[A]

By Senator Stanford

ESHB 1424 - S COMM AMD
By Committee on Business, Financial Services, Gaming & Trade

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.52.360 and 2021 c 76 s 1 are each amended to read as follows:

(1) Except as provided in this section, a retail pet store may not sell or offer for sale any dog or cat.

(2) A retail pet store that sold or offered for sale any dog prior to July 25, 2021, may sell or offer for sale a dog only if the retail pet store meets the following requirements:

(a) Any dog sold or offered for sale must be sold or offered for sale only at the address identified on the retail pet store's business license, as defined in RCW 19.02.020;

(b) Any dog sold or offered for sale must be obtained either:

(i) Directly from a breeder, including an out-of-state breeder, who satisfies the requirements of RCW 16.52.310; or

(ii) From a United States department of agriculture licensed broker pursuant to the federal animal welfare act, Title 7 U.S.C. Sec. 2131 et seq. as amended, that obtains dogs from a breeder in compliance with this section. A licensed broker shall provide all breeder documentation required by a breeder under this section as well as any applicable federal and state license numbers for the breeder or the broker;

(c) Prior to the marketing or selling of each dog, whichever comes first, the retail pet store shall obtain, either directly from the dog's breeder or through a United States department of agriculture licensed broker, an affidavit that:

(i) The dog was not separated from its mother prior to the age of eight weeks; and

(ii) The breeder's compliance with all requirements contained in RCW 16.52.310 on the date the dog was obtained from the breeder

regardless of whether the breeder is located in Washington state or is located outside of Washington state;

(d) A retail pet store shall, prior to obtaining a dog from a breeder or a broker, obtain all inspection reports for the breeder created by the United States department of agriculture within the previous three years, if applicable. A retail pet store shall maintain and, upon request, produce the records for a period of five years following the sale of a dog obtained from a breeder or broker;

(e) Any advertisement, including website postings, offering to sell a dog must include:

(i) A range of prices at which a dog, breed of dog, or dogs having other distinguishing traits are offered for sale;

(ii) The age of the dog; and

(iii) Supporting documentation providing the applicable federal or state license numbers for the breeder of the dog, if applicable;

(f) The retail pet store shall post in a location visible from the entrance of the retail pet store on a kiosk or other form of bulletin board the purchase price, age, and the following information on the dog's breeder:

(i) Full name;

(ii) Kennel name, if applicable;

(iii) City and state; and

(iv) Any applicable state or federal license numbers; and

(g) The retail pet store shall disclose to a prospective consumer in writing, prior to the sale of a dog, the following information about the dog:

(i) The purchase price of the dog;

(ii) The breeder's affidavit required in (c) of this subsection; and

(iii) Any applicable federal or state license numbers and an unredacted list of all violations of any federal or state law the dog breeder received in the previous two years on a federal or state inspection report.

(3) A retail pet store may provide space and appropriate care for animals, including dogs and cats, owned by an animal care and control agency or animal rescue group for the purpose of adopting those animals to the public. Each retail pet store shall display on each cage or pen containing a dog or cat a label stating the certificate of source, including the name and address of the animal care and control agency or animal rescue group. The adoption fee for any dog

or cat offered for adoption at a retail pet store by an animal care and control agency or animal rescue group may not exceed $1,000 and all adoption fees and related adoption costs paid by consumers must go to the animal care and control agency or animal rescue group offering the dog or cat for adoption. No portion of the adoption fees or related adoption costs may be paid to or otherwise shared with the retail pet store.

(4) No retail pet store may sell, market for sale, or deliver a dog unless it offers to give any prospective consumer an opportunity to interview the breeder and inspect the breeding facility in which the dog was bred. The retail pet store shall arrange with the breeder of the dog how the prospective consumer may interview the breeder and inspect the breeding facility. This shall be conducted in person or through a live video teleconference from the breeding facility in which the dog was bred.

(5)(a) A retail pet store that violates this section is subject to a civil penalty of $250.

