

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/15/17

A Bill

HOUSE BILL 1715

5 By: Representative Richmond
6

For An Act To Be Entitled

8 *AN ACT TO CREATE THE PROTECTION FOR DOG OWNERS ACT;*
9 *TO DEFINE DECEPTIVE TRADE PRACTICES FOR DOG SALES; TO*
10 *CREATE THE PROFESSIONAL AND DIRECT-SELL DOG BREEDER*
11 *ACT; TO REQUIRE REGISTRATION OF DOG BREEDERS; TO*
12 *ESTABLISH STANDARDS FOR DOG BREEDER BUSINESSES; AND*
13 *FOR OTHER PURPOSES.*

Subtitle

14
15
16
17 *TO CREATE THE PROTECTION FOR DOG OWNERS*
18 *ACT; TO DEFINE DECEPTIVE TRADE PRACTICES*
19 *FOR DOG SALES; TO CREATE THE PROFESSIONAL*
20 *AND DIRECT-SELL DOG BREEDER ACT; AND TO*
21 *CREATE OVERSIGHT OF DOG SELLERS.*
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 *SECTION 1. Arkansas Code Title 4, Chapter 97, is amended to add an*
27 *additional subchapter to read as follows:*

28 *Subchapter 2 – Protection for Dog Owners Act*

29
30 *4-97-201. Title.*

31 *This subchapter shall be known and may be cited as the "Protection for*
32 *Dog Owners Act".*

33
34 *4-97-202. Definitions.*

35 *As used in this subchapter:*

36 *(1)(A) "Health problem" means an illness, a disease, or a*



1 disorder identified by the consumer's veterinarian and confirmed by the
2 seller's veterinarian that has a significant adverse effect on the health of
3 a dog.

4 (B) "Health problem" does not mean internal or external
5 parasites unless the presence of a parasite makes the dog clinically ill;

6 (2) "Misrepresent" means selling, trading, adopting, delivering,
7 or transferring a dog to another person with the knowledge that the dog has a
8 health problem that is not documented in writing and signed by the person
9 receiving the dog at or before the sale, trade, adoption, delivery, or
10 transfer;

11 (3) "Person" means an individual, corporation, limited liability
12 company, firm, company, association, or other entity;

13 (4) "Releasing agency" means:

14 (A) An animal control agency or humane shelter operated by
15 a municipality, county, or other governmental agency;

16 (B) An animal shelter;

17 (C) An animal welfare organization;

18 (D) A dog pound;

19 (E) A humane organization;

20 (F) An incorporated nonprofit animal adoption
21 organization;

22 (G) The Humane Society of the United States or any society
23 for the prevention of cruelty to animals; or

24 (H) Another similar entity;

25 (5) "Rescue caregiver" means a person who:

26 (A) Provides temporary care to dogs at a private residence
27 or other premises;

28 (B) Operates under the authority of or in cooperation with
29 a releasing agency; or

30 (C) Sells, trades, delivers, or transfers dogs to another
31 person under the authority of or in cooperation with a releasing agency;

32 (6) "Sell" means to sell, trade, adopt, deliver, or transfer a
33 dog to a person for compensation; and

34 (7) "Seller" means a person who sells, trades, adopts, or
35 transfers a dog to another person for compensation.

36

1 4-97-203. Deceptive trade practices.

2 The following are unfair or deceptive trade practices that violate this
3 subchapter:

4 (1)(A) The sale and physical transfer of a dog younger than
5 eight (8) weeks of age.

6 (B) However, delivering or transferring a dog to a foster
7 dam, a veterinarian, a releasing agency, a rescue caregiver, or a state
8 registered or federally licensed breeder is not a violation;

9 (2) Misrepresenting the physical condition, fitness, or
10 veterinary history of a dog at the time of the dog's sale, trade, adoption,
11 delivery, or transfer;

12 (3) Altering, counterfeiting, fabricating, or falsifying a
13 veterinary health certificate or veterinary record of a dog; or

14 (4) Knowingly altering, counterfeiting, fabricating,
15 misrepresenting, or falsifying a registration or pedigree certificate.

16
17 4-97-204. Disclosures.

