

## Regulatory Update 2021 Part 2: What We Are Watching In The Pet Products Sector

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### Sale of Pets in Retail Establishments

This year Colorado and Washington joined the list of states (including California, Maryland, and Maine) to have enacted laws that prohibit or restrict the sale of dogs, cats, and often rabbits from retail pet stores and in some cases, only permit these establishments to obtain pets for sale or adoption from shelters or rescues.

Colorado's new law creates The Pet Store Consumer Protection Act, which prohibits a pet store not licensed prior to the effective date of the bill from selling or offering to sell dogs or cats on or after the effective date. It also requires pet stores licensed to sell dogs or cats to post certain information, including the purchase price and any applicable federal or state license numbers of the breeder, on all advertisements for consumers. In April the state of Washington passed legislation, effective in July, that prohibits the sale of cats and dogs by retail pet stores, but grandfathers pet stores selling dogs or cats prior to the effective date of this legislation with certain requirements.

Illinois House Bill 1711 passed both houses and was sent to the Governor for signature on June 29. That legislation provides that a pet shop operator may offer for sale a dog or cat only if the dog or cat is obtained from an animal control facility or animal shelter.

We continue to monitor bills in multiple states that would ban or restrict the sale of pets from retail pet stores. There currently are three such bills pending in New York. Assembly Bill 2024 would limit licensing only to pet dealers that sell animals obtained from shelter and rescue operations. Assembly Bill 4283 and companion Senate Bill 1130 would define "retail pet shop" and prohibit the retail sale of dogs, cats and rabbits by retail pet stores. And lastly, Assembly Bill 8118 would require pet shops to provide information to the Department of Agriculture & Markets regarding where the store purchased each animal and the cost. All these bills are similar or identical to bills that failed in the 2019-2020 legislative session, but they remain active in committee in their current forms and will carry over to the 2022 legislative session. Other states considering similar legislation include: Massachusetts, Minnesota, New Jersey and Pennsylvania.

Of special interest is pending legislation in Iowa (Iowa Senate Bill 483) which conversely would limit local legislation prohibiting the operation of an animal enterprise or the use of a working animal. Animal enterprises would include, among other entities, animal shelters, breeders, boarding kennels and pet shops. The bill will carry over to the 2022 legislative session.

## Pet Leasing

Illinois House Bill 572 has passed both houses and awaits the Governor's signature. If enacted, Illinois would join Washington, New Jersey, Virginia, Indiana, California, Nevada and New York in banning pet leasing.

## Pet Dealers or Breeders

In keeping with recent years, states continue to raise standards for pet breeders. These bills may require licensing, recordkeeping, housing standards, veterinary care, and impose additional inspections. New York Assembly Bill 2601 and Senate Bill 4912 would provide for the registration and regulation of dog and cat breeders. Both bills remain pending in the legislature and will carry over to the 2022 session.

The federal government is taking action to regulate pet dealers. The "Puppy Protection Act of 2021" (United States Senate Bill 1385) was introduced on April 27, and would require the Department of Agriculture to expand standards that govern the humane handling, care, treatment, and transportation of animals to include new requirements for commercial dog dealers. Such standards must require dog dealers to provide adequate housing, exercise, and veterinary care; appropriate and nutritious food; continuous access to potable water; and meaningful socialization with humans and compatible dogs for at least 30 minutes each day. Breeders would also be required to use safe breeding practices and make all reasonable efforts to find humane placement for retired breeding dogs.

## Grooming and Other Pet Care Services

As in the past, states continue to propose legislation seeking to regulate other animal related establishments, such as groomers, kennels, boarding establishments, shelters, pet trainers, importers, transporters and even home based kennels. The proposals relate to licensing, registration, housing and sanitation standards, training and inspections. New York is considering legislation (Assembly Bill 135 and companion Senate Bill 5688) that would provide for the registration and regulation of pet groomers, and establish standard of care, training and testing. In May Colorado enacted legislation specifying the standard of care that each animal shelter and pet animal rescue is required to provide each dog and cat held in its custody. Texas passed a law effective on September 1 requiring that as soon as practicable after an animal is placed in the custody of an animal shelter or a releasing agency, the shelter or agency shall scan the animal to determine whether a microchip is implanted in the animal.

## Taking of Animals from the Wild

Hawaii is continuing to attempt to limit the harvesting of aquatic life and other states are restricting how certain species of reptiles can be captured in the wild.