

ESHB 1424 - S COMM AMD

By Committee on Business, Financial Services, Gaming & Trade

ADOPTED AND ENGROSSED 04/05/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 16.52.360 and 2021 c 76 s 1 are each amended to
4 read as follows:

5 (1) Except as provided in this section, a retail pet store may
6 not sell or offer for sale any dog or cat.

7 (2) A retail pet store that sold or offered for sale any dog
8 prior to July 25, 2021, may sell or offer for sale a dog only if the
9 retail pet store meets the following requirements:

10 (a) Any dog sold or offered for sale must be sold or offered for
11 sale only at the address identified on the retail pet store's
12 business license, as defined in RCW 19.02.020;

13 (b) Any dog sold or offered for sale must be obtained either:

14 (i) Directly from a breeder, including an out-of-state breeder,
15 who satisfies the requirements of RCW 16.52.310; or

16 (ii) From a United States department of agriculture licensed
17 broker pursuant to the federal animal welfare act, Title 7 U.S.C.
18 Sec. 2131 et seq. as amended, that obtains dogs from a breeder in
19 compliance with this section. A licensed broker shall provide all
20 breeder documentation required by a breeder under this section as
21 well as any applicable federal and state license numbers for the
22 breeder or the broker;

23 (c) Any dog sold or offered for sale must possess documentation
24 obtained from its breeder, either directly or through a United States
25 department of agriculture licensed broker, demonstrating:

26 (i) The dog was not separated from its mother prior to the age of
27 eight weeks; and

28 (ii) The breeder's compliance with RCW 16.52.310 on the date the
29 dog was obtained from the breeder;

30 (d) A retail pet store shall, prior to obtaining a dog from a
31 breeder or a broker, obtain all inspection reports for the breeder
32 created by the United States department of agriculture within the

1 previous three years, if applicable. A retail pet store shall
2 maintain and, upon request, produce the records for a period of five
3 years following the sale of a dog obtained from a breeder or broker;

4 (e) Any advertisement, including website postings, offering to
5 sell a dog must include:

6 (i) A range of prices at which a dog, breed of dog, or dogs
7 having other distinguishing traits are offered for sale;

8 (ii) The age of the dog; and

9 (iii) Supporting documentation providing the applicable federal
10 or state license numbers for the breeder of the dog, if applicable;

11 (f) The retail pet store shall post in a location visible from
12 the entrance of the retail pet store on a kiosk or other form of
13 bulletin board the purchase price, age, and the following information
14 on the dog's breeder:

15 (i) Full name;

16 (ii) Kennel name, if applicable;

17 (iii) City and state; and

18 (iv) Any applicable state or federal license numbers; and

19 (g) The retail pet store shall disclose to a prospective consumer
20 in writing, prior to the sale of a dog, the following information
21 about the dog:

22 (i) The purchase price of the dog; and

23 (ii) Any applicable federal or state license numbers and an
24 unredacted list of all violations of any federal or state law the dog
25 breeder or cat breeder received in the previous two years on a
26 federal or state inspection report.

27 (3) A retail pet store may provide space and appropriate care for
28 animals, including dogs and cats, owned by an animal care and control
29 agency or animal rescue group for the purpose of adopting those
30 animals to the public. Each retail pet store shall display on each
31 cage or pen containing a dog or cat a label stating the certificate
32 of source, including the name and address of the animal care and
33 control agency or animal rescue group.

34 (4)(a) It is a class 1 civil infraction under chapter 7.80 RCW
35 for any person or corporation who violates this section, subject to
36 the maximum infraction of \$250. The civil infraction may be served on
37 the pet store's registered agent.

38 (i) An enforcement officer as defined in RCW 7.80.040 or an
39 animal control officer under RCW 16.52.015 may investigate and
40 enforce this section.

1 (ii) Appeals are pursuant to chapter 7.80 RCW.

2 (b) Any retail pet store that violates this section three or more
3 times over a one-year period is prohibited from selling or offering
4 to sell any dog or cat.

5 (5) Nothing in this section prohibits any city, town, or county
6 from enacting or enforcing a local ordinance that places greater
7 proscriptions on the sale of any animal by a retail pet store than
8 proscribed by this section or that provides penalties equal to or
9 greater than the penalties provided in this section.

