

COMMITTEE ON APPROPRIATIONS
SENATE AMENDMENTS TO H.B. 2163
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-499.04, Arizona Revised Statutes, is amended to
3 read:

4 9-499.04. Animal control officers; appointment; authority;
5 regulation of dogs; powers and duties

6 A. Any city and town may by ordinance provide for the appointment of
7 animal control officers who may commence an action or proceeding before a
8 court for any violation of a state statute or local ordinance relating to
9 rabies and animal control ~~which~~ THAT occurs within the jurisdiction of the
10 city or town.

11 B. An animal control officer appointed pursuant to subsection A OF
12 THIS SECTION shall:

13 1. Be unarmed during the course of duties except that a small caliber
14 firearm may be available to be used in controlling vicious animals or in
15 dispatching of a wounded animal. ~~It~~ FOR THE PURPOSES OF this paragraph,
16 "small caliber firearm" means a rifle or pistol utilizing a rimfire cartridge
17 with a caliber not to exceed twenty-two hundredths of an inch and with a
18 non-richocheting bullet or a shotgun whose bore size ~~shall~~ DOES not exceed
19 forty-one hundredths of an inch.

20 2. Be an employee of the appointing city or town.

21 C. A CITY OR TOWN MAY REGULATE THE CONTROL OF DOGS IF THE REGULATION
22 IS NOT SPECIFIC TO ANY BREED.

23 ~~C.~~ D. SUBSECTION B OF this section ~~shall not be construed to~~ DOES NOT
24 grant other powers or benefits to animal control officers to which peace
25 officers of this state are entitled.

26 Sec. 2. Section 11-1005, Arizona Revised Statutes, is amended to read:

27 11-1005. Powers and duties of board of supervisors

28 A. Each county board of supervisors may:

1 1. Designate or employ a county enforcement agent. If such
2 designation or employment is not made, the county sheriff shall be the county
3 enforcement agent, but nothing in this article shall be deemed to prevent the
4 county board of supervisors from designating or employing a county
5 enforcement agent at any time it is deemed necessary or advisable.

6 2. Provide the county enforcement agent with such personnel and
7 equipment as are necessary to enforce ~~the provisions of~~ this article and the
8 rules adopted under this article.

9 3. Contract with any city or town to enforce the provisions of any
10 ordinance enacted by such city or town for the control of dogs **IF THE**
11 **PROVISIONS ARE NOT SPECIFIC AS TO ANY BREED.**

12 4. For the unincorporated areas of the county, by ordinance, regulate,
13 restrain and prohibit the running at large of dogs, except dogs used for
14 control of livestock or while being used or trained for hunting.

15 5. For the unincorporated areas of the county, by ordinance, regulate,
16 restrain and prohibit the excessive and unrestrained barking of dogs.

17 6. Establish either:

18 (a) Criminal penalties not to exceed the penalties for a class 2
19 misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or
20 5 **OF THIS SUBSECTION.**

21 (b) Civil penalties for violations of an ordinance adopted pursuant to
22 paragraph 4 or 5 **OF THIS SUBSECTION**, not to exceed five hundred dollars for
23 each violation.

24 B. Fines received for violation of an ordinance adopted with a
25 criminal penalty pursuant to subsection A, paragraph 6, subdivision (a) **OF**
26 **THIS SECTION** shall be deposited in a special, permanent, nonlapsing and
27 nonreverting county fund to be used solely for the operation of the county
28 enforcement agency.

29 C. Each county board of supervisors may establish pound fees for
30 impounding and maintaining animals at the county pound or any pound used by
31 the county.

32 D. The county board of supervisors shall be responsible for declaring
33 a rabies quarantine area within its jurisdiction on a recommendation of the
34 county board of health or the local health department. If a rabies
35 quarantine area is declared, the county board of supervisors shall meet with
36 the county board of health and the county enforcement agent and institute an
37 emergency program for the control of rabies within that area provided that

1 any regulations restricting or involving the movement of livestock within
2 that area shall be developed by the state veterinarian.

3 Sec. 3. Section 44-1799.08, Arizona Revised Statutes, is amended to
4 read:

5 44-1799.08. Civil penalties; enforcement actions

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 per violation.

