

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

A Bill

HOUSE BILL 1717

5 By: Representative Sorvillo
6

For An Act To Be Entitled

8 AN ACT TO REGULATE THE SALE OF DOGS AND CATS WITHIN
9 THE STATE OF ARKANSAS; TO CREATE THE DOG AND CAT SALE
10 REGISTRATION ACT; TO CREATE THE DOG AND CAT SALE
11 REGISTRATION FUND; AND FOR OTHER PURPOSES.
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Subtitle

14 TO CREATE THE DOG AND CAT SALE
15 REGISTRATION ACT; AND TO CREATE THE DOG
16 AND CAT SALE REGISTRATION FUND.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 4 is amended to add an additional
23 chapter to read as follows:

Chapter 118 – Dog and Cat Sale Registration Act

4-118-101. Title.

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

4-118-102. Legislative intent.

31 It is the intent of the General Assembly to:

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

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



1
2 4-118-103. Definitions.

3 As used in this chapter:

4 (1) "Cat" means a member of the species of the domestic cat,
5 Felis catus;

6 (2) "Consumer" means a person who purchases a dog or cat;

7 (3)(A) "Dog" means a member of the species of the domestic dog,
8 Canis lupus familiaris, or resultant hybrids.

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

10 (4) "Hobby breeder" means a person who owns one (1) dog or one
11 (1) cat;

12 (5) "Person" means an individual, partnership, firm, joint-stock
13 company, corporation, association, trust, estate, or other legal entity;

14 (6)(A) "Public media" means telephone directories, professional
15 directories, newspapers and other periodicals, radio and television,
16 billboards, and mailed or electronically transmitted written or visual
17 communications that do not involve in-person or direct contact with a
18 specific prospective consumer.

19 (B) "Public media" includes all advertisements made on the
20 internet, any website, or social media; and

21 (7)(A) "Sale" means the exchange of a dog or cat, or both,
22 between a seller and a consumer for monetary consideration.

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

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

30 (ii) As a gift or when money is not exchanged for
31 the consideration of the dog or cat, or both.

32
33 4-118-104. Registration of sellers – Renewal of registration.

34 (a)(1) A person who offers or attempts to offer a dog or cat, or both,
35 for sale within this state by advertising through public media shall register
36 as a seller with the Department of Health.

1 (2) The registration shall include the following:

2 (A) The name of the person;

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

5 (C) The name and address of the principal agent of the
6 person;

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

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

11 (F) A certificate of good health from a licensed
12 veterinarian for the dog or cat being sold; and

13 (G) Any other information or documentation required by the
14 department.

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

19 (b)(1) Each registration is valid for a period of one (1) year.

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

22 (3) If at any time before the required renewal date the
23 information initially reported in the registration changes or requires
24 additions, the changes or additions shall be reported to the department
25 within thirty (30) days of the change or addition.

26 (c)(1) The department shall maintain a list of registered sellers
27 containing all information reported with the initial registration, including
28 the date of registration, and the dates and information provided with all
29 subsequent amendments and renewals of the registration.

30 (2) The department shall:

31 (A) Assign to each registered seller a registration
32 number; and

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

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36 4-118-105. Fees.

1 (a)(1) Except as provided in subdivision (a)(2) of this section, the
2 Department of Health shall require a reasonable fee to cover the costs
3 associated with the administration of the registration of sellers to
4 accompany the initial registration and each renewal application.

5 (2) A hobby breeder shall pay only a minimal fee for
6 registration under this subchapter.

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

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9 4-118-106. Advertisement in public media.

10 (a) In order to place in public media an advertisement for the sale of
11 a dog or cat, or both, the registration number of the registered seller
12 advertising the sale of the dog or cat, or both, or the registration number
13 of the registered seller selling the dog or cat, or both, shall be included
14 in the advertisement.

15 (b)(1) Failure by the seller to comply with subsection (a) of this
16 section is a Class A misdemeanor.

17 (2) In addition to the criminal penalty in subdivision (b)(1) of
18 this section, the Department of Health may impose a fine in an amount equal
19 to the registration fee of the seller for failure to comply with subsection
20 (a) of this section.

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22 4-118-107. Prohibition of the sale of dogs or cats in certain places.

23 (a)(1) A person shall not sell, exchange, trade, barter, lease, or
24 display for a commercial purpose a dog or a cat on or in:

25 (A) A roadside, public right-of-way, parkway, median,
26 park, or recreation area;

27 (B) A flea market or other outdoor market; or

28 (C) A commercial parking lot.

29 (2) Subdivision (a)(1) of this section shall apply whether or
30 not the landowner authorizes the act.

31 (b) This section does not apply to:

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

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

3 (3) The sale, exchange, or trade of dogs that are sold primarily
4 for use in:

5 (A) Commonly accepted hunting or livestock farming
6 activities; or

7 (B) Greyhound racing;

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

11 (5)(A) A prearranged sale between a seller and a specific
12 individual consumer.

13 (B) However, the prearranged sale shall not occur at a
14 regularly occurring event such as flea market or other organized trade venue.

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 Department of Health
20 before the advertisement of the sale of a dog or cat, or both, or before the
21 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.

25
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 Department of Health
29 for the administration of this subchapter.

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31 4-118-110. Rules.

32 The Department of Health shall promulgate rules necessary to implement
33 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 Department of Health to administer
11 the Dog and Cat Sale Registration Act, § 4-118-101 et seq.

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