| 1 | State of Arkansas | A D:11 | |
|----|-------------------------------|---|--------------------|
| 2 | 94th General Assembly | A Bill | |
| 3 | Regular Session, 2023 | | HOUSE BILL 1591 |
| 4 | | | |
| 5 | By: Representatives Ray, Bea | ty Jr. | |
| 6 | By: Senator J. Dotson | | |
| 7 | | | |
| 8 | | For An Act To Be Entitled | |
| 9 | AN ACT TO | AMEND THE ARKANSAS RETAIL PET STORE | |
| 10 | CONSUMER P | PROTECTION ACT OF 1991; TO CLARIFY TH | E |
| 11 | APPLICABIL | ITY OF THE ARKANSAS RETAIL PET STORE | |
| 12 | CONSUMER P | PROTECTION ACT OF 1991; TO PREEMPT CE | RTAIN |
| 13 | LAWS CONCE | RNING RETAIL PET STORES; AND FOR OTH | ER |
| 14 | PURPOSES. | | |
| 15 | | | |
| 16 | | | |
| 17 | | Subtitle | |
| 18 | TO CI | LARIFY THE APPLICABILITY OF THE | |
| 19 | ARKAN | NSAS RETAIL PET STORE CONSUMER | |
| 20 | PROTE | ECTION ACT OF 1991; AND TO PREEMPT | |
| 21 | CERTA | AIN LAWS CONCERNING RETAIL PET | |
| 22 | STORE | IS. | |
| 23 | | | |
| 24 | | | |
| 25 | BE IT ENACTED BY THE G | ENERAL ASSEMBLY OF THE STATE OF ARKA | NSAS: |
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| 27 | SECTION 1. Arka | unsas Code § 4-97-103, concerning the | definitions used |
| 28 | under the Arkansas Ret | ail Pet Store Consumer Protection Ac | t of 1991, is |
| 29 | amended to add an addi | tional subdivision to read as follow. | s: |
| 30 | <u>(12)</u> "Loc | al government" means a city of the f | irst class, a city |
| 31 | of the second class, a | in incorporated town, or a county. | |
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| 33 | SECTION 2. Arka | unsas Code § 4-97-109 is amended to re | ead as follows: |
| 34 | 4-97-109. Applic | ability to other laws <u>— Preemption</u> . | |
| 35 | <u>(a)</u> Nothing in | Except as provided in subsection (b) | of this section, |
| 36 | this chapter shall <u>not</u> | be construed to prevent or limit the | e application of |



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| 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. 15 . 16 . 17 . 18 . 19 . 20 . 21 . 22 . 23 . 24 . 25 . 26 . 27 . 28 . | 1 | any other law. | | |
|--|----|---|--|--|
| 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. 15 11 16 11 17 12 18 13 19 14 10 15 11 16 12 17 13 18 14 19 15 11 16 11 17 12 18 13 19 14 11 15 12 14 13 15 < | 2 | (b) A local government shall not pass an ordinance, resolution, or | | |
| 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. 15 16 17 17 18 19 20 21 21 22 22 23 23 24 24 25 25 26 26 27 28 28 | 3 | regulation that prohibits a retail pet store from: | | |
| 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 a person. 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. 15 16 17 18 19 20 21 22 23 24 24 25 26 27 28 | 4 | (1) Acquiring an animal from a: | | |
| 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 3 shall be rendered invalid if it is found to be in conflict with the language 14 set out within this section. 15 16 17 18 19 20 21 22 23 24 24 25 25 26 26 27 28 28 | 5 | (A) Cattery; | | |
| 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. 15 . 16 . 17 . 18 . 19 . 20 . 21 . 22 . 23 . 24 . 25 . 26 . 27 . 28 . | 6 | (B) Kennel; or | | |
| 9 (2) Selling an animal that is acquired from a cattery, kennel, or dealer as defined in 7 U.S.C. § 2132, as it existed on January 1, 2023, to a person. 12 (c) An ordinance, resolution, or regulation of a local government shall be rendered invalid if it is found to be in conflict with the language set out within this section. 15 16 17 18 19 20 21 22 23 24 25 26 27 28 | 7 | (C) Dealer as defined in 7 U.S.C. § 2132, as it existed on | | |
| or dealer as defined in 7 U.S.C. § 2132, as it existed on January 1, 2023, to a person. (c) An ordinance, resolution, or regulation of a local government shall be rendered invalid if it is found to be in conflict with the language set out within this section. set out within this section. a a a a b a b b a b b a b b c | 8 | January 1, 2023; or | | |
| a person.(c) An ordinance, resolution, or regulation of a local governmentshall be rendered invalid if it is found to be in conflict with the languageset out within this section.set out within this set out with | 9 | (2) Selling an animal that is acquired from a cattery, kennel, | | |
| 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. 15 16 17 18 19 20 20 21 22 23 24 25 26 27 28 | 10 | or dealer as defined in 7 U.S.C. § 2132, as it existed on January 1, 2023, to | | |
| shall be rendered invalid if it is found to be in conflict with the language set out within this section. set out within this section. | 11 | a person. | | |
| set out within this section. 15 16 17 18 19 20 21 22 23 24 25 26 27 28 | 12 | (c) An ordinance, resolution, or regulation of a local government | | |
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| 16 17 18 19 20 21 22 23 24 25 26 27 28 | 14 | set out within this section. | | |
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