

SENATE BILL 103

C2
SB 625/20 – FIN

(PRE-FILED)

1lr1252

By: **Senator Kramer**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2021

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Retail Pet Stores – Modifications**
3 **(No More Puppy- and Kitten-Mills Act of 2021)**

4 FOR the purpose of altering the definition of “retail pet store” to include a broker that
5 transfers dogs or cats for resale by another person for purposes of certain provisions
6 of law regulating retail pet stores; clarifying a certain prohibition on the sale of cats
7 or dogs by retail pet stores; repealing a certain statement of intent of the General
8 Assembly; altering certain definitions; repealing a certain definition; and generally
9 relating to retail pet stores.

10 BY repealing and reenacting, with amendments,
11 Article – Business Regulation
12 Section 19–701 and 19–703
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2020 Supplement)

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

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

20 **Article – Business Regulation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 this Act shall take effect July 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.