10 **Sec. 2.** RCW 16.52.015 and 2011 c 172 s 2 are each amended to
11 read as follows:

12 (1) Law enforcement agencies and animal care and control agencies
13 may enforce the provisions of this chapter. Animal care and control
14 agencies may enforce the provisions of this chapter in a county or
15 city only if the county or city legislative authority has entered
16 into a contract with the agency to enforce the provisions of this
17 chapter.

18 (2) Animal control officers enforcing this chapter shall comply
19 with the same constitutional and statutory restrictions concerning
20 the execution of police powers imposed on law enforcement officers
21 who enforce this chapter and other criminal laws of the state of
22 Washington.

23 (3) Animal control officers have the following enforcement powers
24 when enforcing this chapter:

25 (a) The power to issue civil penalties based on violations under
26 section 1 of this act;

27 (b) The power to issue citations based on probable cause to
28 offenders for civil infractions and misdemeanor and gross misdemeanor
29 violations of this chapter or RCW 9.08.070 through 9.08.078 or
30 81.48.070;

31 ~~((b))~~ (c) The power to cause a law enforcement officer to
32 arrest and take into custody any person the animal control officer
33 has probable cause to believe has committed or is committing a
34 violation of this chapter or RCW 9.08.070 or 81.48.070. Animal
35 control officers may make an oral complaint to a prosecuting attorney
36 or a law enforcement officer to initiate arrest. The animal control
37 officer causing the arrest shall file with the arresting agency a
38 written complaint within ~~((twenty-four))~~ 24 hours of the arrest,

1 excluding Sundays and legal holidays, stating the alleged act or acts
2 constituting a violation;

3 ~~((e))~~ (d) The power to carry nonfirearm protective devices for
4 personal protection;

5 ~~((d))~~ (e) The power to prepare affidavits in support of search
6 warrants and to execute search warrants when accompanied by law
7 enforcement officers to investigate violations of this chapter or RCW
8 9.08.070 or 81.48.070, and to seize evidence of those violations.

9 (4) Upon request of an animal control officer who has probable
10 cause to believe that a person has violated this chapter or RCW
11 9.08.070 or 81.48.070, a law enforcement agency officer may arrest
12 the alleged offender.

13 **Sec. 3.** RCW 16.52.310 and 2009 c 286 s 2 are each amended to
14 read as follows:

15 (1) A person may not own, possess, control, or otherwise have
16 charge or custody of more than ~~((fifty))~~ 50 dogs with intact sexual
17 organs over the age of six months at any time.

18 (2) Any person who owns, possesses, controls, or otherwise has
19 charge or custody of more than ~~((ten))~~ 10 dogs with intact sexual
20 organs over the age of six months and keeps the dogs in an enclosure
21 for the majority of the day must at a minimum:

22 (a) Provide space to allow each dog to turn about freely, to
23 stand, sit, and lie down. The dog must be able to lie down while
24 fully extended without the dog's head, tail, legs, face, or feet
25 touching any side of an enclosure and without touching any other dog
26 in the enclosure when all dogs are lying down simultaneously. The
27 interior height of the enclosure must be at least six inches higher
28 than the head of the tallest dog in the enclosure when it is in a
29 normal standing position. Each enclosure must be at least three times
30 the length and width of the longest dog in the enclosure, from tip of
31 nose to base of tail and shoulder blade to shoulder blade.

32 (b) Provide each dog that is over the age of four months with a
33 minimum of one exercise period during each day for a total of not
34 less than one hour of exercise during such day. Such exercise must
35 include either leash walking or giving the dog access to an enclosure
36 at least four times the size of the minimum allowable enclosure
37 specified in (a) of this subsection allowing the dog free mobility
38 for the entire exercise period, but may not include use of a cat
39 mill, jenny mill, slat mill, or similar device, unless prescribed by

1 a doctor of veterinary medicine. The exercise requirements in this
2 subsection do not apply to a dog certified by a doctor of veterinary
3 medicine as being medically precluded from exercise.