(i) Civil penalties for violations of this section must be paid to the county where the violation occurred.

(ii) Civil penalties issued under this section are appealable to the office of administrative hearings.

(b) Any retail pet store that violates this section three or more times over a one-year period is prohibited from selling or offering to sell any dog.

(6) Nothing in this section prohibits any city, town, or county from enacting or enforcing a local ordinance that places greater proscriptions on the sale of any animal by a retail pet store than proscribed by this section or that provides penalties equal to or greater than the penalties provided in this section.

(7)(a) For the purposes of this section, "retail pet store" means a for-profit place of business open to the public that offers pet supplies or pets for sale.

(b) A person who offers for sale, directly to the public, only animals that the person bred and raised, is not considered a retail pet store.

Sec. 2. RCW 16.52.015 and 2011 c 172 s 2 are each amended to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control

agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue civil penalties based on violations under RCW 16.52.360;

(b) The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 through 9.08.078 or 81.48.070;

((~~(b)~~)) (c) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within ((~~twenty-four~~)) 24 hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

((~~(c)~~)) (d) The power to carry nonfirearm protective devices for personal protection;

((~~(d)~~)) (e) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement agency officer may arrest the alleged offender.

Sec. 3. RCW 16.52.310 and 2009 c 286 s 2 are each amended to read a s follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than ((~~fifty~~)) 50 dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ((~~ten~~)) 10 dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

(5) ((~~Subsection (1) of this section does not apply to a commercial dog breeder licensed, before January 1, 2010, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).~~

~~(6)~~)) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

Sec. 4. RCW 63.10.070 and 2019 c 340 s 1 are each amended to read as follows:

A consumer lease contract entered into ((~~on or after July 28, 2019,~~)) to finance, purchase, or transfer ownership of a live dog or cat in which ownership is contingent upon the making of payments over a period of time subsequent to the transfer of possession of the live dog or cat, or provides for or offers the option of transferring ownership of the dog or cat at the end of a lease term, is void and unenforceable. The lessor has no right to collect, receive, or retain any principal, interest, or charges related to the consumer lease contract.

Sec. 5. RCW 63.14.127 and 2019 c 340 s 2 are each amended to read as follows:

A retail installment contract ((~~entered into on or after July 28, 2019, that includes a live dog or cat~~)) or transaction for purchase of a live dog or cat, or includes a live dog or cat as a security interest for the contract, is void and unenforceable. The retail seller has no right to collect, receive, or retain any principal, interest, or charges related to the retail installment contract or transaction.

Sec. 6. RCW 31.04.430 and 2019 c 340 s 3 are each amended to read as follows:

A licensee may not finance or make a loan for the purchase of a live dog or cat. A contract entered into ((~~on or after July 28, 2019,~~)) for the payment to repay a loan for the purchase of a live dog or cat, where a security interest is granted in the dog or cat, is void and unenforceable. The licensee has no right to collect, receive, or retain any principal, interest, or charges related to the loan contract."

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On page 1, line 2 of the title, after "cats;" strike the remainder of the title and insert "amending RCW 16.52.360, 16.52.015, 16.52.310, 63.10.070, 63.14.127, and 31.04.430; and prescribing penalties."

EFFECT: Establishes that the cost for any cat or dog adopted through the pet store, on behalf of an animal care and control agency or animal rescue group, may not exceed $1,000 and all adoption fees and related adoption costs paid by consumers must go to the animal care and control agency or animal rescue group offering the dog or cat for adoption;

Requires retail pet stores to give any prospective consumer an opportunity to interview the breeder and inspect the breeding facility in which the dog was bred;

Defines retail pet store;

Provides that the law does not prohibit any city, town, or county from enacting or enforcing a local ordinance that places greater proscriptions on the sale of any animal by a retail pet store; and

Reconstructs sections prohibiting retail installment contract of, and the consumer lease and loans for the purchase of a live cat and dog, by bringing in and amending current law.

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