

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2163

(Reference to the Shooter strike everything amendment)

1 Page 3, between lines 2 and 3, insert:

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

4           44-1799.08. Civil penalties: enforcement actions

5           A. EXCEPT AS PROVIDED IN SUBSECTION B OR C OF THIS SECTION, a pet  
6 dealer who violates this article is subject to a civil penalty of not more  
7 than one thousand dollars per violation.

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

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

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

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

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

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

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

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

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

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

17           B. D. This section does not prohibit prosecution for criminal  
18 violations."

19 Rerumber to conform

20 Page 3, line 5, strike "store operators" insert "store"

21 Lines 7 and 30, strike "OPERATOR"

22 Line 33, after the period insert "A PET STORE OR PET DEALER IS PRESUMED TO HAVE  
23 ACTED IN GOOD FAITH AND TO HAVE SATISFIED ITS OBLIGATION TO ASCERTAIN IF A  
24 PERSON MEETS THE CRITERIA DESCRIBED IN SUBSECTION A OF THIS SECTION IF WHEN  
25 PLACING AN ORDER TO OBTAIN A DOG OR CAT FOR SALE OR RESALE THE PET STORE OR  
26 PET DEALER CONDUCTS A SEARCH ON THE ANIMAL CARE INFORMATION SYSTEM SEARCH  
27 TOOL MAINTAINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE."

28 Line 35, strike "OPERATOR"

29 Page 4, line 5, after the period insert "RECORDS MAINTAINED PURSUANT TO THIS  
30 SUBSECTION SHALL BE OPEN TO INSPECTION ON REQUEST BY A MUNICIPAL OR COUNTY  
31 PEACE OFFICER OR ENFORCEMENT OFFICIAL.

1           E. A PET DEALER SHALL DISPLAY THE SOURCE OF ANY DOG OR CAT OFFERED FOR  
2       SALE BY PROVIDING THE NAME OF THE BREEDER OF THE ANIMAL OR THE NAME OF THE  
3       UNITED STATES DEPARTMENT OF AGRICULTURE LICENSEE AND UNITED STATES DEPARTMENT  
4       OF AGRICULTURE LICENSE NUMBER OF THE BREEDER IF THE ANIMAL IS FROM A SOURCE  
5       THAT IS LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE  
6       UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE WHERE INFORMATION ABOUT THE  
7       BREEDER MAY BE OBTAINED. THE PET DEALER SHALL DISPLAY THE INFORMATION  
8       DESCRIBED IN THIS SUBSECTION ON BOTH OF THE FOLLOWING:

- 9           1. THE CAGE OR ENCLOSURE FOR EACH ANIMAL.  
10           2. ALL MARKETING MATERIALS ABOUT A SPECIFIC DOG OR CAT THAT HAS BEEN  
11       OBTAINED BY THE PET DEALER AND THAT IS BEING OFFERED FOR SALE."

12 Page 4, line 7, strike "ANY"

13 Strike line 8

14 Line 9, strike "CITY OR TOWN THAT IS INCONSISTENT WITH THIS ARTICLE" insert "A  
15       CITY, TOWN OR COUNTY MAY ENACT OR ENFORCE AN ORDINANCE TO ENFORCE SECTION  
16       44-1799.10 AGAINST A PET STORE OR PET DEALER. ANY LOCAL LAW, RULE,  
17       REGULATION OR ORDINANCE THAT IMPOSES REQUIREMENTS OR PENALTIES ON PET DEALERS  
18       THAT EXCEED THE REQUIREMENTS OF SECTION 44-1799.10 OR PENALTIES PERMITTED BY  
19       SECTION 44-1799.08"

20 Line 11, after "CATS" insert "BY A PET STORE OR PET DEALER"

21 Between lines 13 and 14, insert:

22           "Sec. 5. Dog and cat breeder study committee: delayed repeal

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

25           1. Two members of the house of representatives who are appointed by  
26       the speaker of the house of representatives and who are members of different  
27       political parties. The speaker of the house of representatives shall  
28       designate one of these members to serve as cochairperson of the committee.

29           2. Two members of the senate who are appointed by the president of the  
30       senate and who are members of different political parties. The president of  
31       the senate shall designate one of these members to serve as cochairperson of  
32       the committee.

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

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

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

9           6. One member who has experience with dog or cat breeding and who is  
10        exempt from the breeder licensing requirements of the United States  
11        department of agriculture and who is appointed by the president of the  
12        senate.

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

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

19           C. The committee shall:

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

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

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

27           D. The committee may:

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

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

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

4           F. The legislature shall provide staff and support services to the  
5       committee.

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

9           H. The members of the committee are not eligible to receive  
10      compensation but are eligible for reimbursement of expenses pursuant to title  
11      38, chapter 4, article 2, Arizona Revised Statutes.

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

16          J. This section is repealed from and after September 30, 2017."

17 Amend title to conform

JOHN KAVANAGH

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