

**SENATE MINORITY REPORT
AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2470**

May 29

President Courtney:

A minority of your Committee on Consumer Protection and Public Affairs, to whom was referred A-engrossed House Bill 2470, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

1 On page 1 of the printed A-engrossed bill, delete lines 11 through 19 and delete pages 2 through
2 5 and insert:

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

4 **“(a) ‘Boarding kennel’ means a facility that provides care for a fee to dogs that stay at**
5 **the facility an average of less than 30 days.**

6 **“(b) ‘Dog’ means a member of the subspecies *Canis lupus familiaris* or a hybrid of that**
7 **subspecies.**

8 **“(c) ‘Litter’ means one or more dogs, sold individually or together, that are all or part**
9 **of a group of dogs born to the same mother at the same time.**

10 **“(d) ‘Training’ means formal preparation for exhibition in conformation and performance**
11 **dog events, hunting, search and rescue, assistance to persons with disabilities or other spe-**
12 **cialized activities or functions.**

13 **“(e) ‘Training kennel’ means a facility that provides training of dogs for a fee and at**
14 **which dogs are kept while training is in progress.**

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

23 **“(3) A person who possesses, controls or otherwise has charge of 50 or more sexually**
24 **intact dogs that are eight months of age or older for the primary purpose of reproduction**
25 **shall maintain a record for each of those dogs that identifies:**

26 **“(a) The date of birth for the dog or, if the date of birth is unknown, the date the person**
27 **acquired possession, control or charge of the dog and the source of the dog;**

28 **“(b) The dates on which the dog has been bred;**

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

30 **“(d) The disposition the person makes of the dog, including the date of disposition, man-**
31 **ner of disposition and the name and address information for any person taking possession,**
32 **control or charge of the dog.**

1 “(4) A person shall retain a record required under subsection (3) of this section for a
2 period ending on the earlier of three years following the death of the dog or three years
3 following the date on which the person permanently ceased to have possession, control or
4 charge of the dog.

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

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

7 “(b) A person who provides care for dogs at the request of a unit of government, gov-
8 ernment agency, humane society or animal shelter;

9 “(c) A veterinary facility;

10 “(d) A person who is transporting dogs;

11 “(e) A boarding kennel; or

12 “(f) A training kennel.

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

16 “SECTION 2. (1) As used in this section:

17 “(a) ‘Boarding kennel’ means a facility that provides care for a fee to dogs that stay at
18 the facility an average of less than 30 days.

19 “(b) ‘Dog’ means a member of the subspecies *Canis lupus familiaris* or a hybrid of that
20 subspecies.

21 “(c) ‘Regular exercise’ means:

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

24 “(B) The removal of the dog from the dog’s primary enclosure and:

25 “(i) Walking the dog on a leash;

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

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

30 “(d) ‘Training’ means formal preparation for exhibition in conformation and performance
31 dog events, hunting, search and rescue, assistance to persons with disabilities or other spe-
32 cialized activities or functions.

33 “(e) ‘Training kennel’ means a facility that provides training of dogs for a fee and at
34 which dogs are kept while training is in progress.

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

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

41 “(b) Provide each dog with an enclosure that:

42 “(A) Has a floor:

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

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

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

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

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

6 “(e) Provide each dog that is more than four months of age with at least one hour of
7 regular exercise each day, unless:

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

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

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

11 “(e) Remove the dog from the enclosure when cleaning the enclosure of waste and con-
12 taminants.

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

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

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

18 “(C) The disposition the person makes of the dog, including the date of disposition,
19 manner of disposition and the name and address information for any person taking pos-
20 session, control or charge of the dog.

21 “(3) A person shall retain a record required under subsection (2) of this section for a
22 period ending on the earlier of three years following the death of the dog or three years
23 following the date on which the person permanently ceased to have possession, control or
24 charge of the dog.

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

26 “(a) A veterinary facility;

27 “(b) A person who is transporting dogs;

28 “(c) A boarding kennel; or

29 “(d) A training kennel.

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

31 “SECTION 3. (1) As used in this section, ‘dog’ means a member of the subspecies *Canis*
32 *lupus familiaris* or a hybrid of that subspecies.

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

37 “SECTION 4. (1) As used in this section:

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

40 “(b) ‘Pet dealer’ means a person who sells five or more litters of dogs during a one-year
41 period.

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

45 “(a) No later than 15 days after purchasing the dog from the pet dealer, the purchaser

1 has the dog examined by a veterinarian and the examination reveals that the dog is diseased;
2 or

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

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

8 “(a) Return the dog to the pet dealer;

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

11 “(c) Provide the pet dealer with proof of the sale, including but not limited to the date
12 of sale.

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

15 “(5) A purchaser who complies with subsection (3) of this section may, instead of ob-
16 taining a refund, require that the pet dealer reimburse the purchaser for the reasonable cost
17 of veterinary care provided in connection with the disease or congenital disorder described
18 in subsection (2) of this section. The duty of the pet dealer to reimburse the purchaser for
19 the reasonable cost of veterinary care shall be limited to the purchase price of the dog. A
20 purchaser who agrees to accept reimbursement under this subsection waives any other claim
21 against the pet dealer for reimbursement of the cost of veterinary care for the dog.

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

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

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

29 “SECTION 5. (1) As used in this section:

30 “(a) ‘Dog’ means a member of the subspecies *Canis lupus familiaris* or a hybrid of that
31 subspecies.

32 “(b) ‘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 “(c)(A) ‘Retail pet store’ means a retail establishment open to the public that sells or
35 offers to sell dogs.

36 “(B) ‘Retail pet store’ does not mean a person who sells or offers to sell only dogs:

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

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

39 “(2) A retail pet store that offers a dog for sale shall, prior to accepting an offer to
40 purchase the dog, provide the person making the offer with the following information, in
41 writing, regarding the dog:

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

43 “(b) The sex and color of the dog.

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