18 (a) Upon payment in full, a seller shall provide written, signed, and
19 dated disclosures to the consumer that includes the following information:

20 (1) The name, address, the United States Department of
21 Agriculture license number of the professional dog breeder or any broker who
22 may have had possession of the dog;

23 (2) The date of the dog's birth or the date the breeder received
24 the dog;

25 (3) The dog's identifying tag number, collar number, tattoo, or
26 microchip number, if any;

27 (4) For a dog represented as eligible for registration by a dog
28 registry, the registration application, known as a "puppy paper" shall be
29 provided upon fulfillment of the seller's terms;

30 (5) A record of inoculations, vaccinations, worming treatments,
31 parasite prevention treatments, medication, and veterinary treatment received
32 by the dog while in the seller's possession; and

33 (6) A statement signed by the breeder that:

34 (A) The dog:

35 (i) Is apparently free of and does not exhibit any
36 signs of any:

1 (a) Contagious or infectious disease; and

2 (b) Defect that is congenital or hereditary;

3 and

4 (ii) Does not exhibit any signs of clinical illness
5 or parasitic infestation on the date of sale; or

6 (B) Discloses any known health problems.

7 (b) The seller shall maintain for eighteen (18) months a copy of the
8 disclosures required under subsection (a) of this section.

9 (c)(1) A seller that represents a dog as eligible for registration
10 with a dog registry organization shall provide the consumer with the
11 documents necessary for registration upon fulfillment of the seller's terms.

12 (2) If the documents required under subdivision (c)(1) of this
13 section are not received from the seller within thirty days (30) of
14 fulfillment of all seller terms, the consumer may:

15 (A) Retain the dog and receive a refund not to exceed
16 twenty-five percent (25%) of the original purchase price; or

17 (B) Return the dog, along with all documentation
18 pertaining to the dog.

19
20 4-97-205. Dog unfit for sale.

21 (a) A dog is considered to have been unfit for sale at the time of
22 sale if:

23 (1) Within ten (10) days after the date of sale of a dog to a
24 consumer, a veterinarian states in writing that the dog is clinically ill or
25 has died from a health problem that existed in the dog at the time of sale;
26 and

27 (2) Within one (1) year after the date of sale of a dog to a
28 consumer, a veterinarian states in writing that the dog has died from or has
29 been diagnosed with a congenital defect that was or will be fatal.

30 (b) A dog shall not be found unfit for purchase for the purposes of
31 subsection (a) of this section because of:

32 (1) A veterinary finding of intestinal or external parasites
33 unless the dog is critically ill or dies due to the parasitic condition;

34 (2) An injury sustained or illness contracted subsequent to the
35 date of sale; or

36 (3)(A) A health problem which in addition to a health

1 certificate or guarantee of good health required under subsection (a) of this
2 section is separately disclosed by the seller in writing at the time of sale.

3 (B) A disclosure under subdivision (b)(3)(A) of this
4 section shall be:

5 (i) Signed by both the seller and the purchaser at
6 the time of sale; and

7 (ii) Documented in the health certificate or a
8 guarantee of good health.

9
10 4-97-206. Complaints – Remedies.

11 To obtain a remedy under this subchapter, the consumer shall:

12 (1)(A) With respect to a dog unfit for sale as described in § 4-
13 97-205:

14 (i) Notify the seller in writing within three (3)
15 business days of the date of the veterinarian's written statement under § 4-
16 97-205(a); and

17 (ii) Provide the seller with the name, address, and
18 telephone number of the veterinarian and a copy of the veterinarian's written
19 statement.

20 (B) If the consumer chooses to receive a full refund for
21 the dog, return the dog to the seller no later than five (5) business days
22 after receipt of a written statement from a veterinarian indicating the dog
23 was unfit for sale; and

24 (2)(A) With respect to a deceased dog that was unfit for sale,
25 notify the seller and provide a copy of the veterinarian's written statement
26 under § 4-97-205(a) within three (3) business days of the date of the
27 veterinarian's written statement.

28 (B) Remedies available to the consumer under subdivision
29 (a)(2)(A) of this section include:

30 (i) With respect to a deceased dog, the seller shall
31 provide the consumer at the consumer's discretion:

32 (a) A dog of equal value, if available;

33 (b) Reimbursement of veterinarian fees not to
34 exceed fifty percent (50%) of the original purchase price of the dog for
35 reasonable veterinary fees; or

36 (c) A refund of the full purchase price of the

1 dog; and

2 (ii) With respect to a dog unfit for sale, the
3 seller, at the consumer's discretion, shall:

4 (a) Accept return of the dog for a refund of
5 the full purchase price;

6 (b) Exchange the dog for a dog of equivalent
7 value, if available; or

8 (c) Allow the consumer to retain the dog and
9 receive reimbursement for veterinarian fees not to exceed twenty five percent
10 (25%) of the original purchase price of the dog.

11
12 4-97-207. Rights of a seller.

