

REFERENCE TITLE: pet stores; pet dealers

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SB 1223

Introduced by  
Senators Bowie: Stahl Hamilton; Representative Jermaine

AN ACT

AMENDING SECTIONS 44-1799.08, 44-1799.10 AND 44-1799.11, ARIZONA REVISED  
STATUTES; RELATING TO PET DEALERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1799.08, Arizona Revised Statutes, is amended  
3 to read:

4 44-1799.08. Violation; civil penalties; enforcement actions;  
5 injunctive relief

6 A. Except as provided in subsection B or C of this section, a pet  
7 dealer who violates this article is subject to a civil penalty of not more  
8 than ~~one thousand dollars~~ \$1,000 per violation. THIS STATE OR A CITY,  
9 TOWN OR COUNTY MAY ENFORCE THIS ARTICLE.

10 B. ~~In an action brought by a city, town or county to enforce an~~  
11 ~~ordinance against~~ A pet store or pet dealer who knowingly obtains a dog or  
12 cat for sale or resale in violation of section 44-1799.10, ~~subsection A or~~  
13 ~~B or who should have known the dog or cat was obtained for sale or resale~~  
14 ~~in violation of section 44-1799.10, subsection A or B, the pet store or~~  
15 ~~pet dealer~~ is subject to the following penalties:

16 1. For a first violation, a civil penalty of not more than ~~one~~  
17 ~~thousand dollars~~ \$1,000 per violation.

18 2. For a second violation within a five-year period, a civil  
19 penalty of not more than ~~two thousand five hundred dollars~~ \$2,500 per  
20 violation.

21 3. For a third or subsequent violation within a five-year period:

22 (a) A civil penalty of not more than ~~five thousand dollars~~ \$5,000  
23 per violation.

24 (b) An order entered by the court enjoining the pet store or pet  
25 dealer from selling or offering for sale, for up to three years, a dog or  
26 cat obtained from any person other than a publicly operated pound or a  
27 private, charitable nonprofit humane society or from any animal adoption  
28 activity conducted by a pound or humane society.

29 C. In an action brought to enforce section 44-1799.10, subsection A  
30 or B:

31 1. A violation is a subsequent violation if it occurs within a  
32 five-year period after a ~~final judgment or order that the pet store or pet~~  
33 ~~dealer knowingly violated section 44-1799.10, subsection A or B or should~~  
34 ~~have known of the~~ PREVIOUS violation.

35 ~~2. In addition to any other defense that may be raised, a pet store~~  
36 ~~or pet dealer is presumed to have acted in good faith and to have~~  
37 ~~satisfied its obligation to ascertain whether a person meets the criteria~~  
38 ~~described in section 44-1799.10, subsection A if, when placing an order to~~  
39 ~~obtain a dog or cat for sale or resale, the pet store or pet dealer~~  
40 ~~conducts a search for inspection reports of the breeder on the animal care~~  
41 ~~information system search tool maintained by the United States department~~  
42 ~~of agriculture.~~

43 ~~3.~~ 2. Each order placed by a pet store or pet dealer to obtain a  
44 dog or cat for sale or resale shall be considered a single act, regardless  
45 of the number of dogs or cats obtained in the order.

1 D. A PERSON IN THIS STATE MAY SEEK INJUNCTIVE RELIEF IN A COURT OF  
2 LOCAL JURISDICTION AGAINST A PET STORE OR PET DEALER THAT IS IN VIOLATION  
3 OF SECTION 44-1799.10, SUBSECTION A OR B.

4 ~~D.~~ E. This section does not prohibit prosecution for criminal  
5 violations.

6 Sec. 2. Section 44-1799.10, Arizona Revised Statutes, is amended to  
7 read:

8 44-1799.10. Pet stores; pet dealers; prohibitions on dog and  
9 cat purchases; recordkeeping; display of animal  
10 information

11 A. A pet store or pet dealer may not obtain a dog or cat for resale  
12 or sell or offer for sale any dog or cat obtained from a person who is  
13 required to be licensed by the pet dealer regulations of the United States  
14 department of agriculture under the animal welfare act (7 United States  
15 Code sections 2131 through 2159) if any of the following applies:

16 1. The person is not currently licensed by the United States  
17 department of agriculture under the animal welfare act (7 United States  
18 Code sections 2131 through 2159).

