

A-Engrossed
House Bill 2470

Ordered by the House April 9
Including House Amendments dated April 9

Sponsored by Representatives HOLVEY, GELSER, Senators COURTNEY, WALKER; Representatives BUCKLEY, COWAN, GALIZIO, MATTHEWS, SCHAUFLEER, WITT, Senator PROZANSKI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Prohibits owning, possessing, controlling or having charge of more than 25 sexually intact dogs aged four months or older. Imposes conditions for owning, possessing, controlling or having charge of 10 or more sexually intact dogs aged four months or older. Creates exceptions. Makes violation subject to maximum penalty of six months' imprisonment, \$2,500 fine, or both.]

[Imposes requirements and prohibitions on pet dealers selling, bartering or exchanging dogs. Provides customers of pet dealers with specific remedies if dogs have diseases, illnesses, adverse conditions or adverse congenital or hereditary defects.]

Prohibits possessing, controlling or having charge of more than 50 sexually intact dogs that are two years of age or older for primary purpose of reproduction. Imposes conditions on persons who possess, control or have charge of certain numbers of sexually intact dogs that are eight months of age or older. Punishes violation by maximum penalty of six months' imprisonment, \$2,500 fine, or both.

Imposes oversight condition on persons who possess, control or have charge of more than 75 dogs.

Provides customers of pet dealers with specific remedies if purchased dog has disease or congenital disorder.

Requires retail pet stores to disclose certain information to purchasers of dogs.

A BILL FOR AN ACT

1
2 Relating to dogs.

3 Whereas the large scale commercial breeding of dogs may result in cruelty to the dogs; and

4 Whereas the large scale commercial breeding of dogs is often conducted under conditions that
5 inflict long-term suffering on the dogs; and

6 Whereas the large scale commercial breeding of dogs may lead to the sale of unhealthy dogs to
7 unsuspecting consumers; and

8 Whereas the large scale commercial breeding of dogs contributes to pet overpopulation; now,
9 therefore,

10 **Be It Enacted by the People of the State of Oregon:**

11 **SECTION 1. (1) As used in this section:**

12 (a) **"Boarding kennel" means a facility that provides care for a fee to dogs that stay at**
13 **the facility an average of less than 30 days.**

14 (b) **"Dog" means a member of the subspecies *Canis lupus familiaris* or a hybrid of that**
15 **subspecies.**

16 (c) **"Litter" means one or more dogs, sold individually or together, that are all or part**
17 **of a group of dogs born to the same mother at the same time.**

18 (2) **A person may not possess, control or otherwise have charge of at the same time more**
19 **than 50 sexually intact dogs that are two years of age or older for the primary purpose of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 reproduction. It is prima facie evidence that a person possesses dogs for the primary purpose
2 of reproduction if during a 12-month period the person sells, offers for sale, barter or ex-
3 changes more than three litters of dogs that are less than eight months of age.

4 (3) A person that possesses, controls or otherwise has charge of 50 or more sexually in-
5 tact dogs that are eight months of age or older shall maintain a record for each of those dogs
6 that identifies:

7 (a) The date of birth for the dog or, if the date of birth is unknown, the date the person
8 acquired possession, control or charge of the dog and the source of the dog;

9 (b) The dates on which the dog has been bred;

10 (c) For a female, the number of dogs in each litter produced; and

11 (d) The disposition the person makes of each dog possessed by, controlled by or in the
12 charge of the person, including the date of disposition, manner of disposition and the name
13 and address information for any person taking possession, control or charge of a dog.

14 (4) A person shall retain a record required under subsection (3) of this section for a pe-
15 riod of three years following the death of the dog or a date on which the person permanently
16 ceased to have possession, control or charge of the dog.

17 (5) Subsections (2) to (4) of this section do not apply to:

18 (a) An animal control agency, humane society or animal shelter;

19 (b) A person who provides care for dogs at the request of a unit of government, govern-
20 ment agency, humane society or animal shelter;

21 (c) A veterinary facility;

22 (d) A person that is transporting dogs; or

23 (e) A boarding kennel.

24 (6) A violation of this section is a Class B misdemeanor. However, a court shall suspend
25 sentence under this subsection for a violation of subsection (2) of this section if the person
26 agrees to have a sufficient number of dogs spayed or neutered to remedy the violation.

27 **SECTION 2.** (1) As used in this section:

28 (a) "Boarding kennel" means a facility that provides care for a fee to dogs that stay at
29 the facility an average of less than 30 days.

