

# Enrolled House Bill 2915

Sponsored by Representatives GOMBERG, FAHEY, NERON, BOWMAN; Representatives DEXTER, GAMBA, GRAYBER, HUDSON, NELSON, NOSSE, SOSA, WALTERS, Senators PATTERSON, SOLLMAN (Presession filed.)

CHAPTER .....

AN ACT

Relating to sales of certain animals by retail pet stores; creating new provisions; amending ORS 646A.075; and prescribing an effective date.

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

**SECTION 1.** ORS 646A.075 is amended to read:

646A.075. (1) As used in this section:

(a) **“Animal rescue entity” has the meaning given that term in ORS 609.415.**

(b) **“Cat” means a member of the species *Felis catus*.**

[(a)] (c) **“Dog” means a member of the subspecies *Canis lupus familiaris* or a hybrid of that subspecies.**

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

[(c) *“Retail pet store” means a retail establishment open to the public that sells or offers to sell dogs.*]

[(d) *“Retail pet store” does not mean a person that sells or offers to sell only dogs:*]

[(A) *That were bred or raised by the person; or*]

[(B) *That are kept primarily for the purpose of reproduction.*]

(e)(A) **“Retail pet store” means a retail establishment open to the public, either by appointment or during regular business hours, that sells or offers to sell pet animals or food, supplies or accessories for pet animals.**

(B) **“Retail pet store” does not include:**

(i) **An animal rescue entity; or**

(ii) **A person that sells or offers to sell only dogs or cats that the person:**

(I) **Breeds or raises; or**

(II) **Keeps primarily for the purpose of reproduction.**

(f) **“Sell” means to exchange or offer to exchange for valuable consideration.**

(2)(a) **Except as provided in paragraph (b) of this subsection, a retail pet store may not sell or offer to sell a dog or cat.**

(b) **If a retail pet store sold or offered to sell dogs or cats before the effective date of this 2023 Act, the retail pet store may continue to sell or offer to sell dogs or cats after the effective date of this 2023 Act if the retail pet store:**

(A) **Makes the offer to sell or conducts the sale at the physical address at which the retail pet store last sold a dog or cat before the effective date of this 2023 Act; and**

**(B) Did not have a change of ownership in the period between the effective date of this 2023 Act and any date on which the retail pet store sells a dog or cat after the effective date of this 2023 Act.**

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

- (a) If known, the breed, age and date of birth for the dog.
- (b) The sex and color of the dog.
- (c) A list, and accompanying proof, of all inoculations that have been given to the dog by any person, and the date of those inoculations.
- (d) A list of all medical treatment provided to the dog by any person, the date or treatment and the reasons for the treatment.
- (e) The name and business address of the breeder and of the facility where the dog was born.
- (f) If the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal [*identification*] number.
- (g) The retail price of the dog.
- (h) Any congenital disorder or hereditary diseases in the parents of the dog known to the [*pet dealer*] **retail pet store.**
- (i) If the dog is being sold with the representation that the dog qualifies for registration with a pedigree organization:
  - (A) The name and registration numbers of the parents of the dog; and
  - (B) The name and address of the pedigree organization with which the parents of the dog are registered.
- (j) If the dog has previously been sold by the retail pet store and returned by the purchaser, the reason for the return.
- (k) A statement in substantially the following form, with the applicable provision number circled:

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The facility in which this dog was born has produced:

- 1. 0 to 2 litters during the one-year period preceding the day this dog was born.
  - 2. 3 to 10 litters during the one-year period preceding the day this dog was born.
  - 3. 11 to 39 litters during the one-year period preceding the day this dog was born.
  - 4. 40 or more litters during the one-year period preceding the day this dog was born.
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**(4) A retail pet store that violates this section is liable for a civil penalty in an amount that does not exceed \$500 for each violation. The district attorney for the county in which the violation occurs may bring an action in the circuit court for the county to recover the civil penalty set forth in this subsection.**

**(5) This section does not:**

**(a) Preempt a local government from enacting an ordinance, rule or resolution, or from taking other legislative action, that imposes requirements or prohibitions that are more stringent than the requirements and prohibitions set forth in this section; or**

**(b) Prohibit a retail pet store from cooperating with an animal rescue entity to display on the premises of the retail pet store pet animals that the animal rescue entity offers for adoption if:**

**(A) The retail pet store does not have an ownership interest in any pet animal displayed or offered for adoption on the retail pet store's premises; and**

**(B) The retail pet store does not receive compensation for the use of the retail pet store's premises for the purpose described in this paragraph.**

**SECTION 2.** ORS 646A.075, as amended by section 1 of this 2023 Act, is amended to read:

646A.075. (1) As used in this section:

(a) "Animal rescue entity" has the meaning given that term in ORS 609.415.

