

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1591

5 By: Representatives Ray, Beaty Jr.
6 By: Senator J. Dotson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS RETAIL PET STORE
10 CONSUMER PROTECTION ACT OF 1991; TO CLARIFY THE
11 APPLICABILITY OF THE ARKANSAS RETAIL PET STORE
12 CONSUMER PROTECTION ACT OF 1991; TO PREEMPT CERTAIN
13 LAWS CONCERNING RETAIL PET STORES; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO CLARIFY THE APPLICABILITY OF THE
19 ARKANSAS RETAIL PET STORE CONSUMER
20 PROTECTION ACT OF 1991; AND TO PREEMPT
21 CERTAIN LAWS CONCERNING RETAIL PET
22 STORES.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 4-97-103, concerning the definitions used
28 under the Arkansas Retail Pet Store Consumer Protection Act of 1991, is
29 amended to add an additional subdivision to read as follows:

30 (12) "Local government" means a city of the first class, a city
31 of the second class, an incorporated town, or a county.
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33 SECTION 2. Arkansas Code § 4-97-109 is amended to read as follows:
34 4-97-109. Applicability to other laws - Preemption.

35 (a) Nothing in Except as provided in subsection (b) of this section,
36 this chapter shall not be construed to prevent or limit the application of



1 any other law.

2 (b) A local government shall not pass an ordinance, resolution, or
3 regulation that prohibits a retail pet store from:

4 (1) Acquiring an animal from a:

5 (A) Cattery;

6 (B) Kennel; or

7 (C) Dealer as defined in 7 U.S.C. § 2132, as it existed on
8 January 1, 2023; or

9 (2) Selling an animal that is acquired from a cattery, kennel,
10 or dealer as defined in 7 U.S.C. § 2132, as it existed on January 1, 2023, to
11 a person.

12 (c) An ordinance, resolution, or regulation of a local government
13 shall be rendered invalid if it is found to be in conflict with the language
14 set out within this section.

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17 **APPROVED: 4/12/23**
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