19 2. Within two years before obtaining the dog or cat, the person  
20 commits a direct violation of any of the pet dealer regulations of the  
21 United States department of agriculture under the animal welfare act (7  
22 United States Code sections 2131 through 2159).

23 3. The person receives an indirect, no access violation on each of  
24 the two most recent inspection reports issued by the United States  
25 department of agriculture under the animal welfare act (7 United States  
26 Code sections 2131 through 2159).

27 4. The person commits three or more indirect violations of the pet  
28 dealer regulations of the United States department of agriculture during  
29 the two-year period before obtaining the dog or cat for violations  
30 relating to the health or welfare of the animal and the violations were  
31 not administrative in nature. The indirect violations described in this  
32 paragraph do not include a violation described in paragraph 3 of this  
33 subsection.

34 B. A pet store or pet dealer may not obtain a dog or cat for resale  
35 or sell or offer for sale any dog or cat obtained from a person who  
36 directly or indirectly obtained a dog or cat from a person described in  
37 subsection A of this section. ~~A pet store or pet dealer is presumed to~~  
38 ~~have acted in good faith and to have satisfied its obligation to ascertain~~  
39 ~~whether a person meets the criteria described in subsection A of this~~  
40 ~~section if, when placing an order to obtain a dog or cat for sale or~~  
41 ~~resale, the pet store or pet dealer conducts a search for inspection~~  
42 ~~reports of the breeder on the animal care information system search tool~~  
43 ~~maintained by the United States department of agriculture.~~

1 C. Notwithstanding subsections A and B of this section, a pet store  
2 or pet dealer may obtain a dog or cat for resale or sell or offer for sale  
3 any dog or cat obtained from a publicly operated pound or a private,  
4 charitable nonprofit humane society or from any animal adoption activity  
5 conducted by a pound or humane society.

6 D. A PET STORE OR pet dealer shall ~~maintain~~ SUBMIT TO THE ARIZONA  
7 DEPARTMENT OF AGRICULTURE ALL records, ~~verifying its compliance with this~~  
8 ~~section for at least two years after obtaining the dog or cat to be sold~~  
9 ~~or offered for sale~~ INCLUDING INSPECTION REPORTS THAT ARE RELATED TO THE  
10 ACQUISITION OF A DOG OR CAT FROM A PERSON DESCRIBED IN SUBSECTION A OF  
11 THIS SECTION. Records ~~maintained~~ SUBMITTED pursuant to this subsection  
12 shall be ~~open to inspection on request by a municipal or county peace~~  
13 ~~officer or enforcement official~~ MADE AVAILABLE ON REQUEST.

14 E. A pet dealer shall display the source of any dog or cat offered  
15 for sale by providing the name of the breeder of the animal, the United  
16 States department of agriculture license number of the breeder if the  
17 animal is from a breeder that is licensed by the United States department  
18 of agriculture and the United States department of agriculture website  
19 where information about the breeder may be obtained. The pet dealer shall  
20 display the information described in this subsection on both of the  
21 following:

22 1. The cage or enclosure for each animal.

23 2. All printed or electronic marketing materials about a specific  
24 dog or cat that has been obtained by the pet dealer and that is being  
25 offered for sale.

26 Sec. 3. Section 44-1799.11, Arizona Revised Statutes, is amended to  
27 read:

28 44-1799.11. Pet dealer regulation; state preemption

29 The regulation of pet dealers is a matter of statewide  
30 concern. ~~EXCEPT THAT THIS STATE OR A CITY, TOWN OR COUNTY MAY ENFORCE~~  
31 ~~SECTION 44-1799.10 AGAINST A PET STORE OR PET DEALER. A city, town or~~  
32 ~~county may enact or enforce an ordinance to enforce section 44-1799.10~~  
33 ~~against a pet store or pet dealer.~~ Any local law, rule, regulation or  
34 ordinance that imposes requirements on pet dealers that exceed the  
35 requirements of section 44-1799.10 or penalties prescribed by section  
36 44-1799.08 is preempted. Any local law, rule, regulation or ordinance may  
37 not directly or indirectly prohibit or be applied to prohibit the sale of  
38 dogs or cats by a pet store or pet dealer, expressly or in effect, based  
39 on the source from which the animal is obtained if obtained in compliance  
40 with section 44-1799.10.