(b) "Cat" means a member of the species *Felis catus*.

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

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

*[(e)(A)] (d)(A) "Retail pet store" means a retail establishment open to the public, either by appointment or during regular business hours, that sells or offers to sell pet animals or food, supplies or accessories for pet animals.*

*(B) "Retail pet store" does not include:*

*(i) An animal rescue entity; or*

*(ii) A person that sells or offers to sell only dogs or cats that the person:*

*(I) Breeds or raises; or*

*(II) Keeps primarily for the purpose of reproduction.*

*[(f)] (e) "Sell" means to exchange or offer to exchange for valuable consideration.*

*[(2)(a)] (2) [Except as provided in paragraph (b) of this subsection,] A retail pet store may not sell or offer to sell a dog or cat.*

*[(b) If a retail pet store sold or offered to sell dogs or cats before the effective date of this 2023 Act, the retail pet store may continue to sell or offer to sell dogs or cats after the effective date of this 2023 Act if the retail pet store:]*

*[(A) Makes the offer to sell or conducts the sale at the physical address at which the retail pet store last sold a dog or cat before the effective date of this 2023 Act; and]*

*[(B) Did not have a change of ownership in the period between the effective date of this 2023 Act and any date on which the retail pet store sells a dog or cat after the effective date of this 2023 Act.]*

*[(3) A retail pet store that offers a dog for sale shall, prior to accepting an offer to purchase the dog, provide the person making the offer with the following information, in writing, regarding the dog:]*

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

*[(b) The sex and color of the dog.]*

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

*[(d) A list of all medical treatment provided to the dog by any person, the date or treatment and the reasons for the treatment.]*

*[(e) The name and business address of the breeder and of the facility where the dog was born.]*

*[(f) If the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal number.]*

*[(g) The retail price of the dog.]*

*[(h) Any congenital disorder or hereditary diseases in the parents of the dog known to the retail pet store.]*

*[(i) If the dog is being sold with the representation that the dog qualifies for registration with a pedigree organization:]*

*[(A) The name and registration numbers of the parents of the dog; and]*

*[(B) The name and address of the pedigree organization with which the parents of the dog are registered.]*

*[(j) If the dog has previously been sold by the retail pet store and returned by the purchaser, the reason for the return.]*

*[(k) A statement in substantially the following form, with the applicable provision number circled:]*

[ \_\_\_\_\_ ]

*The facility in which this dog was born has produced:*

1. 0 to 2 litters during the one-year period preceding the day this dog was born.
2. 3 to 10 litters during the one-year period preceding the day this dog was born.
3. 11 to 39 litters during the one-year period preceding the day this dog was born.
4. 40 or more litters during the one-year period preceding the day this dog was born.

[ \_\_\_\_\_ ]

[(4)] (3) A retail pet store that violates this section is liable for a civil penalty in an amount that does not exceed \$500 for each violation. The district attorney for the county in which the violation occurs may bring an action in the circuit court for the county to recover the civil penalty set forth in this subsection.

[(5)] (4) This section does not:

(a) Preempt a local government from enacting an ordinance, rule or resolution, or from taking other legislative action, that imposes requirements or prohibitions that are more stringent than the requirements and prohibitions set forth in this section; or

(b) Prohibit a retail pet store from cooperating with an animal rescue entity to display on the premises of the retail pet store pet animals that the animal rescue entity offers for adoption if:

(A) The retail pet store does not have an ownership interest in any pet animal displayed or offered for adoption on the retail pet store's premises; and

(B) The retail pet store does not receive compensation for the use of the retail pet store's premises for the purpose described in this paragraph.

**SECTION 3. The amendments to ORS 646A.075 by section 2 of this 2023 Act become operative on September 1, 2028.**

**SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.**

**Passed by House March 14, 2023**

**Received by Governor:**

**Repassed by House June 23, 2023**

.....M.,....., 2023

**Approved:**

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

**Passed by Senate June 21, 2023**

**Filed in Office of Secretary of State:**

.....M.,....., 2023

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Rob Wagner, President of Senate

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Secretary of State