

Chapter 448

(Senate Bill 103)

AN ACT concerning

~~**Business Regulation – Retail Pet Stores – Modifications**~~
~~**(No More Puppy and Kitten Mills Act of 2021)**~~
Domestic Animals – Retail Pet Stores and the Task Force to Study Canine
Breeding Facilities and Sourcing Standards

FOR the purpose of altering the definition of “retail pet store” to include a broker that transfers dogs or cats for resale by another person for purposes of certain provisions of law regulating retail pet stores; clarifying a certain prohibition on the sale of cats or dogs by retail pet stores; repealing a certain statement of intent of the General Assembly; altering certain definitions; repealing a certain definition; *establishing the Task Force to Study Canine Breeding Facilities and Sourcing Standards; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act;* and generally relating to retail pet stores *and the Task Force to Study Canine Breeding Facilities and Sourcing Standards.*

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 19–701 and 19–703
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing
Chapter 237 of the Acts of the General Assembly of 2018
Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Business Regulation

19–701.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Animal control unit” has the meaning stated in § 10–617 of the Criminal Law Article.

(c) (1) “Animal welfare organization” means a nonprofit organization:

(i) that has tax exempt status under § 501(c)(3) of the U.S. Internal Revenue Code; and

(ii) whose mission and practice is the rescue of animals and the placement of those animals in permanent homes.

(2) “Animal welfare organization” does not include an organization that obtains animals from a breeder or broker in exchange for payment or compensation.

(d) “Breeder” means a person who breeds or raises dogs **OR CATS** to sell, exchange, or otherwise transfer to the public.

(e) “Broker” means a person who transfers dogs **OR CATS** for resale by another person.

(f) [“Offer for sale” includes to sell, offer to transfer, offer for adoption, advertise for the sale, barter, auction, give away, or otherwise dispose of a domestic animal.

(g)] (1) “Retail pet store” means:

(I) a for-profit establishment [open to the public] that sells or offers for sale domestic animals to be kept as household pets; **OR**

(II) **A BROKER.**

(2) **“RETAIL PET STORE” DOES NOT INCLUDE AN ESTABLISHMENT AT WHICH:**

~~(I) THE ANIMALS SOLD AT THE ESTABLISHMENT WERE BORN AT THE ESTABLISHMENT; AND~~

~~(II) A COMPLETED SALE, TRANSFER, OR DISPOSITION OF A CAT OR DOG IS CONDUCTED IN PERSON WITH BOTH PARTIES PHYSICALLY PRESENT AT THE SAME LOCATION.~~

19-703.

(a) A retail pet store may not [offer for sale] **SELL** or otherwise transfer or dispose of cats or dogs.

(b) This section may not be construed to prohibit a retail pet store from collaborating with an animal welfare organization or animal control unit to offer space for these entities to showcase cats or dogs for adoption.

Chapter 237 of the Acts of 2018

[SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) animal welfare organizations initiate contact with retail pet stores, as provided under § 19–703(b) of the Business Regulation Article, as enacted by Section 1 of this Act, that will no longer be able to offer for sale cats and dogs, to facilitate collaboration to showcase cats and dogs for:

(i) adoption from an animal control unit or an animal welfare organization; or

(ii) purchase from local breeders; and

(2) the Senate Finance Committee and the House Economic Matters Committee monitor the implementation of this Act.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Canine Breeding Facilities and Sourcing Standards.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Agriculture, or the Secretary's designee;

(4) the Attorney General, or the Attorney General's designee; and

(5) the following members, selected by the Secretary of Agriculture:

(i) a small animal veterinarian with significant experience working with canine breeders;

(ii) an expert in canine behavior with priority given to a specialist from a State university or college;

(iii) a representative of the American Kennel Club;

(iv) a representative of Bailing Out Benji;

(v) a representative of Maryland Votes for Animals;

(vi) a representative of American Humane;

(vii) a representative of the Humane Society of the United States;

(viii) an attorney with a practice concentration in animal welfare law;

and

(ix) an owner of a small retail pet store.

(c) The Governor shall request that a representative from the U.S. Department of Agriculture's Animal Care program participate in the Task Force.

(d) The President of the Senate and the Speaker of the House shall jointly designate the chair of the Task Force.

(e) The Department of Agriculture shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) (1) The Task Force shall study canine breeding facilities, including online sales of canines through breeding facilities.

(2) In conducting the study required under paragraph (1) of this subsection, the Task Force shall:

(i) review any achievements made in the past 20 years in combating substandard canine breeding practices;

(ii) identify and assess current efforts being taken in the State, other states, and the federal government to address substandard canine breeding practices;

(iii) identify nongovernmental comprehensive standards for canine breeding and tour facilities in full compliance with those standards;

(iv) determine if any gaps exist between current State, federal, and nongovernmental comprehensive standards for canine breeding;

(v) recommend actions necessary to harmonize canine breeding standards in the State with those of the U.S. Department of Agriculture; and

(vi) recommend any legislative actions necessary to create standards for any person who sells or negotiates the sale or purchase of dogs in the State.

(h) On or before December 1, 2021, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.