13 (a) A seller is not liable for a refund, replacement, or reimbursement
14 of veterinary fees of a consumer if any one (1) or more of the following
15 conditions exist:

16 (1) The health problem or death resulted from maltreatment,
17 neglect, or a disease contracted while the dog was in the possession of the
18 consumer or from an injury sustained subsequent to receipt of the animal by
19 the consumer;

20 (2) A written statement that disclosed the health problem or
21 congenital defect required under § 4-97-508(b)(3)(A) for which the consumer
22 seeks remedy was provided by the seller and was signed by the consumer on or
23 before the date of sale; or

24 (3) The person to whom the dog was sold, traded, adopted,
25 delivered, or transferred signed a statement that no refund, replacement dog,
26 or reimbursement of veterinary fees would be provided.

27 (b)(1) If a seller chooses to contest a demand for remedy, the seller
28 may require the consumer to produce the dog for examination or autopsy by a
29 veterinarian designated by the seller.

30 (2) For a remedy under subdivision (b)(1) of this section, the
31 seller shall pay the cost of this examination or autopsy.

32 (3) If the seller is not obligated to provide a remedy, the
33 seller may recover against the consumer costs incurred under subdivision
34 (b)(2) of this section.

35 (4)(A) For the purpose of conducting a necropsy, the consumer
36 shall deliver the dog's corpse to the seller.

1 (B) Except as provided for under subdivision (b)(3) of
2 this section, the seller shall reimburse the consumer for the cost of
3 transport of the corpse.

4
5 4-97-208. Cause of action.

6 (a) If a seller does not provide the remedy selected by a consumer
7 under this subchapter, the consumer may initiate an action in a court of
8 competent jurisdiction.

9 (b) The prevailing party in an action under this subchapter may
10 recover costs and reasonable attorney fees.

11
12 4-97-209. Civil penalty.

13 A county sheriff may assess and collect from a seller for a remedial
14 civil penalty not to exceed two hundred fifty dollars (\$250) for each
15 separate violation of this subchapter.

16
17 4-97-210. Applicability.

18 This subchapter does not:

- 19 (1) Limit other remedies provided by law: or
20 (2) Apply to a kennel that primarily houses dogs in training to
21 be or actively engaged as hunting dogs, sporting dogs, or service dogs.

22
23 SECTION 2. Arkansas Code Title 17 is amended to add an additional
24 chapter to read as follows:

25
26 CHAPTER 56

27 ANIMAL SALES

28 Subchapter 1 – Professional and Hobby Dog Breeders Act

29
30 17-56-101. Title.

31 This subchapter shall be known and may be cited as the "Professional
32 and Direct-Sell Dog Breeder Act".

33
34 17-56-102. Definitions.

35 As used in this subchapter:

- 36 (1) "Business hours" means between 9:00 a.m. and 5:00 p.m.,

1 Monday through Friday, except for legal federal holidays;

2 (2) "Direct-sell dog breeder" means a person that:

3 (A) Is exempt from the requirements of a United States
4 Department of Agriculture license who sells, trades, adopts, delivers, or
5 transfers dogs directly to a consumer for compensation;

6 (B) Possesses five (5) or more female dogs capable of
7 breeding, and

8 (C) Annually sells twenty (20) or more puppies raised on
9 premises owned by the direct-sell dog breeder;

10 (3) "Dog" means a canis lupus familiaris or canis familiaris
11 hybrid;

12 (4)(A) "Health problem" means an illness, a disease, or a
13 disorder identified by the consumer's veterinarian and confirmed by the
14 seller's veterinarian that has a significant adverse effect on the health of
15 a dog.

16 (B) "Health problem" does not mean internal or external
17 parasites unless the presence of a parasite makes the dog clinically ill;

18 (5) "Housing facility" means land, premises, shed, barn,
19 building, trailer, or other structure or area, housing, or facility intended
20 to house dogs;

21 (6) "Owner" means any person who has a property right in a dog;

22 (7) "Person" means an individual, corporation, limited liability
23 company, firm, company, association, or other legal entity;

24 (8)(A) "Professional dog breeder" means a person who is licensed
25 by the United States Department of Agriculture and who sells, trades, adopts,
26 delivers, or transfers to another person wholesale or retail dogs or puppies
27 with or without compensation.

28 (B) "Professional dog breeder" does not mean a licensed
29 veterinary practice or a research facility;

30 (9) "Purchaser" means a person who purchases, receives in trade,
31 adopts, or receives in transfer, a dog;

32 (10) "Releasing agency" means:

33 (A) An animal control agency or humane shelter operated by
34 a municipality, county, or other governmental agency;

35 (B) An animal shelter;

36 (C) An animal welfare organization;

1 (D) A dog pound;

2 (E) A humane organization;

3 (F) An incorporated nonprofit animal adoption
4 organization;

5 (G) The Humane Society of the United States or any society
6 for the prevention of cruelty to animals; or

7 (H) Another similar entity;

8 (11) "Rescue caregiver" means a person who:

9 (A) Provides temporary care to dogs at a private residence
10 or other premises;

11 (B) Operates under the authority of or in cooperation with
12 a releasing agency; and

13 (C) Sells, trades, delivers, or transfers a dog to another
14 person under the authority of or in cooperation with a releasing agency; and

15 (12) "Veterinarian" means a practitioner of veterinary medicine
16 duly licensed under the laws of this or other state.

