

Minority Report
B-Engrossed
House Bill 2470

Ordered by the Senate May 29
Including House Amendments dated April 9 and Senate Minority
Report Amendments dated May 29

Sponsored by nonconcurring members of the Senate Committee on Consumer Protection and Public Affairs: Senators GIROD, GEORGE

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 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 **unless certain conditions are met**. 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] **50** 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 (d) **"Training"** means formal preparation for exhibition in conformation and performance
19 dog events, hunting, search and rescue, assistance to persons with disabilities or other spe-
20 cialized activities or functions.

21 (e) **"Training kennel"** means a facility that provides training of dogs for a fee and at

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 which dogs are kept while training is in progress.

2 (2) A person may not possess, control or otherwise have charge of at the same time more
3 than 50 sexually intact dogs that are two years of age or older for the primary purpose of
4 reproduction unless the person has one or more individuals on site for at least eight hours
5 each day to care for the dogs. The ratio between dogs and on-site individuals may not be
6 more than 50 dogs to one individual. It is prima facie evidence that a person possesses dogs
7 for the primary purpose of reproduction if during a 12-month period the person sells, offers
8 for sale, barter or exchanges more than five litters of dogs that are less than eight months
9 of age.

10 (3) A person who possesses, controls or otherwise has charge of 50 or more sexually in-
11 tact dogs that are eight months of age or older for the primary purpose of reproduction shall
12 maintain a record for each of those dogs that identifies:

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

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

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

17 (d) The disposition the person makes of the dog, including the date of disposition, manner
18 of disposition and the name and address information for any person taking possession, con-
19 trol or charge of the dog.

20 (4) A person shall retain a record required under subsection (3) of this section for a pe-
21 riod ending on the earlier of three years following the death of the dog or three years fol-
22 lowing the date on which the person permanently ceased to have possession, control or
23 charge of the dog.

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

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

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

28 (c) A veterinary facility;

29 (d) A person who is transporting dogs;

30 (e) A boarding kennel; or

31 (f) A training kennel.

32 (6) A violation of this section is a Class B misdemeanor. However, a court shall suspend
33 sentence under this subsection for a violation of subsection (2) of this section if the person
34 agrees to spay, neuter or transfer a sufficient number of dogs to remedy the violation.

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

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

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

40 (c) "Regular exercise" means:

41 (A) Providing the dog with unencumbered access from the primary enclosure of the dog
42 to a space sufficient to permit the dog to exercise on its own at will; or

43 (B) The removal of the dog from the dog's primary enclosure and:

44 (i) Walking the dog on a leash;

45 (ii) Allowing the dog to move about freely within a building or an outdoor space; or

1 (iii) Allowing the dog to walk on a treadmill, jenny mill, slat mill or similar device, if use
2 of the device is prescribed for the dog by a veterinarian to accommodate a specific medical
3 condition.

4 (d) "Training" means formal preparation for exhibition in conformation and performance
5 dog events, hunting, search and rescue, assistance to persons with disabilities or other spe-
6 cialized activities or functions.

7 (e) "Training kennel" means a facility that provides training of dogs for a fee and at
8 which dogs are kept while training is in progress.

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

12 (a) Provide each dog with sufficient space to turn about freely, stand and sit and to lie
13 down without the head, face, tail, legs or feet of the dog touching the sides of the enclosure
14 or touching any other dog.

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

16 (A) Has a floor:

17 (i) Without slats or gaps in which the foot or toe of the dog could be caught and injured;
18 and

19 (ii) That does not bend under the weight of the dog;

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

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

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

25 (c) Provide each dog that is more than four months of age with at least one hour of
26 regular exercise each day, unless:

27 (A) A veterinarian has certified that the dog is medically precluded from exercise; or

28 (B) The dog has a readily apparent injury or illness that precludes exercise.

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

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

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

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

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

37 (C) The disposition the person makes of the dog, including the date of disposition, manner
38 of disposition and the name and address information for any person taking possession, con-
39 trol or charge of the dog.

40 (3) A person shall retain a record required under subsection (2) of this section for a pe-
41 riod ending on the earlier of three years following the death of the dog or three years fol-
42 lowing the date on which the person permanently ceased to have possession, control or
43 charge of the dog.

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

45 (a) A veterinary facility;

1 (b) A person who is transporting dogs;

2 (c) A boarding kennel; or

3 (d) A training kennel.

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

5 **SECTION 3.** (1) As used in this section, “dog” means a member of the subspecies *Canis*
6 *lupus familiaris* or a hybrid of that subspecies.

7 (2) A person who possesses, controls or otherwise has charge of at the same time 50 or
8 more dogs shall have one or more individuals on site for at least eight hours each day to care
9 for the dogs. The ratio between dogs and on-site individuals may not be more than 50 dogs
10 to one individual.

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

12 (a) “Litter” means one or more dogs, sold individually or together, that are all or part
13 of a group of dogs born to the same mother at the same time.

14 (b) “Pet dealer” means a person who sells five or more litters of dogs during a one-year
15 period.

16 (2) Except as otherwise provided in this section, a pet dealer shall provide the purchaser
17 of a dog who complies with subsection (3) of this section with a full refund of the purchase
18 price of the dog if:

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

21 (b) No later than one year after purchasing the dog from the pet dealer, the purchaser
22 has the dog examined by a veterinarian and the examination reveals that the dog has a
23 congenital disorder that significantly limits the dog’s quality of life.

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

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

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

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

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

33 (5) A purchaser who complies with subsection (3) of this section may, instead of obtaining
34 a refund, require that the pet dealer reimburse the purchaser for the reasonable cost of
35 veterinary care provided in connection with the disease or congenital disorder described in
36 subsection (2) of this section. The duty of the pet dealer to reimburse the purchaser for the
37 reasonable cost of veterinary care shall be limited to the purchase price of the dog. A pur-
38 chaser who agrees to accept reimbursement under this subsection waives any other claim
39 against the pet dealer for reimbursement of the cost of veterinary care for the dog.

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

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

45 (b) Had the dog examined by a veterinarian not more than 14 days prior to the date of

1 sale and the examination did not disclose the disease or congenital disorder.

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

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

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

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

9 (B) "Retail pet store" does not mean a person who sells or offers to sell only dogs:

10 (i) That were bred or raised by the person; or

11 (ii) That are kept primarily for the purpose of reproduction.

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

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

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

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

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

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

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

25 (g) The retail price of the dog.

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

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

30 (A) The names and registration numbers of the parents of the dog; and

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

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

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

37 _____
38
39 **The facility in which this dog was born has produced:**

40 1. 0 to 2 litters during the one-year period preceding the day this dog was born.

41 2. 3 to 10 litters during the one-year period preceding the day this dog was born.

42 3. 11 to 39 litters during the one-year period preceding the day this dog was born.

43 4. 40 or more litters during the one-year period preceding the day this dog was born.
44
45 _____

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

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

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

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

9
