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.	
32			
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		
15         16         17         18         19         20         21         22         23         24         25         26         27         28	13	shall be rendered invalid if it is found to be in conflict with the language		
16         17         18         19         20         21         22         23         24         25         26         27         28	14	set out within this section.		
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