30 (b) "Dog" means a member of the subspecies *Canis lupus familiaris* or a hybrid of that
31 subspecies.

32 (c) "Litter" means one or more dogs, sold individually or together, that are all or part
33 of a group of dogs born to the same mother at the same time.

34 (d) "Regular exercise" means the removal of the dog from the dog's primary enclosure
35 and:

36 (A) Walking the dog on a leash;

37 (B) Allowing the dog to move about freely within a building or an outdoor space at least
38 one hour per day; or

39 (C) Allowing the dog to walk on a treadmill, jenny mill, slat mill or similar device, if use
40 of the device is prescribed for the dog by a veterinarian to accommodate a specific medical
41 condition.

42 (2) A person that possesses, controls or otherwise has charge of at the same time 10 or
43 more sexually intact dogs that are eight months of age or older shall, in addition to providing
44 minimum care as defined in ORS 167.310:

45 (a) Provide each dog with sufficient space to turn about freely, stand and sit and to lie

1 down without the head, face, tail, legs or feet of the dog touching the sides of the enclosure
2 or touching any other dog.

3 (b) Provide each dog with an enclosure that:

4 (A) Has a solid floor without slats or gaps;

5 (B) Is six inches higher than the head of the tallest dog in that enclosure when the tallest
6 dog is in a normal standing position;

7 (C) If elevated above the floor of a room, is placed so that the floor of the enclosure is
8 no more than 42 inches above the floor of the room; and

9 (D) Is not stacked or otherwise placed above or below any other dog enclosure.

10 (c) Provide each dog that is more than four months of age with at least one hour of
11 regular exercise each day, unless a veterinarian has certified that the dog is medically pre-
12 cluded from exercise.

13 (d) Remove waste and contaminants from the enclosure at least once each day.

14 (e) Remove the dog from the enclosure when cleaning the enclosure of waste and con-
15 taminants.

16 (f) Maintain a record for each sexually intact dog that is eight months of age or older
17 that identifies:

18 (A) The date of birth for the dog or, if the date of birth is unknown, the date on which
19 the person acquired possession, control or charge of the dog and the source of the dog;

20 (B) Any veterinary care provided for the dog; and

21 (C) The disposition the person makes of each dog possessed by, controlled by or in the
22 charge of the person, including the date of disposition, manner of disposition and the name
23 and address information for any person taking possession, control or charge of a dog.

24 (3) A person shall retain a record required under subsection (2) of this section for a pe-
25 riod of three years following the death of the dog or a date on which the person permanently
26 ceased to have possession, control or charge of the dog.

27 (4) Subsections (2) and (3) of this section do not apply to:

28 (a) An animal control agency, humane society or animal shelter;

29 (b) A person who provides care for dogs at the request of a unit of government, govern-
30 ment agency, humane society or animal shelter;

31 (c) A veterinary facility;

32 (d) A person that is transporting dogs; or

33 (e) A boarding kennel.

34 (5) A violation of this section is a Class B misdemeanor.

35 **SECTION 3.** (1) As used in this section, "dog" means a member of the subspecies *Canis*
36 *lupus familiaris* or a hybrid of that subspecies.

37 (2) A person that possesses, controls or otherwise has charge of at the same time 75 or
38 more dogs shall have one or more individuals on site for at least eight hours each day to care
39 for the dogs. The ratio between dogs and on-site individuals may not be more than 75 dogs
40 to one individual.

41 **SECTION 4.** (1) As used in this section:

42 (a) "Litter" means one or more dogs, sold individually or together, that are all or part
43 of a group of dogs born to the same mother at the same time.

44 (b) "Pet dealer" means, except as provided in paragraph (c) of this subsection, a person
45 that sells five or more litters of dogs during a one-year period.

1 (c) "Pet dealer" does not mean an animal control agency, humane society or animal
2 shelter.

3 (2) Except as otherwise provided in this section, a pet dealer shall provide the purchaser
4 of a dog that complies with subsection (3) of this section with a full refund of the purchase
5 price for the dog if:

6 (a) No later than 15 days after purchasing the dog from the pet dealer the purchaser has
7 the dog examined by a veterinarian and the examination reveals that the dog is diseased; or

8 (b) No later than one year after purchasing the dog from the pet dealer the purchaser
9 has the dog examined by a veterinarian and the examination reveals that the dog has a
10 congenital disorder that significantly limits the dog's quality of life.

