

House Engrossed Senate Bill

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 351

# **SENATE BILL 1248**

AN ACT

AMENDING SECTIONS 9-499.04, 11-1005 AND 44-1799.08, ARIZONA REVISED STATUTES;  
AMENDING TITLE 44, CHAPTER 11, ARTICLE 17, ARIZONA REVISED STATUTES, BY  
ADDING SECTIONS 44-1799.10 AND 44-1799.11; RELATING TO ANIMAL AND PET STORE  
REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-499.04, Arizona Revised Statutes, is amended to  
3 read:

4 9-499.04. Animal control officers; appointment; authority;  
5 regulation of dogs; powers and duties

6 A. Any city and town may by ordinance provide for the appointment of  
7 animal control officers who may commence an action or proceeding before a  
8 court for any violation of a state statute or local ordinance relating to  
9 rabies and animal control ~~which~~ THAT occurs within the jurisdiction of the  
10 city or town.

11 B. An animal control officer appointed pursuant to subsection A OF  
12 THIS SECTION shall:

13 1. Be unarmed during the course of duties except that a small caliber  
14 firearm may be available to be used in controlling vicious animals or in  
15 dispatching of a wounded animal. ~~IN~~ FOR THE PURPOSES OF this paragraph,  
16 "small caliber firearm" means a rifle or pistol utilizing a rimfire cartridge  
17 with a caliber not to exceed twenty-two hundredths of an inch and with a  
18 non-ricocheting bullet or a shotgun whose bore size ~~shall~~ DOES not exceed  
19 forty-one hundredths of an inch.

20 2. Be an employee of the appointing city or town.

21 C. A CITY OR TOWN MAY REGULATE THE CONTROL OF DOGS IF THE REGULATION  
22 IS NOT SPECIFIC TO ANY BREED.

23 ~~C.~~ D. SUBSECTION B OF this section ~~shall not be construed to~~ DOES NOT  
24 grant other powers or benefits to animal control officers to which peace  
25 officers of this state are entitled.

26 Sec. 2. Section 11-1005, Arizona Revised Statutes, is amended to read:

27 11-1005. Powers and duties of board of supervisors

28 A. Each county board of supervisors may:

29 1. Designate or employ a county enforcement agent. If such  
30 designation or employment is not made, the county sheriff shall be the county  
31 enforcement agent, but nothing in this article shall be deemed to prevent the  
32 county board of supervisors from designating or employing a county  
33 enforcement agent at any time it is deemed necessary or advisable.

34 2. Provide the county enforcement agent with such personnel and  
35 equipment as are necessary to enforce ~~the provisions of~~ this article and the  
36 rules adopted under this article.

37 3. Contract with any city or town to enforce the provisions of any  
38 ordinance enacted by such city or town for the control of dogs IF THE  
39 PROVISIONS ARE NOT SPECIFIC TO ANY BREED.

40 4. For the unincorporated areas of the county, by ordinance, regulate,  
41 restrain and prohibit the running at large of dogs, except dogs used for  
42 control of livestock or while being used or trained for hunting.

43 5. For the unincorporated areas of the county, by ordinance, regulate,  
44 restrain and prohibit the excessive and unrestrained barking of dogs.

1           6. Establish either:

2           (a) Criminal penalties not to exceed the penalties for a class 2  
3 misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or  
4 5 OF THIS SUBSECTION.

5           (b) Civil penalties for violations of an ordinance adopted pursuant to  
6 paragraph 4 or 5 OF THIS SUBSECTION, not to exceed five hundred dollars for  
7 each violation.

8           B. Fines received for violation of an ordinance adopted with a  
9 criminal penalty pursuant to subsection A, paragraph 6, subdivision (a) OF  
10 THIS SECTION shall be deposited in a special, permanent, nonlapsing and  
11 nonreverting county fund to be used solely for the operation of the county  
12 enforcement agency.

13           C. Each county board of supervisors may establish pound fees for  
14 impounding and maintaining animals at the county pound or any pound used by  
15 the county.

