



INDIANA PET STORE BILL SET FOR HEARING TODAY

ANTI-PET BILL TO BE HEARD ON LESS THAN 1-DAY NOTICE

The Issue.

The pet industry negotiated in good faith to adopt legislation during the 2009 session regulating pet dealers in Indiana (HB 1468), but is now confronted with new legislation set for hearing with less than a day's notice. House Bill 1258 would impose extensive new requirements on pet stores in the state, **including a \$25 surcharge on every dog or cat sold.**

The Impact.

HB 1258 creates a new article in the Indiana Code entitled "Pet Store Regulation" which includes provisions on disclosures that must be made when selling a dog or cat, new standards of care requirements, and excessive taxes.

The bill applies to any "retail establishment open to the public that sells or offers to sell dogs or cats" but exempts persons who bred or raised the animals themselves or animals that are kept primarily for reproduction. Pet stores will be required to disclose to any person **making an offer** to buy a dog or cat (note that the "customer" does not actually have to buy the animal):

- If known, the breed, age, and date of birth for the dog or cat.
- The sex and color of the dog or cat.
- A list, and accompanying proof, of all inoculations that have been given to the dog or cat by any person, the date of the inoculations, and the name and title of the individual who administered the inoculations.
- A list of all medical treatment provided to the dog or cat by any person, the date of treatment, the reason for the treatment, and the name and title of the individual who provided the treatment.
- The name and business address of the breeder and of the facility where the dog or cat was born.
- The name and business address of the animal broker or transporter, if applicable.
- If the breeder or broker holds a license issued by the United States Department of Agriculture, the breeder's or broker's federal license number.
- The retail price of the dog or cat.
- Any congenital disorder or hereditary diseases in the parents of the dog or cat, if known.
- If the dog or cat was previously sold by the retail pet store and returned by the purchaser, the reason for the return.
- A statement indicating the number of dogs/cats produced by the facility from which the prospective dog or cat came.

Pet stores must conspicuously post on the cage of a dog or cat being offered for sale, the following information:

- If known, the breed, age, and date of birth for the dog or cat.
- The sex and color of the dog or cat.



- The name and business address of the breeder and of the facility where the dog or cat was born.
- The name and business address of the animal broker or transporter, if applicable.
- If the breeder or broker holds a license issued by the United States Department of Agriculture, the breeder's or broker's federal license number.
- The retail price of the dog or cat.
- A statement indicating the number of dogs/cats produced by the facility from which the prospective dog or cat came.

Upon completion of the sale of a cat or dog, the pet store is then required to transmit all this information to the Indiana state board of animal health.

Additional care requirements pet stores must maintain for dogs and cats include:

An enclosure that:

- has a roof and a solid floor;
- provides adequate ventilation;
- is cleaned of waste at least once per day while the animal is outside the enclosure; and
- is maintained at a temperature recommended by the attending veterinarian, but which does not fall below forty-five (45) degrees or exceed eighty-five (85) degrees.

Necessary veterinary care, including:

- examination by a licensed veterinarian before sale;
- prompt treatment of any illness or injury by a licensed veterinarian; and
- if necessary, humane euthanasia by a licensed veterinarian using lawful techniques considered "Acceptable" by the American Veterinary Medical Association.

Other requirements:

- Access, for at least 30 minutes twice per day, to an exercise area at least twice the size of the primary enclosure and to social interaction with persons and compatible animals.
- Continuous access to potable water and access at least once a day to appropriate nutritious food sufficient to maintain good health.
- Sufficient space for each animal to turn and stretch freely without touching the side of an enclosure or another animal; and stand on its hind legs or on all four legs and turn in a complete circle without any impediment, including a tether.

Any person who violates any of these provisions is guilty of a Class C infraction.

The bill also provides that pet stores must pay twenty-five dollars (\$25) for every dog or cat sold, to be deposited into the commercial dog breeder and broker fund.

Recommended Action.

