

1 INTERIM STUDY PROPOSAL 2017-024

2 State of Arkansas
3 91st General Assembly
4 Regular Session, 2017

As Engrossed: H3/15/17

A Bill

HOUSE BILL 1715

5
6 By: Representative Richmond

7 Filed with: House Committee on Agriculture, Forestry, and Economic Development
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO CREATE THE PROTECTION FOR DOG OWNERS ACT;
11 TO DEFINE DECEPTIVE TRADE PRACTICES FOR DOG SALES; TO
12 CREATE THE PROFESSIONAL AND DIRECT-SELL DOG BREEDER
13 ACT; TO REQUIRE REGISTRATION OF DOG BREEDERS; TO
14 ESTABLISH STANDARDS FOR DOG BREEDER BUSINESSES; AND
15 FOR OTHER PURPOSES.

Subtitle

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17
18
19 TO CREATE THE PROTECTION FOR DOG OWNERS
20 ACT; TO DEFINE DECEPTIVE TRADE PRACTICES
21 FOR DOG SALES; TO CREATE THE PROFESSIONAL
22 AND DIRECT-SELL DOG BREEDER ACT; AND TO
23 CREATE OVERSIGHT OF DOG SELLERS.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. *Arkansas Code Title 4, Chapter 97, is amended to add an*
29 *additional subchapter to read as follows:*

30 Subchapter 2 – Protection for Dog Owners Act

31
32 4-97-201. Title.

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

35
36 4-97-202. Definitions.

1 As used in this subchapter:

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

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

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

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

15 (4) "Releasing agency" means:

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

18 (B) An animal shelter;

19 (C) An animal welfare organization;

20 (D) A dog pound;

21 (E) A humane organization;

22 (F) An incorporated nonprofit animal adoption
23 organization;

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

26 (H) Another similar entity;

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

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

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

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

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

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

3
4 4-97-203. Deceptive trade practices.

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

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

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

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

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

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

19
20 4-97-204. Disclosures.

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

23 (1) The name, address, the United States Department of
24 Agriculture license number of the professional dog breeder or any broker who
25 may have had possession of the dog;

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

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

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

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

36 (6) A statement signed by the breeder that:

1 (A) The dog:

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

4 (a) Contagious or infectious disease; and

5 (b) Defect that is congenital or hereditary;

6 and

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

9 (B) Discloses any known health problems.

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

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

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

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

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

22
23 4-97-205. Dog unfit for sale.

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

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

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

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

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

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

3 (3)(A) A health problem which in addition to a health
4 certificate or guarantee of good health required under subsection (a) of this
5 section is separately disclosed by the seller in writing at the time of sale.

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

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

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

12
13 4-97-206. Complaints – Remedies.

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

15 (1)(A) With respect to a dog unfit for sale as described in § 4-
16 97-205:

17 (i) Notify the seller in writing within three (3)
18 business days of the date of the veterinarian’s written statement under § 4-
19 97-205(a); and

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

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

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

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

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

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

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

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

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

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

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

12 (c) Allow the consumer to retain the dog and
13 receive reimbursement for veterinarian fees not to exceed twenty five percent
14 (25%) of the original purchase price of the dog.

15
16 4-97-207. Rights of a seller.

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

20 (1) The health problem or death resulted from maltreatment,
21 neglect, or a disease contracted while the dog was in the possession of the
22 consumer or from an injury sustained subsequent to receipt of the animal by
23 the consumer;

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

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

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

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

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

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

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

9
10 4-97-208. Cause of action.

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

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

16
17 4-97-209. Civil penalty.

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

21
22 4-97-210. Applicability.

23 This subchapter does not:

24 (1) Limit other remedies provided by law: or

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

27
28 SECTION 2. Arkansas Code Title 17 is amended to add an additional
29 chapter to read as follows:

30
31 CHAPTER 56

32 ANIMAL SALES

33 Subchapter 1 – Professional and Hobby Dog Breeders Act

34
35 17-56-101. Title.

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

3
4 17-56-102. Definitions.

5 As used in this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (10) "Releasing agency" means:

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

6 (B) An animal shelter;

7 (C) An animal welfare organization;

8 (D) A dog pound;

9 (E) A humane organization;

10 (F) An incorporated nonprofit animal adoption
11 organization;

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

14 (H) Another similar entity;

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

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

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

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

22 (12) "Veterinarian" means a practitioner of veterinary medicine
23 duly licensed under the laws of this or other state.