17
18 17-56-103. Registration required.

19 (a) A person shall not operate, attempt to operate, or offer to
20 operate as a professional dog breeder, direct-sell dog breeder, releasing
21 agency, or rescue caregiver without first registering with the county sheriff
22 of the county in which the professional dog breeder, direct-sell dog breeder,
23 releasing agency, or rescue caregiver does business.

24 (b) Each registration under this subchapter shall expire March 31 each
25 year and shall be renewed no later than May 15 of the same year.

26 (c) A person shall be at least eighteen (18) years of age to register.

27
28 17-56-104. County sheriff – Registration procedures – Rules.

29 (a) Each county sheriff may administer this subchapter in the county
30 in which the county sheriff has jurisdiction.

31 (b)(1) An application to register or renew a registration under this
32 subchapter shall be submitted to the county sheriff's department on a form
33 created by the county sheriff's department.

34 (2) The application and renewal form for registration as a
35 professional dog breeder shall include:

36 (A) The name and address of the person seeking to

1 register; and

2 (B) The United States Department of Agriculture:

3 (i) License number of the professional dog breeder;

4 (ii) Inspector's name; and

5 (iii) Most recent inspection date with a copy of the
6 most recent inspection report that is available.

7 (3) The application or renewal form for registration as a
8 direct-sell dog breeder, releasing agency, or rescue caregiver shall include:

9 (A) Proof that the person seeking to register or renew
10 registration as a direct-sell dog breeder provides a program of veterinary
11 care signed by a veterinarian;

12 (B) Other information required by the county sheriff's
13 department; and

14 (C) A declaration that the applicant or registrant under
15 this subchapter has not been found guilty of, pleaded guilty to, or pleaded
16 nolo contendere within the past three (3) years to:

17 (i) A violation of this subchapter;

18 (ii) The offense of cruelty to animals, § 5-62-103;

19 (iii) The offense of aggravated cruelty to a dog,
20 cat, or horse, § 5-62-104; or

21 (iv) An offense with similar elements in another
22 state.

23 (c) Before issuing registration or a renewal of registration under
24 this subchapter, a county sheriff's department may:

25 (1) Perform an inspection to confirm that a housing facility,
26 its standards of care for dogs, and records maintained by the applicant or
27 registrant under this subchapter conform to this subchapter and the rules
28 adopted under this subchapter;

29 (2) Accept in lieu of inspection a copy of records required
30 under rules adopted under this subchapter and a signed, dated veterinarian's
31 report of inspection of the housing facility and the dogs contained in the
32 housing facility that demonstrates compliance with this subchapter and the
33 rules adopted under this subchapter;

34 (3) Require proof of compliance with United States Animal and
35 Plant Health Inspection Service licensing for dog dealers if such licensing
36 is required for the applicant or registrant under this subchapter; or

1 (4) Any combination of the actions authorized under this
2 subsection.

3 (d)(1) An inspection required by a county sheriff's department shall
4 be performed by a veterinarian selected by the applicant or registrant under
5 this subchapter and approved by the county sheriff's department.

6 (2) Payment of fees for inspections performed by a veterinarian
7 selected by the applicant or registrant under this subchapter shall be the
8 sole responsibility of the applicant or registrant under this subchapter.

9 (e) The applicants and registrants who are required to remit sales tax
10 on the sales of dogs shall pay any sales tax due to the State of Arkansas.

11 (f) The county sheriff's department shall not issue a registration to
12 or renew a registration for a person who within the previous three (3) years
13 has been found guilty of, pleaded guilty to, or pleaded nolo contendere to:

14 (1) A violation of this subchapter;

15 (2) The offense of cruelty to animals, § 5-62-103;

16 (3) The offense of aggravated cruelty to a dog, cat, or horse, §
17 5-62-104; or

18 (4) An offense with similar elements in another state.

19 (g)(1) Registration under this section is nontransferable.

20 (2) If a registrant undergoes a substantial change of ownership
21 of any corporation, limited liability company, partnership, or other entity
22 holding a registration:

23 (A) The existing registration is void; and

24 (B) The registrant may apply for a new registration.

25
26 17-56-105. Records – Retention – Distribution.