PIJAC urges anyone concerned about this bill to contact members of the committee (see the committee contact information below) to voice concerns. Because this bill was scheduled for hearing with essentially no notice, it is also critical to immediately contact your Representative in the House (this can be done quickly and easily through [Legislative Action Center](http://www.pijac.org/governmentaffairs) on the PIJAC website (<http://www.pijac.org/governmentaffairs>)). **Encourage customers, family and friends to contact their Representatives as well!**

You may wish to make the following points:

- The tax imposed by this bill on the retail sale of dogs and cats is clearly excessive and far exceeds any that exists anywhere else in the country.
- Some of the standards included in this bill are reasonable, but other provisions will simply be used by extremists to harass pet stores.
- The opportunity for citizens to provide meaningful input on this bill was essentially nonexistent because the hearing was scheduled with virtually no notice.
- Posting requirements under this bill are unnecessary and impracticable. Pet stores generally do not even have the space to post this extensive information for every dog and cat in the store.
- The pet industry constructively participated in, and supported adoption of, the pet dealer bill passed last session. If there is truly the need for additional pet store legislation, it should be crafted pursuant to an inclusive process that facilitates input of stakeholders.

PIJAC will post information about any change in status of this bill, including committee action and any amendments that may be made, on its website, so check back frequently to learn of changes and any further recommended action.

If you have any additional questions concerning this bill, please contact PIJAC's Michael Maddox by phone at 1-800-553-PETS (7387) or by email at michael@pijac.org.

State of Indiana
House Committee on Courts & Criminal Code
State Capitol
Indianapolis, IN 46204
317/232-9600

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PIJAC Members! PIIAC Fans! Join US...

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIIAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIIAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!

2010 IN H 1258 **AUTHOR:** Lawson L
 VERSION: Amended
 VERSION DATE: 01/28/2010

STATE OF INDIANA

January 29, 2010

HOUSE BILL No. 1258

DIGEST OF HB 1258 (Updated January 27, 2010 6:20 pm - DI 69)

Citations Affected: IC 15-22; IC 35-45; IC 35-46.

Synopsis: Animal regulation. Requires a retail pet store to provide each person who purchases a dog or cat with a written sales disclosure form describing the animal's history, and requires the retail pet store to transmit a copy of the sales disclosure form to the board of animal health. Provides that a pet store must post certain information concerning the animal's history on the animal's cage. Makes the failure to provide a sales disclosure form or the failure to post information on the animal's cage a Class C infraction. Makes promoting an animal fighting contest a predicate offense under the racketeering statute. Makes attending an animal fighting contest a Class D felony. Repeals an inconsistent animal fighting contest provision. Requires a person having care or custody of an equine to provide the equine with access to shelter providing protection from weather extremes and that is free from standing water, and makes the failure to provide an equine with access to appropriate shelter a Class B infraction for the first offense, and a Class A infraction for subsequent offenses.

Effective: July 1, 2010.

Lawson L, Barnes

January 12, 2010, read first time and referred to Committee on Courts and Criminal Code.

January 28, 2010, amended, reported _ Do Pass.

January 29, 2010

Second Regular Session 116th General Assembly (2010)

HOUSE BILL No. 1258

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 15-22 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

ARTICLE 22. PET STORE REGULATION

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

Sec. 3. "Litter" means two (2) or more dogs or cats that are all or part of a group of dogs or cats born to the same mother at the same time.

Sec. 4. "Retail pet store" means a retail establishment open to the public that sells or offers to sell dogs or cats. The term does not include a person that sells or offers to sell dogs or cats exclusively that were bred or raised by the person or that are kept primarily for the purpose of reproduction. The term does not include an animal shelter or an animal rescue operation (as defined in IC 15-21-1-1).

Chapter 2. Sales Disclosures

Sec. 1. (a) A retail pet store shall, before accepting an offer to purchase a dog or cat or upon request, provide the person making the offer or request with the following information in writing:

(1) If known, the breed, age, and date of birth for the dog or cat.

(2) The sex and color of the dog or cat.

(3) A list, and accompanying proof, of all inoculations that have been given to the dog or cat by any person, the date of the inoculations, and the name and title of the individual who administered the inoculations.

(4) A list of all medical treatment provided to the dog or cat by any person, the date of treatment, the reason for the treatment, and the name and title of the individual who provided the treatment.

(5) The name and business address of the breeder and of the facility where the dog or cat was born.

