

1 INTERIM STUDY PROPOSAL 2017-043

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

As Engrossed: H3/16/17

A Bill

HOUSE BILL 1717

5
6 By: Representative Sorvillo

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 REGULATE THE SALE OF DOGS AND CATS WITHIN
11 THE STATE OF ARKANSAS; TO CREATE THE DOG AND CAT SALE
12 REGISTRATION ACT; TO CREATE THE DOG AND CAT SALE
13 REGISTRATION FUND; AND FOR OTHER PURPOSES.

Subtitle

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17 TO CREATE THE DOG AND CAT SALE
18 REGISTRATION ACT; AND TO CREATE THE DOG
19 AND CAT SALE REGISTRATION FUND.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code Title 4 is amended to add an additional
25 chapter to read as follows:

Chapter 118 – Dog and Cat Sale Registration Act

4-118-101. Title.

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29 This chapter shall be known and may be cited as the "Dog and Cat Sale
30 Registration Act".

4-118-102. Legislative intent.

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33 It is the intent of the General Assembly to:

34 (1) Require the registration of persons who sell dogs or cats,
35 or both; and

1 (2) Ensure that the citizens of Arkansas have additional
2 information regarding the persons who sell dogs or cats, or both, within the
3 State of Arkansas.

4
5 4-118-103. Definitions.

6 As used in this chapter:

7 (1) "Casual breeder" means a person who owns three (3) or fewer
8 female dogs or cats for the purpose of breeding and who allows only one (1)
9 breeding per dog or cat per calendar year;

10 (2) "Cat" means a member of the species of the domestic cat,
11 Felis catus;

12 (3) "Commercial breeder" means a person who owns more than three
13 (3) female dogs or cats for the purpose of breeding;

14 (4) "Consumer" means a person who purchases a dog or cat;

15 (5)(A) "Dog" means a member of the species of the domestic dog,
16 Canis lupus familiaris, or resultant hybrids.

17 (B) "Dog" does not include a greyhound racing dog;

18 (6) "Person" means an individual, partnership, firm, joint-stock
19 company, corporation, association, trust, estate, or other legal entity;

20 (7)(A) "Public media" means telephone directories, professional
21 directories, newspapers and other periodicals, radio and television,
22 billboards, and mailed or electronically transmitted written or visual
23 communications that do not involve in-person or direct contact with a
24 specific prospective consumer.

25 (B) "Public media" includes all advertisements made on the
26 internet, any website, or social media;

27 (8)(A) "Sale" means the exchange of a dog or cat, or both,
28 between a seller and a consumer for monetary consideration.

29 (B) "Sale" does not include the exchange of a dog or cat,
30 or both:

31 (i) From an animal shelter, an incorporated humane
32 society, or nonprofit organization that has received a 501(c)(3) designation
33 from the United States Internal Revenue Service and that is dedicated to the
34 care of rescued animals or the care and protection of companion or service
35 animals for a reasonable and described adoption fee; or

1 (ii) As a gift or when money is not exchanged for
2 the consideration of the dog or cat, or both; and

3 (9)(A) "Seller" means a person who is required to register under
4 this subchapter.

5 (B) "Seller" includes a casual breeder and a commercial
6 breeder.

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8 4-118-104. Registration of sellers – Renewal of registration.

9 (a)(1) A person who offers or attempts to offer a dog or cat, or both,
10 for sale within this state by advertising through public media shall register
11 as a seller with the Arkansas Agriculture Department.

12 (2) The registration shall include the following:

13 (A) The name of the person;

14 (B) The location of each facility housing dogs or cats, or
15 both, that is owned by or in the care, custody, or control of the person;

16 (C) The name and address of the principal agent of the
17 person;

18 (D) The date the person began to operate as a seller under
19 this subchapter;

20 (E) The number of dogs or cats, or both, kept for the
21 purpose of breeding, offering, or selling any offspring to a consumer; and

22 (F) A certificate of good health from a licensed
23 veterinarian for the dog or cat being sold if requested by the consumer.

24 (3) If the registration is for an entity that offers or attempts
25 to offer for sale a dog or cat, or both, the registration shall reflect the
26 name and position of the individual at the entity under whose direction the
27 registration is prepared and shall be made under oath before a notary public.

28 (b)(1) Each registration is valid for a period of two (2) years.

29 (2) On or before the anniversary date of the original
30 registration, the renewal of the registration by the department is required.