24
25 17-56-103. Registration required.

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

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

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

34
35 17-56-104. County sheriff – Registration procedures – Rules.

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

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

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

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

10 (B) The United States Department of Agriculture:

11 (i) License number of the professional dog breeder;

12 (ii) Inspector's name; and

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

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

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

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

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

25 (i) A violation of this subchapter;

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

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

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

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

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

1 (2) Accept in lieu of inspection a copy of records required
2 under rules adopted under this subchapter and a signed, dated veterinarian's
3 report of inspection of the housing facility and the dogs contained in the
4 housing facility that demonstrates compliance with this subchapter and the
5 rules adopted under this subchapter;

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

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

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

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

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

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

22 (1) A violation of this subchapter;

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

24 (3) The offense of aggravated cruelty to a dog, cat, or horse, §
25 5-62-104; or

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

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

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

31 (A) The existing registration is void; and

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

33
34 17-56-105. Records – Retention – Distribution.

35 (a)(1) A registrant shall maintain all records required by this
36 subchapter and rules adopted to implement this subchapter for eighteen (18)

1 months after the date a dog is sold, traded, adopted, delivered, or
2 transferred, is euthanized, dies, or is otherwise disposed of, unless
3 otherwise ordered by a court.

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

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

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

20
21 17-56-106. Fees.

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

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

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

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

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

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

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

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

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

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

9 (i) On the premises or housing facility; or

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

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

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

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

21
22 17-56-107. County sheriff – Inspections.

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

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

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

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

35 (b) Inspections shall be:

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (B) If in the opinion of the sheriff the registrant has
 8 not made an adequate effort towards correcting each violation on the list
 9 provided by the county sheriff under subsection (d) of this section, the
 10 county sheriff may assess a civil penalty of not less than fifty dollars
 11 (\$50.00) and not more than two hundred fifty dollars (\$250), including court
 12 costs, per violation of this subchapter or the rules adopted under this
 13 subchapter.

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

16
 17 17-56-108. Revocation and suspension – Penalties.

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

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

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

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

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

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

30 (3) Fraud or deceit in obtaining registration; or

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

33 (b) The county sheriff may revoke, suspend, or refuse to issue or
 34 renew a professional dog breeder, hobby breeder, or releasing agency
 35 registration to a partnership, corporation, limited liability company, or
 36 other business entity if a person with a substantial ownership interest or a

1 person employed by the partnership, corporation, limited liability company,
2 or other business entity has been found guilty of or pleaded guilty or nolo
3 contendere to an offence listed under subsection (a) of this section.

4 (c)(1) In addition to or in lieu of any other disciplinary actions,
5 the county sheriff may impose a civil penalty of not less than fifty dollars
6 (\$50.00) nor more than two hundred fifty dollars (\$250) against a person who
7 knowingly acts as a professional dog breeder, a direct-sell dog breeder, a
8 releasing agency, or a rescue caregiver without possessing a registration
9 under this subchapter.

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

12
13 17-56-109. Registration renewal.

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

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

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

25
26 17-56-110. Effect of license revocation.

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

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

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

33 (B) However, the person is not eligible to apply for
34 another registration for ten (10) years after the date of completion of any
35 sentence or court-ordered probation, whichever is later, if the registration

1 was revoked because the person has been found guilty of, pleaded guilty to,
2 or pleaded nolo contendere to:

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

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

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

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

17
18 17-56-111. Confiscation not authorized.

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

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

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

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

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

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

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

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

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

11
12 17-56-112. Care for dogs.

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

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

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

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

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

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

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

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

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

35 (iii) Leash walking;

36 (iv) Training and participation in dog sports; or

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

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

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

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

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

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

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

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

16 (C) Maintained reasonably free from debris;

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

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

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

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

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

29 (A) A roof;

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

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

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

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

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

5 (B) Not sag;

6 (C) Be kept in good repair; and

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

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

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

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

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

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

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

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

25
26 17-56-113. Records.

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

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

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

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

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

6
7 17-56-114. County sheriff – Rules.

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

10 (b) The rules may include the following:

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

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

14 (3) Requirements for recordkeeping and reporting; and

15 (4) Other administrative rules.

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

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

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

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

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

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

31 (5) Recommendations of representatives of releasing agencies.

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

35
36 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.

/s/Richmond

Referred by the Arkansas House of Representatives

Prepared by: VJF