

SENATE BILL REPORT

SB 6408

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 07, 2008

Title: An act relating to pet dealers.

Brief Description: Creating provisions relating to pet dealers.

Sponsors: Senators Kohl-Welles, Kline and Weinstein.

Brief History:

Committee Activity: Labor, Commerce, Research & Development:1/17/08, 2/07/08 [DPS].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6408 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist, Ranking Minority Member; Franklin, Hewitt, King and Prentice.

Staff: Ingrid Mungia (786-7423)

Background: The United States Congress passed the Animal Welfare Act (Act) in 1966. The law requires the humane care and treatment of certain animals sold as pets at the wholesale level, transported in commerce, and used in research or exhibits. Individuals using or working with these animals must be licensed or registered by the United States Department of Agriculture (Department). They also must comply with regulations and standards enforced by the Department's Animal and Plant Health Inspection Service (APHIS). Although the Act generally does not cover domestic pets in retail stores, APHIS does inspect the wholesale dealers that supply such stores with dogs and cats.

Washington State's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. The law prohibits transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. Law enforcement agencies and animal care and control agencies may enforce the provisions of the animal cruelty law. Counties may individually regulate kennels, grooming facilities, and pet stores.

Summary of Bill (Recommended Substitute): Pet dealers are required to provide purchasers with the history and medical information about the dog or cat being purchased. Dealers are prohibited from selling an animal that has any know health problems without first disclosing such information to the purchaser. Every pet dealer must post a notice stating that

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purchasers of animals have specific rights under the law and that a written statement of these rights are available upon request.

A purchaser that unknowingly purchases a sick animal may recover civil remedies from the pet dealer. Remedies include the ability to seek a refund, replacement, and/or reimbursement of necessary veterinary costs to treat the sick animal. To obtain a remedy, a purchaser must notify the pet dealer within a specific amount of time and provide documentation from a licensed veterinarian of the diagnosis that shows the illness existed on or before the time the animal was purchased.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT COMMITTEE (Recommended Substitute): Removes all reference to birds. Removes the requirement for veterinary examination prior to the sale of an animal. Amends the language to provide the breeders name or business name and mailing address, rather than personal address. Amends the requirement that if an animal is being sold as registerable, every pet dealer must within 120 days of the sale, deliver to the purchaser a written statement containing the names and registration numbers of the sire and dam, and the litter number. A purchaser is entitled to a remedy from a pet dealer if within fifteen days, instead of twenty days, after the purchase of the animal, a licensed veterinarian states in writing that the animal suffers or had died from an illness, disease, or other defect that existed in the animal on or before delivery to the purchaser. A purchaser is entitled to a remedy from a pet dealer if within eighteen months, instead of two years, after the purchase of the animal, a licensed veterinarian states in writing that the animal possesses or had died from a congenital or hereditary condition. Adds "sales tax" to the purchase price as it relates to a purchaser being reimbursed. The 10 day reporting requirement to notify the pet dealer of a health problem, illness or disease following the diagnosis of a veterinarian is changed from 10 days to 5 business days. Removes the section prohibiting a dealer from selling an animal with "abnormalities." Adds pet dealers as having the right to collect reasonable attorney fees if the opposing party acts in bad faith. The bill already provides this for purchasers.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill will enable people to know where their puppies come from. This is an important bill. Consumers should know where their animals come from. This legislation is to protect animals' welfare and consumer protection. People are entitled to know about where their animal comes from. Currently, there is no law regulating pet breeders/dealers. This is a modest bill, and currently there is no law on the books that addresses this issue. This is also a public health issue because some illnesses affect humans.

CON: This is putting duress on small pet stores. State and federal laws already govern my breeding practice. Would support a group getting together to come up with some regulations. People that oppose this bill do love animals. This would affect small pet stores. Is there really a need for this bill? The terminology in the bill is vague. The way the bill is written will

prevent a breeder from selling a animal with an abnormality. There will be unintended consequences with this bill. Have a problem with 100 point type in signage. Waiting 20 days to inform a breeder of a illness in an animal is too long. Concerned about the role of vets in the bill. This bill doesn't address vet shopping regarding reasonable vet fees. Concerned about national security. German Shepards are prone to 27 hereditary diseases. Sometimes inheritable diseases don't show up for years. There are some problems with cats in the bill because sometimes they are required to be bred more than you would like.

OTHER: The veterinary association does support the goals of the bill. Concerned about the mandatarly vet exam within 30 days before a sale.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Inga Gibson, Humane Society of the United States; Sylvia Moss, Progressive Animal Welfare Society; Audrey Long, Theresa Edwards, citizens.

CON: Tammie Hetrick, WA Retail Association; Lori Spingelt, A Place for Pets; Sandy Jacobson; Julie Corwin, Robert Vincent, Keith Langlely, Mona Jensen, Shirley White, citizens.

OTHER: Greg Hannon, WA Veterinary Medical Association.