31 (3) If at any time before the required renewal date the
32 information initially reported in the registration changes or requires
33 additions, the changes or additions shall be reported to the department
34 within sixty (60) days of the change or addition.

35 (c)(1) The department shall maintain a list of registered sellers
36 containing all information reported with the initial registration, including

1 the date of registration, and the dates and information provided with all
2 subsequent amendments and renewals of the registration.

3 (2) The department shall:

4 (A) Assign to each registered seller a registration
5 number; and

6 (B) Make the list of registered sellers available to the
7 public on the website of the department.

8 (3) The department shall only publish the name of the registered
9 seller and the registration number of the seller.

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11 4-118-105. Fees.

12 (a)(1) The Arkansas Agriculture Department shall require a casual
13 breeder to pay a fee of twenty-five dollars (\$25.00) per year for
14 registration as a seller.

15 (2) The department shall require a commercial breeder to pay a
16 fee of one hundred dollars (\$100) per year for registration as a seller.

17 (b) A fee shall not be required for reports of change or addition.

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19 4-118-106. Advertisement in public media.

20 (a) In order to place in public media an advertisement for the sale of
21 a dog or cat, or both, the registration number of the registered seller
22 advertising the sale of the dog or cat, or both, or the registration number
23 of the registered seller selling the dog or cat, or both, shall be included
24 in the advertisement.

25 (b)(1) Except as provided in subdivision (b)(2) of this section,
26 failure by the seller to comply with subsection (a) of this section is a
27 Class C misdemeanor.

28 (2) A seller shall be given a ten-day grace period to become
29 compliant with this section.

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31 4-118-107. Prohibition of the sale of dogs or cats in certain places.

32 (a)(1) A person shall not sell, exchange, trade, barter, lease, or
33 display for a commercial purpose a dog or cat on the property of another
34 person without first securing the written permission of the other person.

35 (b) This section does not apply to:

1 (1) The display of dogs or cats by or the adoption of dogs or
2 cats from an animal shelter, a humane society, or other nonprofit
3 organization that has received a 501(c)(3) designation from the United States
4 Internal Revenue Service and that is dedicated to the care of rescued
5 animals;

6 (2) The display of dogs or cats as part of a state or county
7 fair exhibition, a 4-H program, or similar exhibition or educational program;

8 (3) The sale, exchange, or trade of dogs that are sold primarily
9 for use in greyhound racing;

10 (4) The sale, exchange, or trade of dogs or cats within counties
11 that have a population of less than twenty thousand (20,000) in a commercial
12 parking lot; or

13 (5) A prearranged sale between a seller and a specific
14 individual consumer.

15 (c) A person who violates this section is subject to a fine in the
16 amount of one hundred dollars (\$100).

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18 4-118-108. Failure to register or renew – Criminal penalty.

19 (a) Failure to register as a seller with the Arkansas Agriculture
20 Department before the advertisement of the sale of a dog or cat, or both, or
21 before the sale of a dog or cat, or both, is a Class C misdemeanor.

22 (b) Failure to renew a registration as a seller before the
23 advertisement of the sale of a dog or cat, or both, or before the sale of a
24 dog or cat, or both, is a violation under § 5-1-108.

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26 4-118-109. Disposition of fees and funds.

27 Fees and funds received under this subchapter shall be deposited into
28 the Dog and Cat Sale Registration Fund to be used by the Arkansas Agriculture
29 Department for the administration of this subchapter.

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31 4-118-110. Rules.

32 The Arkansas Agriculture Department shall promulgate rules necessary to
33 implement and administer this chapter.

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35 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
36 amended to add an additional section to read as follows:

1 19-5-1258. Dog and Cat Sale Registration Fund.

2 (a) There is created on the books of the Treasurer of State, the
3 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
4 fund to be known as the "Dog and Cat Sale Registration Fund".

5 (b) The fund shall consist of:

6 (1) Grants made by any person or federal government agency;

7 (2) Fees and penalties collected under the Dog and Cat Sale
8 Registration Act, § 4-118-101 et seq.; and

9 (3) Any other funds authorized or provided by law.

10 (c) The fund shall be used by the Arkansas Agriculture Department to
11 administer the Dog and Cat Sale Registration Act, § 4-118-101 et seq.

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14 */s/Sorvillo*

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17 Referred by the Arkansas House of Representatives

18 Prepared by: VJF
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