4 (c) Maintain adequate housing facilities and primary enclosures
5 that meet the following requirements at a minimum:

6 (i) Housing facilities and primary enclosures must be kept in a
7 sanitary condition. Housing facilities where dogs are kept must be
8 sufficiently ventilated at all times to minimize odors, drafts,
9 ammonia levels, and to prevent moisture condensation. Housing
10 facilities must have a means of fire suppression, such as functioning
11 fire extinguishers, on the premises and must have sufficient lighting
12 to allow for observation of the dogs at any time of day or night;

13 (ii) Housing facilities must enable all dogs to remain dry and
14 clean;

15 (iii) Housing facilities must provide shelter and protection from
16 extreme temperatures and weather conditions that may be uncomfortable
17 or hazardous to the dogs;

18 (iv) Housing facilities must provide sufficient shade to shelter
19 all the dogs housed in the primary enclosure at one time;

20 (v) A primary enclosure must have floors that are constructed in
21 a manner that protects the dogs' feet and legs from injury;

22 (vi) Primary enclosures must be placed no higher than forty-two
23 inches above the floor and may not be placed over or stacked on top
24 of another cage or primary enclosure;

25 (vii) Feces, hair, dirt, debris, and food waste must be removed
26 from primary enclosures at least daily or more often if necessary to
27 prevent accumulation and to reduce disease hazards, insects, pests,
28 and odors; and

29 (viii) All dogs in the same enclosure at the same time must be
30 compatible, as determined by observation. Animals with a vicious or
31 aggressive disposition must never be placed in an enclosure with
32 another animal, except for breeding purposes. Breeding females in
33 heat may not be in the same enclosure at the same time with sexually
34 mature males, except for breeding purposes. Breeding females and
35 their litters may not be in the same enclosure at the same time with
36 other adult dogs. Puppies under twelve weeks may not be in the same
37 enclosure at the same time with other adult dogs, other than the dam
38 or foster dam unless under immediate supervision.

39 (d) Provide dogs with easy and convenient access to adequate
40 amounts of clean food and water. Food and water receptacles must be

1 regularly cleaned and sanitized. All enclosures must contain potable
2 water that is not frozen, is substantially free from debris, and is
3 readily accessible to all dogs in the enclosure at all times.

4 (e) Provide veterinary care without delay when necessary. A dog
5 may not be bred if a veterinarian determines that the animal is unfit
6 for breeding purposes. Only dogs between the ages of twelve months
7 and eight years of age may be used for breeding. Animals requiring
8 euthanasia must be euthanized only by a licensed veterinarian.

9 (3) A person who violates subsection (1) or (2) of this section
10 is guilty of a gross misdemeanor.

11 (4) This section does not apply to the following:

12 (a) A publicly operated animal control facility or animal
13 shelter;

14 (b) A private, charitable not-for-profit humane society or animal
15 adoption organization;

16 (c) A veterinary facility;

17 (d) A retail pet store;

18 (e) A research institution;

19 (f) A boarding facility; or

20 (g) A grooming facility.

21 (5) ~~((Subsection (1) of this section does not apply to a
22 commercial dog breeder licensed, before January 1, 2010, by the
23 United States department of agriculture pursuant to the federal
24 animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).~~

25 ~~(6))~~ For the purposes of this section, the following definitions
26 apply, unless the context clearly requires otherwise:

27 (a) "Dog" means any member of *Canis lupus familiaris*; and

28 (b) "Retail pet store" means a commercial establishment that
29 engages in a for-profit business of selling at retail cats, dogs, or
30 other animals to be kept as household pets and is regulated by the
31 United States department of agriculture.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 63.10
33 RCW to read as follows:

34 A lessor shall not finance a consumer lease for the purchase of a
35 dog or cat. A lease contract entered into on or after the effective
36 date of this section for the purchase of a dog or cat is void and
37 unenforceable and the lessor shall have no right to collect, receive,
38 or retain any principal, interest, or charges related to the lease
39 contract.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 63.14
2 RCW to read as follows:

3 A retail installment transaction entered into on or after the
4 effective date of this section for the purchase of a dog or cat is
5 void and unenforceable and the retail seller shall have no right to
6 collect, receive, or retain any principal, interest, or charges
7 related to the retail installment transaction.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 31.04
9 RCW to read as follows:

10 A licensee shall not finance or make a loan for the purchase of a
11 dog or cat. A loan entered into on or after the effective date of
12 this section for the purchase of a dog or cat is void and
13 unenforceable and the licensee shall have no right to collect,
14 receive, or retain any principal, interest, or charges related to the
15 loan."

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16 On page 1, line 2 of the title, after "cats;" strike the
17 remainder of the title and insert "amending RCW 16.52.360, 16.52.015,
18 and 16.52.310; adding a new section to chapter 63.10 RCW; adding a
19 new section to chapter 63.14 RCW; adding a new section to chapter
20 31.04 RCW; and prescribing penalties."

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