1.1   A bill for an act

1.2   relating to pet animals; prohibiting the sale of dogs and cats by retail pet shops;
1.3   amending Minnesota Statutes 2018, sections 325F.79; 325F.792, subdivision 2;
1.4   proposing coding for new law in Minnesota Statutes, chapter 325F.

1.5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6   Section 1. Minnesota Statutes 2018, section 325F.79, is amended to read:

1.7   **325F.79 DEFINITIONS.**

1.8   For purposes of sections 325F.79 to 325F.792, the following definitions apply:

1.9   (a) "Animal" means a dog, wholly or in part of the species Canis familiaris, or a cat,

1.10   wholly or in part of the species Felis domesticus.

1.11   (b) "Pet dealer" means any person, firm, partnership, corporation, or association, including

1.12   breeders, that is required to collect sales tax for the sale of animals to the public. Pet dealer

1.13   does not include humane societies, nonprofit organizations performing the functions of

1.14   humane societies, or animal control agencies.

1.15   (c) "Breeder" means any person, firm, partnership, corporation, or association that breeds

1.16   animals for direct or indirect sale to the public.

1.17   (d) "Broker" means a person, firm, partnership, corporation, or association that purchases

1.18   animals for resale to other brokers or pet dealers.

1.19   (e) "Health problem" means any disease, illness, or congenital or hereditary condition

1.20   which would impair the health or function of the animal that is apparent at the time of sale,

1.21   or which should have been apparent to the seller from the veterinary history of the animal.

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2.1   (f) "Pet shop" means any person, firm, partnership, corporation, or association that

2.2   operates a physical brick-and-mortar retail store from which animals are sold or offered for

2.3   sale to the general public.

2.4   (g) "Veterinarian" means a licensed veterinarian in the state of Minnesota.

2.5   Sec. 2. **[325F.7915] SALE OF DOGS AND CATS PROHIBITED.**

2.6   (a) A pet shop must not sell, offer to sell, barter, auction, or otherwise transfer ownership

2.7   of a dog or cat.

2.8   (b) A pet shop may provide space to nonprofit humane societies, animal control agencies,

2.9   or animal rescue and re-homing organizations qualifying as nonprofit under section 501(c)(3)

2.10   of the Internal Revenue Code, to offer to the public dogs or cats for an adoption fee.

2.11   (c) A pet shop is prohibited from (1) having any ownership interest in an animal offered

2.12   under paragraph (b) and (2) receiving any fee for providing space for the adoption of an

2.13   animal.

2.14   Sec. 3. Minnesota Statutes 2018, section 325F.792, subdivision 2, is amended to read:

2.15   Subd. 2. **Civil penalty.** (a) A pet dealer who:

2.16   (1) sells an animal without delivery of the disclosure required in section 325F.791,

2.17   subdivision 1;

2.18   (2) fails to maintain the records required by section 325F.791, subdivision 2;

2.19   (3) fails to provide registration papers as provided in section 325F.791, subdivision 3;

2.20   (4) fails to make or provide payment for the examinations required by section 325F.791,

2.21   subdivision 4;

2.22   (5) fails to post the notice required by section 325F.791, subdivision 9; or

2.23   (6) fails to provide the statement of consumer rights required by section 325F.791,

2.24   subdivision 10,

2.25   is subject to a civil fine of up to $1,000 per violation.

2.26   (b) A pet shop who violates section 325F.7915 is subject to a civil fine of up to $1,000

2.27   per violation. Each dog or cat transferred in violation of that section constitutes a separate

2.28   violation.

2.29   (c) Civil fines collected under this subdivision shall be collected by the court and turned

2.30   over to the prosecuting attorney.