27 (a)(1) A registrant shall maintain all records required by this
28 subchapter and rules adopted to implement this subchapter for eighteen (18)
29 months after the date a dog is sold, traded, adopted, delivered, or
30 transferred, is euthanized, dies, or is otherwise disposed of, unless
31 otherwise ordered by a court.

32 (2) The records shall be made available to the county sheriff's
33 department or to a law enforcement officer on request.

34 (b) A professional dog breeder shall provide to the purchaser at the
35 time of sale, trade, transfer, adoption, delivery, or transfer of a dog, a
36 copy of the record of vaccinations, inoculations, parasite treatment, and

1 preventive and therapeutic veterinary care provided for the dog while the dog
2 was maintained by the professional dog breeder.

3 (c) A releasing agency that cannot provide to the person who is
4 adopting, trading, or purchasing a dog the records of vaccinations,
5 inoculations, parasite treatment, and preventive and therapeutic veterinary
6 care provided or knowledge of any behavioral, congenital, or hereditary
7 issues while the dog was maintained by the releasing agency shall provide to
8 the person a written statement that to the best of the releasing agency's
9 knowledge the dog or puppy being considered has not been administered
10 vaccinations, inoculations, parasite treatment, and preventive and
11 therapeutic veterinary care.

12
13 17-56-106. Fees.

14 (a) Each county sheriff shall establish the following fee schedule for
15 operation of this subchapter:

16 (1) An application fee for registration not to exceed thirty-
17 five dollars (\$35.00);

18 (2) An inspection fee not to exceed one hundred dollars (\$100);

19 (3) A returned check fee not to exceed twenty dollars (\$20.00);

20 (4) A duplicate registration fee not to exceed twenty-five
21 dollars (\$25.00); and

22 (5) A criminal background report fee not to exceed the cost of a
23 criminal background check by the Identification Bureau of the Department of
24 Arkansas State Police.

25 (b)(1) The application fee under subdivision (a)(1) of this section
26 shall be waived for a releasing agency and a rescue caregiver.

27 (2) However, the application fee under subdivision (a)(1) of
28 this section shall not be waived for a releasing agency or a rescue caregiver
29 that:

30 (A) Sells, trades, adopts, delivers, or transfers dogs
31 imported from outside Arkansas; or

32 (B) Sells, trades, adopts, delivers, or transfers more
33 than twenty-five (25) dogs per calendar year that are born as a result of
34 matings that occurred:

35 (i) On the premises or housing facility; or

36 (ii) While a dam was in the possession of or

1 maintained by the releasing agency or rescue caregiver.

2 (c) The fees under this section shall be waived for a person licensed
3 or registered, inspected by, and in good standing with the United States
4 Animal and Plant Health Inspection Service as a Class A or Class B animal
5 dealer.

6 (d)(1) All fees collected by the county sheriff's department for
7 administration of this shall be retained by the county sheriff's department
8 to offset the cost of the program.

9 (2) Administrative fees or costs associated with this program
10 shall not exceed twenty five dollars (\$25.00) per event.

11
12 17-56-107. County sheriff – Inspections.

13 (a) A county sheriff, or if requested by the registrant, a
14 veterinarian acceptable to the county sheriff and paid for by the registrant
15 may conduct inspections of a housing facility, the dogs maintained in the
16 housing facility, and records that may be required under rules adopted under
17 this subchapter to:

18 (1) Investigate a credible signed, sworn complaint that a
19 violation of this subchapter is taking place;

20 (2) Report to the United States Animal and Plant Health
21 Inspection Service a registrant who is required to be licensed by the United
22 States Animal and Plant Health Inspection Service; and

23 (3) Enforce this subchapter and the rules adopted under this
24 subchapter.

25 (b) Inspections shall be:

26 (1) Conducted during business hours or another time mutually
27 agreed upon between the county sheriff and the registrant at the location
28 being inspected; and

29 (2) Limited in scope to items in an inspection checklist that
30 shall be published on the website of the county sheriff; and

31 (3)(A)(i) The kennel of a registered professional dog breeder
32 licensed by the United States Department of Agriculture is exempt from county
33 sheriff's department inspections under this subchapter.

34 (ii) However, the professional dog breeder shall
35 provide a copy of the latest inspection report under this subchapter to the
36 county sheriff of the county in which the kennel is located.

1 (B) The exemption under subdivision (b)(3)(A)(i) of this
2 section does not limit a county sheriff's duty to investigate sworn, written
3 complaints about a professional dog breeder.

4 (c) A registrant shall not unreasonably fail to cooperate with the
5 county sheriff for acting in accordance with this subchapter.

