SENATE BILL REPORT
ESHB 1424

As of March 19, 2023

Title: An act relating to consumer protection with respect to the sale and adoption of dogs and cats.

Brief Description: Concerning consumer protection with respect to the sale and adoption of dogs and cats.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Berg, Walen, Simmons, Kloba, Street, Taylor, Alvarado, Bateman, Stonier, Paul, Fosse, Macri, Reed, Berry, Senn, Duerr, Riccelli, Doglio, Callan, Peterson, Fitzgibbon, Stearns, Ortiz-Self, Goodman, Thai, Springer, Gregerson, Ramel, Bergquist and Pollet).

Brief History: Passed House: 3/2/23, 92-5.
Committee Activity: Law & Justice: 3/09/23 [w/oRec-BFGT, DNP].
Business, Financial Services, Gaming & Trade: 3/21/23.

Brief Summary of Bill

- Permits a retail pet store in business before July 25, 2021, to sell dogs or cats only if the retail pet store meets certain conditions.
- Requires retail pet stores to disclose certain information regarding the breeder in advertisements, at retail pet store locations, and in writing to the consumer before the sale of a dog or cat.
- Establishes a civil penalty of $250 for retail pet stores that violate the requirements for selling dogs or cats, and prohibits a retail pet store with three or more violations in one year from selling dogs or cats.
- Limits all dog breeders to having no more than 50 intact dogs over the age of 6 months at one time.
- Prohibits the use of consumer leases, retail installment transactions, and consumer loans for the purchase of a dog or cat.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Kellee Gunn (786-7429)

Background: Legislative History on the Laws Pertaining to the Sale and Lease of Live Cats and Dogs. In 2009, the Legislature enacted ESSB 5651 which established certain requirements on dog breeders. These requirements included a limit of 50 intact dogs over the age of 6 months at any one time, and minimum housing requirements. Certain types of facilities are exempt from these requirements, including commercial dog breeders licensed by the United States Department of Agriculture (USDA) pursuant to the Animal Welfare Act before January 1, 2010.

In 2019, the Legislature enacted SHB 1476 which prohibited live dogs and cats from being named as collateral in a consumer lease agreementsor secured transaction.

In 2021, the Legislature enacted SHB 1424 which prohibited retail pet stores from selling cats, and limited selling or offering to sell a dog to stores as of July 25, 2021.

Prior to the 2021 legislation, several local governments had passed ordinances prohibiting retail pet stores from selling or offering to sell live cats and dogs.

Animal Welfare Act. At the federal level, several laws further govern the rights of animals. Most relevant to buying and selling animals is the Animal Welfare Act, which was enacted in 1966. The act protects animals kept in zoos, laboratories, and those commercially bred and sold. The USDA enforces the Animal Welfare Act and regulates household pets.

Summary of Bill: Retail Pet Stores. A retail pet store that sold or offered to sell any dog prior to July 25, 2021, may now sell a cat.

A retail pet store may only sell a dog or cat if they meet the following requirements:

- the sale, or offer of sale, must occur at the same address on the retail pet store's license;
- any dog sold must be obtained directly from a breeder, or USDA licensed broker;
- documentation demonstrating that the dog meets certain requirements relating to when the puppy was separated from its mother and the compliance of the dog breeder with state law;
- inspection reports obtained from the USDA from the previous three years from the dog's breeder, with a requirement to hold them for minimum of five years;
- the range of prices for dogs and cats for sale along with the ages and supporting documentation providing license numbers for the breeders must be included in advertisements;
- certain information about the breeder must be posted in a visible location; and
- certain information must be disclosed in writing to a prospective customer on the purchase price of the animal and any violations the breeder has received within the

previous two years.

A violation by a retail pet store is subject to a civil penalty of $250, paid to the county the violation occurred. A retail pet store may appeal to the Office of Administrative Hearings. Any retail pet store who has three or more violations over a one-year period is prohibited from selling any dog or cat.

Animal control officers are given the power to issue civil penalties to retail pet stores.

A retail pet store may give space to animals available for adoption owned by an animal care and control agency or animal rescue group if certain conditions are met.

Dog Breeders. A commercial dog breeder licensed by the USDA pursuant to the Animal Welfare Act before January 1, 2010, is subject to the current requirements under state law for all dog breeders, including having no more than 50 intact dogs over the age of six months at one time.

Consumer Leases, Retail Installment Contracts, and Loans for Purchase of a Dog or Cat. A lease contract, retail installment contract, and loan for a dog or cat entered on or after the effective date of this act is void and unenforceable. The lessor, retail seller, or licensee has no right to collect, receive, or retain any principal, interest, or charges related to that contract, retail installment transaction, or loan.

Appropriation: None.

Fiscal Note: Requested on March 17, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.