9 B. IN AN ACTION BROUGHT BY A CITY, TOWN OR COUNTY TO ENFORCE AN
10 ORDINANCE AGAINST A PET STORE OR PET DEALER WHO KNOWINGLY OBTAINS DOGS OR
11 CATS FOR SALE OR RESALE IN VIOLATION OF SECTION 44-1799.10, SUBSECTION A OR B
12 OR WHO SHOULD HAVE KNOWN THE DOG OR CAT WAS OBTAINED FOR SALE OR RESALE IN
13 VIOLATION OF SECTION 44-1799.10, SUBSECTION A OR B, THE PET STORE OR PET
14 DEALER IS SUBJECT TO THE FOLLOWING PENALTIES:

15 1. FOR A FIRST VIOLATION, A CIVIL PENALTY OF NOT MORE THAN ONE
16 THOUSAND DOLLARS PER VIOLATION.

17 2. FOR A SECOND VIOLATION WITHIN A FIVE-YEAR PERIOD, A CIVIL PENALTY
18 OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS PER VIOLATION.

19 3. FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN A FIVE-YEAR PERIOD:

20 (a) A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS PER
21 VIOLATION.

22 (b) AN ORDER ENTERED BY THE COURT ENJOINING THE PET STORE OR PET
23 DEALER FROM SELLING OR OFFERING FOR SALE, FOR UP TO THREE YEARS, A DOG OR CAT
24 OBTAINED FROM ANY PERSON OTHER THAN A PUBLICLY OPERATED POUND OR A PRIVATE,
25 CHARITABLE NONPROFIT HUMANE SOCIETY OR FROM ANY ANIMAL ADOPTION ACTIVITY
26 CONDUCTED BY A POUND OR HUMANE SOCIETY.

27 C. IN AN ACTION BROUGHT TO ENFORCE SECTION 44-1799.10, SUBSECTION A
28 OR B:

29 1. A VIOLATION IS A SUBSEQUENT VIOLATION IF IT OCCURS WITHIN A
30 FIVE-YEAR PERIOD AFTER A FINAL JUDGMENT OR ORDER THAT THE PET STORE OR PET
31 DEALER KNOWINGLY VIOLATED SECTION 44-1799.10, SUBSECTION A OR B OR SHOULD
32 HAVE KNOWN OF THE VIOLATION.

1 2. IN ADDITION TO ANY OTHER DEFENSES THAT MAY BE RAISED, A PET STORE
2 OR PET DEALER IS PRESUMED TO HAVE ACTED IN GOOD FAITH AND TO HAVE SATISFIED
3 ITS OBLIGATION TO ASCERTAIN IF A PERSON MEETS THE CRITERIA DESCRIBED IN
4 SECTION 44-1799.10, SUBSECTION A IF WHEN PLACING AN ORDER TO OBTAIN A DOG OR
5 CAT FOR SALE OR RESALE THE PET STORE OR PET DEALER CONDUCTS A SEARCH ON THE
6 ANIMAL CARE INFORMATION SYSTEM SEARCH TOOL MAINTAINED BY THE UNITED STATES
7 DEPARTMENT OF AGRICULTURE.

8 3. EACH ORDER PLACED BY A PET STORE OR PET DEALER TO OBTAIN DOGS OR
9 CATS FOR SALE OR RESALE SHALL BE CONSIDERED A SINGLE ACT, REGARDLESS OF THE
10 NUMBER OF DOGS OR CATS OBTAINED IN THE ORDER.

11 ~~B.~~ D. This section does not prohibit prosecution for criminal
12 violations.

13 Sec. 4. Title 44, chapter 11, article 17, Arizona Revised Statutes, is
14 amended by adding sections 44-1799.10 and 44-1799.11, to read:

15 44-1799.10. Pet store; pet dealers; prohibitions on dog and cat
16 purchases; record keeping

17 A. A PET STORE OR PET DEALER MAY NOT OBTAIN A DOG OR CAT FOR RESALE OR
18 SELL OR OFFER FOR SALE ANY DOG OR CAT OBTAINED FROM A PERSON WHO IS REQUIRED
19 TO BE LICENSED BY THE PET DEALER REGULATIONS OF THE UNITED STATES DEPARTMENT
20 OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE SECTIONS
21 2131 THROUGH 2159) IF ANY OF THE FOLLOWING APPLIES:

22 1. THE PERSON IS NOT CURRENTLY LICENSED BY THE UNITED STATES
23 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE
24 SECTIONS 2131 THROUGH 2159).