6 (d) If an inspection reveals a violation of this subchapter or rules
7 adopted under this subchapter, the county sheriff shall give the registrant a
8 detailed list of each violation found during the inspection within a
9 reasonable time after the inspection.

10 (e)(1)(A) The county sheriff shall allow a registrant found in
11 violation of this subchapter thirty (30) days after the date of receipt of
12 the list of violations to correct all violations contained on the list.

13 (B) An extension of this deadline may be granted at the
14 discretion of the county sheriff.

15 (2)(A) Before the expiration of the thirty-day period or before
16 the expiration of an extension to the thirty-day period, the registrant shall
17 notify the county sheriff in writing of the actions taken to correct the
18 violations.

19 (B) The housing facility and records may be reinspected at
20 the discretion of the county sheriff.

21 (C) If a reinspection finds that each violation contained
22 on the list has been corrected and no other violations have been found, the
23 county sheriff shall not take further action against the registrant with
24 regard to the violations.

25 (3)(A) If at the reinspection the county sheriff finds that the
26 registrant has not corrected each violation on the list, but if in the
27 opinion of the county sheriff the registrant has made a significant effort
28 towards correcting each violation, the county sheriff may issue a warning and
29 extend the deadline under subdivision (e)(1)(B) of this section for another
30 thirty-day period.

31 (B) If in the opinion of the sheriff the registrant has
32 not made an adequate effort towards correcting each violation on the list
33 provided by the county sheriff under subsection (d) of this section, the
34 county sheriff may assess a civil penalty of not less than fifty dollars
35 (\$50.00) and not more than two hundred fifty dollars (\$250), including court
36 costs, per violation of this subchapter or the rules adopted under this

1 subchapter.

2 (4) The registrant may be required to pay an inspection fee not
3 to exceed fifty dollars (\$50.00) for each reinspection.

4
5 17-56-108. Revocation and suspension – Penalties.

6 (a) A county sheriff may revoke, suspend, or refuse to issue or renew
7 a professional dog breeder registration, a direct-sell dog breeder
8 registration, or a releasing agency registration for one (1) or more of the
9 following reasons:

10 (1) An uncorrected violation of this subchapter or the rules
11 promulgated under this subchapter;

12 (2) The applicant or registrant under this subchapter has been
13 found guilty of, pleaded guilty to, or pleaded nolo contendere to:

14 (A) The offense of cruelty to animals, § 5-62-103;

15 (B) The offense of aggravated cruelty to a dog, cat, or
16 horse, § 5-62-104; or

17 (C) An offense with similar elements in another state;

18 (3) Fraud or deceit in obtaining registration; or

19 (4) Dishonesty, fraud, or gross negligence while operating as a
20 professional dog breeder.

21 (b) The county sheriff may revoke, suspend, or refuse to issue or
22 renew a professional dog breeder, hobby breeder, or releasing agency
23 registration to a partnership, corporation, limited liability company, or
24 other business entity if a person with a substantial ownership interest or a
25 person employed by the partnership, corporation, limited liability company,
26 or other business entity has been found guilty of or pleaded guilty or nolo
27 contendere to an offence listed under subsection (a) of this section.

28 (c)(1) In addition to or in lieu of any other disciplinary actions,
29 the county sheriff may impose a civil penalty of not less than fifty dollars
30 (\$50.00) nor more than two hundred fifty dollars (\$250) against a person who
31 knowingly acts as a professional dog breeder, a direct-sell dog breeder, a
32 releasing agency, or a rescue caregiver without possessing a registration
33 under this subchapter.

34 (2) Each day of continued violation of the registration
35 requirements under this subchapter is a separate violation.

36

1 17-56-109. Registration renewal.

2 (a) If the registrant has complied with this subchapter and rules
3 adopted under this subchapter, a registration issued under this subchapter is
4 renewable annually upon application and payment of the application fee by the
5 registrant.

6 (b)(1) A county sheriff may charge a late fee not to exceed twenty
7 dollars (\$20.00) for each month or part of a month that a registration
8 renewal is late.

9 (2) However, the county sheriff may adopt a rule to require
10 application for a new registration if a registrant fails to file a renewal
11 request within sixty (60) days after the expiration of a current
12 registration.

13
14 17-56-110. Effect of license revocation.

15 (a) A person whose registration was previously revoked shall not:

16 (1) Operate as a professional dog breeder, a direct-sell dog
17 breeder, a releasing agency, or a rescue caregiver unless the person is later
18 issued a registration under this subchapter;

19 (2)(A) Be eligible to apply for another registration for a
20 period of six (6) months after the date of revocation.

