking;

(iv) Training and participation in dog sports; or

(v) Other physical activities that maintain a dog's health and physical condition.

(C) This subdivision (5) does not apply to a releasing agency or a rescue caregiver if the dog is:

(i) Impounded for less than three (3) days; or

(ii) Subject to a state or federally required quarantine;

(6) An indoor facility within which a dog is kept shall be lighted to provide a regular diurnal lighting cycle;

(7) An enclosure in which a dog is confined shall be:

(A) Of sufficient size to allow each dog to sit, stand with head fully erect, lie down, and turn around comfortably, without touching another animal;

(B) Kept in good repair so as to securely confine and not cause injury to the dog;

(C) Maintained reasonably free from debris;

(D) Maintained through the removal and disposal of urine and feces a minimum of once every two (2) weeks so as not to pose a threat to the health of the dog or to create a nuisance; and

(E) Constructed to protect dogs from adverse weather conditions;

(8) Enclosures that are stacked shall have an impermeable barrier between each level;

(9) A dog maintained outdoors for more than a thirty-minute period of time shall be provided continued access to water, a dry resting surface, and shelter from the elements;

(10) A dog residing outside for more than four (4) hours per day shall have access to a shelter consisting of:

(A) A roof;

(B) An appropriate size so that each dog is protected from adverse weather, wind, and precipitation; and

(C) Construction so that each dog is not exposed to conditions that may cause harm or health concerns;

(11) Bedding materials made available to a dog shall be clean and dry;

(12) If perforated flooring is used in an enclosure, the perforated flooring shall:

(A) Be appropriate to the size and weight of each dog to prevent injury;

(B) Not sag;

(C) Be kept in good repair; and

(D) Provide a solid resting platform of sufficient size to allow each dog to sit and stand with head fully erect, to lie down, and to turn around comfortably;

(13)(A) Each dog shall have its health and behavior assessed daily.

(B) A deviation in health condition, including internal and external parasites, shall be treated expeditiously.

(C) A dog suffering serious injury or health problems shall be provided care by a veterinarian;

(14)(A) Storage facilities and containers shall be constructed and maintained to protect food, medicines, supplies, and bedding from deterioration, contamination, and vermin infestation.

(B) Potentially toxic or hazardous substances shall be stored in a manner to avoid contact and potential for harm to the dogs;

(15) Each dog shall be uniquely identified by a marking, microchip, or tattoo or collar with a tag; and

(16) A dog that primarily resides in a kennel, house, or run may have its identification affixed to the structure where it resides.

#### 17-56-113. Records.

Each registrant shall maintain and make available for inspection by the Department of Health the following records:

(1) The date on which each dog was obtained, whelped, or entered the housing facility;

(2) For a dog not registered with a nationally recognized registry service such as the American Kennel Club, America's Pet Registry, Inc., or the United Kennel Club, a description of each dog, including the color and identifying marks, breed, if known, sex, and date of birth or the approximate age;

(3) The unique identifying information for each dog that corresponds to each dog's marking, microchip, or tattoo or collar with a tag; and

(4) Each vaccination, inoculation, parasite treatment, and preventive and therapeutic veterinary care provided for each dog.

#### 17-56-114. County sheriff – Rules.

(a) Each county sheriff shall adopt rules to implement this subchapter.

(b) The rules may include the following:

(1) A fee schedule as described in § 17-56-106;

(2) Operating standards for applicants and registrants under this subchapter;

(3) Requirements for recordkeeping and reporting; and

(4) Other administrative rules.

(c) A county sheriff shall not adopt a rule that would prevent a registrant from maintaining dogs in a residence if the registrant is otherwise in compliance with this subchapter and the rules adopted under this subchapter.

(d) In establishing rules, the county sheriff may consider without limitation:

(1) Corresponding standards established by the United States Department of Agriculture;

(2) Corresponding standards established by the American Kennel Club, America's Pet Registry, Inc., or the United Kennel Club;

(3) Recommendations of dog breeders who are residents of the state and who each have no less than ten (10) years of experience in breeding dogs;

(4) Recommendations of Arkansas veterinarians who practice small animal veterinary medicine; and

(5) Recommendations of representatives of releasing agencies.

(e) This subchapter and rules adopted under this subchapter shall be interpreted and enforced uniformly for all applicants and registrants under this subchapter.

17-56-115. Dog breeder location – Notice.

An applicant or registrant shall notify the county sheriff of the county in which the business of an applicant or registrant under this subchapter is proposed to be located before opening for business.

17-56-116. Penalties.

(a) A person who is found guilty of or pleads guilty or nolo contendere to a violation of this subchapter is guilty of a Class B misdemeanor.

(b) This subchapter does not preclude prosecution for a criminal offense of a person who violates this subchapter.

17-56-117. Applicability.

This subchapter does not apply to:

(1) A kennel that primarily houses dogs in training to be or actively engaged as hunting dogs, sporting dogs, service dog, or greyhound racing dogs; or

(2) A public employee in the performance of his or her duty."

The Amendment was read \_\_\_\_\_  
By: Representative Richmond  
MGF/TDW - 03-13-2017 14:37:08  
MGF162

\_\_\_\_\_  
Chief Clerk