25 2. WITHIN TWO YEARS BEFORE OBTAINING THE DOG OR CAT THE PERSON COMMITS
26 A DIRECT VIOLATION OF ANY OF THE PET DEALER REGULATIONS OF THE UNITED STATES
27 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE
28 SECTIONS 2131 THROUGH 2159).

29 3. THE PERSON RECEIVES AN INDIRECT NO ACCESS VIOLATION ON EACH OF THE
30 TWO MOST RECENT INSPECTION REPORTS ISSUED BY THE UNITED STATES DEPARTMENT OF
31 AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE SECTIONS 2131
32 THROUGH 2159).

33 4. THE PERSON COMMITS THREE OR MORE INDIRECT VIOLATIONS OF THE PET
34 DEALER REGULATIONS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE DURING THE
35 TWO-YEAR PERIOD BEFORE OBTAINING THE DOG OR CAT FOR VIOLATIONS RELATING TO
36 THE HEALTH OR WELFARE OF THE ANIMAL AND THE VIOLATIONS WERE NOT

1 ADMINISTRATIVE IN NATURE. THE INDIRECT VIOLATIONS DESCRIBED IN THIS
2 PARAGRAPH DO NOT INCLUDE A VIOLATION DESCRIBED IN PARAGRAPH 3 OF THIS
3 SUBSECTION.

4 B. A PET STORE OR PET DEALER MAY NOT OBTAIN A DOG OR CAT FOR RESALE OR
5 SELL OR OFFER FOR SALE ANY DOG OR CAT OBTAINED FROM A PERSON WHO DIRECTLY OR
6 INDIRECTLY OBTAINED A DOG OR CAT FROM A PERSON DESCRIBED IN SUBSECTION A OF
7 THIS SECTION. A PET STORE OR PET DEALER IS PRESUMED TO HAVE ACTED IN GOOD
8 FAITH AND TO HAVE SATISFIED ITS OBLIGATION TO ASCERTAIN IF A PERSON MEETS THE
9 CRITERIA DESCRIBED IN SUBSECTION A OF THIS SECTION IF WHEN PLACING AN ORDER
10 TO OBTAIN A DOG OR CAT FOR SALE OR RESALE THE PET STORE OR PET DEALER
11 CONDUCTS A SEARCH ON THE ANIMAL CARE INFORMATION SYSTEM SEARCH TOOL
12 MAINTAINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

13 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A PET STORE OR
14 PET DEALER MAY OBTAIN A DOG OR CAT FOR RESALE OR SELL OR OFFER FOR SALE ANY
15 DOG OR CAT OBTAINED FROM A PUBLICLY OPERATED POUND OR A PRIVATE, CHARITABLE
16 NONPROFIT HUMANE SOCIETY OR FROM ANY ANIMAL ADOPTION ACTIVITY CONDUCTED BY A
17 POUND OR HUMANE SOCIETY.

18 D. A PET DEALER SHALL MAINTAIN RECORDS VERIFYING ITS COMPLIANCE WITH
19 THIS SECTION FOR AT LEAST TWO YEARS AFTER OBTAINING THE DOG OR CAT TO BE SOLD
20 OR OFFERED FOR SALE. RECORDS MAINTAINED PURSUANT TO THIS SUBSECTION SHALL BE
21 OPEN TO INSPECTION ON REQUEST BY A MUNICIPAL OR COUNTY PEACE OFFICER OR
22 ENFORCEMENT OFFICIAL.

23 E. A PET DEALER SHALL DISPLAY THE SOURCE OF ANY DOG OR CAT OFFERED FOR
24 SALE BY PROVIDING THE NAME OF THE BREEDER OF THE ANIMAL OR THE NAME OF THE
25 UNITED STATES DEPARTMENT OF AGRICULTURE LICENSEE AND UNITED STATES DEPARTMENT
26 OF AGRICULTURE LICENSE NUMBER OF THE BREEDER IF THE ANIMAL IS FROM A SOURCE
27 THAT IS LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE
28 UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE WHERE INFORMATION ABOUT THE
29 BREEDER MAY BE OBTAINED. THE PET DEALER SHALL DISPLAY THE INFORMATION
30 DESCRIBED IN THIS SUBSECTION ON BOTH OF THE FOLLOWING:

31 1. THE CAGE OR ENCLOSURE FOR EACH ANIMAL.

32 2. ALL MARKETING MATERIALS ABOUT A SPECIFIC DOG OR CAT THAT HAS BEEN
33 OBTAINED BY THE PET DEALER AND THAT IS BEING OFFERED FOR SALE.