21 (B) However, the person is not eligible to apply for
22 another registration for ten (10) years after the date of completion of any
23 sentence or court-ordered probation, whichever is later, if the registration
24 was revoked because the person has been found guilty of, pleaded guilty to,
25 or pleaded nolo contendere to:

26 (i) The offense of cruelty to animals, § 5-62-103;

27 (ii) The offense of aggravated cruelty to a dog,
28 cat, or horse, § 5-62-104; or

29 (iii) An offense with similar elements in another
30 state.

31 (C) A county sheriff may extend the period of
32 ineligibility under subdivision (a)(2)(B) of this section after the mandatory
33 period of ineligibility has expired.

34 (b) The county sheriff may refuse to issue a registration to a person
35 who was:

36 (1) An officer, agent, or employee of a registrant whose

1 registration has been revoked; and

2 (2) Responsible for or participated in a violation upon which
3 the revocation was based.

4
5 17-56-111. Confiscation not authorized.

6 (a) Only a county sheriff may confiscate a dog under this subchapter.

7 (b) A county sheriff shall seek assistance from a local veterinarian
8 who is not associated with a releasing agency or rescue caregiver and may
9 seek assistance from a releasing agency regarding the confiscation of a dog
10 if the inspecting veterinarian has concluded that the health and well-being
11 of the dog requires immediate removal from the registrant's premises.

12 (c)(1) Unless under a court order and accompanied by an officer of the
13 county sheriff's department where the premises of a registrant under this
14 subchapter is located, an individual or an agent of a releasing agency shall
15 not enter upon the premises of a registrant under this subchapter without the
16 verbal or written permission of the registrant as witnessed by the county
17 sheriff or an agent of the county sheriff under this subchapter.

18 (2) A trespassing charge may be brought against an individual or
19 an agent of a releasing agency, the Humane Society of the United States, or a
20 similar organization who violates subdivision (c)(1) of this section.

21 (d) A dog confiscated under this section shall not be transported
22 outside of the county in which the dog was confiscated.

23 (e) A dog confiscated under this section shall be afforded at least
24 the minimum standards of care, including without limitation veterinary care,
25 food, water, and shelter is the responsibility of the confiscating agency.

26 (f)(1) A confiscated dog remains the property of the original owner
27 until adjudication by a civil court or other competent judicial authority.

28 (2) The original owner of a dog confiscated under this section
29 shall not be coerced into transferring the ownership of the dog to an
30 organization or agency involved in the confiscation of the dog.

31 (3) The original owner may voluntarily transfer ownership of the
32 confiscated dog to a person or entity approved by the county sheriff.

33
34 17-56-112. Care for dogs.

35 A registrant under this subchapter shall comply with the following
36 standards of care for dogs, unless otherwise directed in writing by a

1 veterinarian:

2 (1) Each dog shall be provided food at sufficient intervals to
3 maintain health, but not less frequently than one (1) time every twenty-four
4 (24) hours;

5 (2) Each dog shall be provided fresh water in a clean container
6 at sufficient intervals to maintain health and hydration;

7 (3) Each dog shall be provided grooming at sufficient intervals
8 to maintain health;

9 (4) A dog assessed by a veterinarian to be suffering serious
10 injury or health problems shall be provided care either directly by the
11 veterinarian or by the registrant under the supervision of a veterinarian;

12 (5)(A) Each dog shall be provided the opportunity to exercise on
13 a solid surface a minimum of three (3) times per week, weather conditions
14 permitting.

15 (B) An opportunity to exercise for the health and well
16 being of the animal including:

17 (i) Active running and play with compatible dogs or
18 other species;

19 (ii) Access to an indoor or outdoor area of
20 sufficient size for each dog;

21 (iii) Leash walking;

22 (iv) Training and participation in dog sports; or

23 (v) Other physical activities that maintain a dog's
24 health and physical condition.

25 (C) This subdivision (5) does not apply to a releasing
26 agency or a rescue caregiver if the dog is:

27 (i) Impounded for less than three (3) days; or

28 (ii) Subject to a state or federally required
29 quarantine;

30 (6) An indoor facility within which a dog is kept shall be
31 lighted to provide a regular diurnal lighting cycle;

32 (7) An enclosure in which a dog is confined shall be:

33 (A) Of sufficient size to allow each dog to sit, stand
34 with head fully erect, lie down, and turn around comfortably, without
35 touching another animal;

36 (B) Kept in good repair so as to securely confine and not

1 cause injury to the dog;

2 (C) Maintained reasonably free from debris;

3 (D) Maintained through the removal and disposal of urine
4 and feces a minimum of once every two (2) weeks so as not to pose a threat to
5 the health of the dog or to create a nuisance; and

6 (E) Constructed to protect dogs from adverse weather
7 conditions;

8 (8) Enclosures that are stacked shall have an impermeable
9 barrier between each level;