11 (3) To qualify for a refund under this section, the purchaser, no later than four business
12 days after the veterinary examination that revealed the disease or disorder, must:

13 (a) Return the dog to the pet dealer;

14 (b) Provide the pet dealer with a dated written statement by the examining veterinarian
15 that the dog has a disease or has a congenital defect; and

16 (c) Provide the pet dealer with proof of the sale, including but not limited to, the date
17 of sale.

18 (4) Upon mutual agreement of the purchaser and pet dealer, the purchaser may accept
19 a replacement dog instead of a refund.

20 (5) A purchaser that complies with subsection (2) of this section may, instead of obtain-
21 ing a refund, require that the pet dealer reimburse the purchaser for the cost of veterinary
22 care provided in connection with the disease or congenital disorder described in subsection
23 (2) of this section. The duty of the pet dealer to reimburse the purchaser for the cost of
24 veterinary care shall be limited to the purchase price of the dog. A purchaser that agrees
25 to accept reimbursement under this subsection waives any other claim against the pet dealer
26 for reimbursement of the cost of veterinary care for the dog.

27 (6) Notwithstanding subsections (1) to (5) of this section, a pet dealer is not required to
28 refund the purchase price for a dog, provide a replacement dog or reimburse the purchaser
29 for veterinary care if the pet dealer:

30 (a) At the time of sale made a clear and conspicuous disclosure in writing, initialed or
31 signed by the purchaser, that disclosed the disease or disorder; or

32 (b) Had the dog examined by a veterinarian not more than 14 days prior to the date of
33 sale and the examination did not disclose the disease or congenital disorder.

34 **SECTION 5. (1) As used in this section:**

35 (a) "Dog" means a member of the subspecies *Canis lupus familiaris* or a hybrid of that
36 subspecies.

37 (b) "Litter" means one or more dogs, sold individually or together, that are all or part
38 of a group of dogs born to the same mother at the same time.

39 (c) "Retail pet store" means a retail establishment open to the public that sells or offers
40 to sell dogs.

41 (d) "Retail pet store" does not mean a person that sells or offers to sell only dogs:

42 (A) That were bred or raised by the person; or

43 (B) That are kept primarily for the purpose of reproduction.

44 (2) A retail pet store that offers a dog for sale shall, prior to accepting an offer to pur-
45 chase the dog, provide the person making the offer with the following information, in writing,

1 regarding the dog:

2 (a) If known, the breed, age and date of birth for the dog.

3 (b) The sex and color of the dog.

4 (c) A list, and accompanying proof, of all inoculations that have been given to the dog
5 by any person, and the date of those inoculations.

6 (d) A list of all medical treatment provided to the dog by any person, the date or treat-
7 ment and the reasons for the treatment.

8 (e) The name and business address of the breeder and of the facility where the dog was
9 born.

10 (f) If the breeder holds a license issued by the United States Department of Agriculture,
11 the breeder's federal identification number.

12 (g) The retail price of the dog.

13 (h) Any congenital disorder or hereditary diseases in the parents of the dog known to the
14 pet dealer.

15 (i) If the dog is being sold with the representation that the dog qualifies for registration
16 with a pedigree organization:

17 (A) The name and registration numbers of the parents of the dog; and

18 (B) The name and address of the pedigree organization with which the parents of the dog
19 are registered.

20 (j) If the dog has previously been sold by the retail pet store and returned by the pur-
21 chaser, the reason for the return.

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

24 _____
25
26 **The facility in which this dog was born has produced:**

27 1. 0 to 2 litters during the one-year period preceding the day this dog was born.

28 2. 3 to 10 litters during the one-year period preceding the day this dog was born.

29 3. 11 to 39 litters during the one-year period preceding the day this dog was born.

30 4. 40 or more litters during the one-year period preceding the day this dog was born.
31 _____

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33 **SECTION 6.** (1) Section 1 (3) of this 2009 Act applies to records of events occurring on
34 or after the effective date of this 2009 Act.

35 (2) Section 2 (2)(f) of this 2009 Act applies to records of events occurring on or after the
36 effective date of this 2009 Act.

37 (3) Section 4 of this 2009 Act applies to dogs sold by a pet dealer on or after the effective
38 date of this 2009 Act.

39 (4) Section 5 of this 2009 Act applies to dogs acquired by a retail pet store on or after the
40 effective date of this 2009 Act.
41 _____