(6) The name and business address of the animal broker or transporter, if applicable.

(7) If the breeder or broker holds a license issued by the United States Department of Agriculture, the breeder's or broker's federal license number.

(8) The retail price of the dog or cat.

(9) Any congenital disorder or hereditary diseases in the parents of the dog or cat, if known.

(10) If the dog or cat was previously sold by the retail pet store and returned by the purchaser, the reason for the return.

(11) A statement in substantially the following form, with the applicable provision number circled:

"The facility in which this dog or cat was born has produced:

(A) 0 to 2 litters during the one-year period preceding the day this dog or cat was born.

(B) 3 to 10 litters during the one-year period preceding the day this dog or cat was born.

(C) 11 to 39 litters during the one-year period preceding the day this dog or cat was born.

(D) 40 to 99 litters during the one-year period preceding the day this dog or cat was born.

(E) 100 to 249 litters during the one-year period preceding the day this dog or cat was born.

(F) 250 to 499 litters during the one-year period preceding the day this dog or cat was born.

(G) 500 to 1,000 litters during the one-year period preceding the day this dog or cat was born.

(H) More than 1,000 litters during the one-year period preceding the day this dog or cat was born."

(b) A retail pet store shall conspicuously post on the cage of a dog or cat being offered for sale, the following information:

(1) If known, the breed, age, and date of birth for the dog or cat.

(2) The sex and color of the dog or cat.

(3) The name of the breeder and of the facility where the dog or cat was born.

(4) The name of the animal broker or transporter, if applicable.

(5) If the breeder or broker holds a license issued by the United States Department of Agriculture, the breeder's or broker's federal license number.

(6) The retail price of the dog or cat.

Sec. 2. Upon completion of the sale of a cat or dog, the retail pet store shall transmit the information described in section 1(a) of this chapter to the board.

Sec. 3. A person who violates section 1 or 2 of this chapter commits a Class C infraction.

SECTION 2. IC 35-45-6-1, AS AMENDED BY P.L.143-2009, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity;
or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- (9) Child exploitation (IC 35-42-4-4).
- (10) Robbery (IC 35-42-5-1).
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Burglary (IC 35-43-2-1).
- (14) Theft (IC 35-43-4-2).
- (15) Receiving stolen property (IC 35-43-4-2).
- (16) Forgery (IC 35-43-5-2).
- (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- (18) Bribery (IC 35-44-1-1).
- (19) Official misconduct (IC 35-44-1-2).
- (20) Conflict of interest (IC 35-44-1-3).
- (21) Perjury (IC 35-44-2-1).
- (22) Obstruction of justice (IC 35-44-3-4).
- (23) Intimidation (IC 35-45-2-1).
- (24) Promoting prostitution (IC 35-45-4-4).
- (25) Professional gambling (IC 35-45-5-3).
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
- (27) Promoting professional gambling (IC 35-45-5-4).

(28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(29) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

(30) Dealing in a schedule I, II, or III controlled substance
(IC 35-48-4-2).

(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(33) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(34) Money laundering (IC 35-45-15-5).

(35) A violation of IC 35-47.5-5.

(36) A violation of any of the following:

(A) IC 23-14-48-9.

(B) IC 30-2-9-7(b).

(C) IC 30-2-10-9(b).

(D) IC 30-2-13-38(f).

(37) Promoting an animal fighting contest (IC 35-46-3-9.5).

SECTION 3. IC 35-46-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Sec. 9. A person who knowingly or intentionally:

(1) promotes or stages an animal fighting contest;

(2) uses an animal in a fighting contest; or

(3) attends an animal fighting contest; ~~having an animal in the person's possession;~~ commits a Class D felony.

SECTION 4. IC 35-46-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Sec. 16. (a) As used in this section, "equine" has the meaning set forth in IC 34-6-2-40.

(b) A person having care or custody of an equine shall provide the equine with access to shelter (including trees or other natural barriers providing shelter) that provides protection from weather extremes and that is free from standing water.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B infraction. However, the offense is a Class A infraction if the person has at least two (2) prior unrelated judgments for violations of this section.

SECTION 5. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1, 2010].