10 (9) A dog maintained outdoors for more than a thirty-minute
11 period of time shall be provided continued access to water, a dry resting
12 surface, and shelter from the elements;

13 (10) A dog residing outside for more than four (4) hours per day
14 shall have access to a shelter consisting of:

15 (A) A roof;

16 (B) An appropriate size so that each dog is protected from
17 adverse weather, wind, and precipitation; and

18 (C) Construction so that each dog is not exposed to
19 conditions that may cause harm or health concerns;

20 (11) Bedding materials made available to a dog shall be clean
21 and dry;

22 (12) If perforated flooring is used in an enclosure, the
23 perforated flooring shall:

24 (A) Be appropriate to the size and weight of each dog to
25 prevent injury;

26 (B) Not sag;

27 (C) Be kept in good repair; and

28 (D) Provide a solid resting platform of sufficient size to
29 allow each dog to sit and stand with head fully erect, to lie down, and to
30 turn around comfortably;

31 (13)(A) Each dog shall have its health and behavior assessed
32 daily.

33 (B) A deviation in health condition, including internal
34 and external parasites, shall be treated expeditiously.

35 (C) A dog suffering serious injury or health problems
36 shall be provided care by a veterinarian;

1 (14)(A) Storage facilities and containers shall be constructed
2 and maintained to protect food, medicines, supplies, and bedding from
3 deterioration, contamination, and vermin infestation.

4 (B) Potentially toxic or hazardous substances shall be
5 stored in a manner to avoid contact and potential for harm to the dogs;

6 (15) Each dog shall be uniquely identified by a marking,
7 microchip, or tattoo or collar with a tag; and

8 (16) A dog that primarily resides in a kennel, house, or run may
9 have its identification affixed to the structure where it resides.

10
11 17-56-113. Records.

12 Each registrant shall maintain and make available for inspection by the
13 Department of Health the following records:

14 (1) The date on which each dog was obtained, whelped, or entered
15 the housing facility;

16 (2) For a dog not registered with a nationally recognized
17 registry service such as the American Kennel Club, America's Pet Registry,
18 Inc., or the United Kennel Club, a description of each dog, including the
19 color and identifying marks, breed, if known, sex, and date of birth or the
20 approximate age;

21 (3) The unique identifying information for each dog that
22 corresponds to each dog's marking, microchip, or tattoo or collar with a tag;
23 and

24 (4) Each vaccination, inoculation, parasite treatment, and
25 preventive and therapeutic veterinary care provided for each dog.

26
27 17-56-114. County sheriff – Rules.

28 (a) Each county sheriff shall adopt rules to implement this
29 subchapter.

30 (b) The rules may include the following:

31 (1) A fee schedule as described in § 17-56-106;

32 (2) Operating standards for applicants and registrants under
33 this subchapter;

34 (3) Requirements for recordkeeping and reporting; and

35 (4) Other administrative rules.

36 (c) A county sheriff shall not adopt a rule that would prevent a

1 registrant from maintaining dogs in a residence if the registrant is
2 otherwise in compliance with this subchapter and the rules adopted under this
3 subchapter.

4 (d) In establishing rules, the county sheriff may consider without
5 limitation:

6 (1) Corresponding standards established by the United States
7 Department of Agriculture;

8 (2) Corresponding standards established by the American Kennel
9 Club, America's Pet Registry, Inc., or the United Kennel Club;

10 (3) Recommendations of dog breeders who are residents of the
11 state and who each have no less than ten (10) years of experience in breeding
12 dogs;

13 (4) Recommendations of Arkansas veterinarians who practice small
14 animal veterinary medicine; and

15 (5) Recommendations of representatives of releasing agencies.

16 (e) This subchapter and rules adopted under this subchapter shall be
17 interpreted and enforced uniformly for all applicants and registrants under
18 this subchapter.

19
20 17-56-115. Dog breeder location – Notice.

21 An applicant or registrant shall notify the county sheriff of the
22 county in which the business of an applicant or registrant under this
23 subchapter is proposed to be located before opening for business.

24
25 17-56-116. Penalties.

26 (a) A person who is found guilty of or pleads guilty or nolo
27 contendere to a violation of this subchapter is guilty of a Class B
28 misdemeanor.

29 (b) This subchapter does not preclude prosecution for a criminal
30 offense of a person who violates this subchapter.

31
32 17-56-117. Applicability.

33 This subchapter does not apply to:

34 (1) A kennel that primarily houses dogs in training to be or
35 actively engaged as hunting dogs, sporting dogs, service dog, or greyhound
36 racing dogs; or

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(2) A public employee in the performance of his or her duty.

/s/Richmond