34 44-1799.11. Pet dealer regulation: state preemption

1 THE REGULATION OF PET DEALERS IS A MATTER OF STATEWIDE CONCERN. A
2 CITY, TOWN OR COUNTY MAY ENACT OR ENFORCE AN ORDINANCE TO ENFORCE SECTION
3 44-1799.10 AGAINST A PET STORE OR PET DEALER. ANY LOCAL LAW, RULE,
4 REGULATION OR ORDINANCE THAT IMPOSES REQUIREMENTS OR PENALTIES ON PET DEALERS
5 THAT EXCEED THE REQUIREMENTS OF SECTION 44-1799.10 OR PENALTIES PERMITTED BY
6 SECTION 44-1799.08 IS PREEMPTED. ANY LOCAL LAW, RULE, REGULATION OR
7 ORDINANCE MAY NOT DIRECTLY OR INDIRECTLY PROHIBIT OR BE APPLIED TO PROHIBIT
8 THE SALE OF DOGS OR CATS BY A PET STORE OR PET DEALER, EXPRESSLY OR IN
9 EFFECT, BASED ON THE SOURCE FROM WHICH THE ANIMAL IS OBTAINED IF OBTAINED IN
10 COMPLIANCE WITH SECTION 44-1799.10.

11 Sec. 5. Dog and cat breeder study committee; delayed repeal

12 A. The dog and cat breeder study committee is established consisting
13 of the following members:

14 1. Two members of the house of representatives who are appointed by
15 the speaker of the house of representatives and who are members of different
16 political parties. The speaker of the house of representatives shall
17 designate one of these members to serve as cochairperson of the committee.

18 2. Two members of the senate who are appointed by the president of the
19 senate and who are members of different political parties. The president of
20 the senate shall designate one of these members to serve as cochairperson of
21 the committee.

22 3. One member who has experience as a breeder licensed by the United
23 States department of agriculture and who is appointed by the speaker of the
24 house of representatives.

25 4. One member who is a pet dealer, as defined in section 44-1799,
26 Arizona Revised Statutes, who has experience with the purchase of dogs or
27 cats from breeders and who is appointed by the president of the senate.

28 5. One member who has experience with animal sheltering or rescue and
29 who is appointed by the speaker of the house of representatives.

30 6. One member who has experience with dog or cat breeding and who is
31 exempt from the breeder licensing requirements of the United States
32 department of agriculture and who is appointed by the president of the
33 senate.

1 7. A faculty or staff member from a university under the jurisdiction
2 of the Arizona board of regents who is familiar with the animal care
3 standards of the United States Department of Agriculture under the Animal
4 Welfare Act (7 United States code sections 2131 through 2159) and who is
5 appointed by the president of the Arizona board of regents.

6 B. The committee shall meet at the call of the cochairpersons.

7 C. The committee shall:

8 1. Study the breeding of pets by licensed and unlicensed breeders in
9 this state and other states.

10 2. Review data regarding the protection of pets, consumers, pet
11 dealers and pet breeders from existing regulatory models in this state and
12 other states.

13 3. Study options to encourage spay or neuter clinics, adoption of dogs
14 or cats and healthy breeding of dogs and cats.

15 D. The committee may:

16 1. Request information, data and reports from any county or state
17 agency or political subdivision of this state. If possible, information
18 shall be provided electronically.

19 2. Hold hearings, conduct fact-finding tours and take testimony from
20 witnesses who may assist the committee in fulfilling its responsibilities.

21 E. On request of the committee, an agency of this state must provide
22 to the committee its services, equipment, documents, personnel and facilities
23 to the extent possible without cost to the committee.

24 F. The legislature shall provide staff and support services to the
25 committee.

26 G. The committee shall meet at the state capitol or at other locations
27 as the cochairpersons deem necessary or convenient and all meetings shall be
28 open to the public.

29 H. The members of the committee are not eligible to receive
30 compensation but are eligible for reimbursement of expenses pursuant to title
31 38, chapter 4, article 2, Arizona Revised Statutes.

Senate Amendments to H.B. 2163

1 I. On or before December 31, 2016, the committee shall submit a report
2 regarding its findings and recommendations to the governor, the president of
3 the senate and the speaker of the house of representatives and provide a copy
4 of this report to the secretary of state.

5 J. This section is repealed from and after September 30, 2017.”
6 Amend title to conform

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