16           D. The county board of supervisors shall be responsible for declaring  
17 a rabies quarantine area within its jurisdiction on a recommendation of the  
18 county board of health or the local health department. If a rabies  
19 quarantine area is declared, the county board of supervisors shall meet with  
20 the county board of health and the county enforcement agent and institute an  
21 emergency program for the control of rabies within that area provided that  
22 any regulations restricting or involving the movement of livestock within  
23 that area shall be developed by the state veterinarian.

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

26           44-1799.08. Civil penalties; enforcement actions

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

30           B. IN AN ACTION BROUGHT BY A CITY, TOWN OR COUNTY TO ENFORCE AN  
31 ORDINANCE AGAINST A PET STORE OR PET DEALER WHO KNOWINGLY OBTAINS A DOG OR  
32 CAT FOR SALE OR RESALE IN VIOLATION OF SECTION 44-1799.10, SUBSECTION A OR B  
33 OR WHO SHOULD HAVE KNOWN THE DOG OR CAT WAS OBTAINED FOR SALE OR RESALE IN  
34 VIOLATION OF SECTION 44-1799.10, SUBSECTION A OR B, THE PET STORE OR PET  
35 DEALER IS SUBJECT TO THE FOLLOWING PENALTIES:

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

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

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

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

43           (b) AN ORDER ENTERED BY THE COURT ENJOINING THE PET STORE OR PET  
44 DEALER FROM SELLING OR OFFERING FOR SALE, FOR UP TO THREE YEARS, A DOG OR CAT

1 OBTAINED FROM ANY PERSON OTHER THAN A PUBLICLY OPERATED POUND OR A PRIVATE,  
2 CHARITABLE NONPROFIT HUMANE SOCIETY OR FROM ANY ANIMAL ADOPTION ACTIVITY  
3 CONDUCTED BY A POUND OR HUMANE SOCIETY.

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

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

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

17 3. EACH ORDER PLACED BY A PET STORE OR PET DEALER TO OBTAIN A DOG OR  
18 CAT FOR SALE OR RESALE SHALL BE CONSIDERED A SINGLE ACT, REGARDLESS OF THE  
19 NUMBER OF DOGS OR CATS OBTAINED IN THE ORDER.

20 ~~B.~~ D. This section does not prohibit prosecution for criminal  
21 violations.

22 Sec. 4. Title 44, chapter 11, article 17, Arizona Revised Statutes, is  
23 amended by adding sections 44-1799.10 and 44-1799.11, to read:

24 44-1799.10. Pet stores; pet dealers; prohibitions on dog and  
25 cat purchases; recordkeeping

26 A. A PET STORE OR PET DEALER MAY NOT OBTAIN A DOG OR CAT FOR RESALE OR  
27 SELL OR OFFER FOR SALE ANY DOG OR CAT OBTAINED FROM A PERSON WHO IS REQUIRED  
28 TO BE LICENSED BY THE PET DEALER REGULATIONS OF THE UNITED STATES DEPARTMENT  
29 OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE SECTIONS  
30 2131 THROUGH 2159) IF ANY OF THE FOLLOWING APPLIES:

31 1. THE PERSON IS NOT CURRENTLY LICENSED BY THE UNITED STATES  
32 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE  
33 SECTIONS 2131 THROUGH 2159).

34 2. WITHIN TWO YEARS BEFORE OBTAINING THE DOG OR CAT THE PERSON COMMITS  
35 A DIRECT VIOLATION OF ANY OF THE PET DEALER REGULATIONS OF THE UNITED STATES  
36 DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE  
37 SECTIONS 2131 THROUGH 2159).

38 3. THE PERSON RECEIVES AN INDIRECT NO ACCESS VIOLATION ON EACH OF THE  
39 TWO MOST RECENT INSPECTION REPORTS ISSUED BY THE UNITED STATES DEPARTMENT OF  
40 AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE SECTIONS 2131  
41 THROUGH 2159).

1           4. THE PERSON COMMITS THREE OR MORE INDIRECT VIOLATIONS OF THE PET  
2 DEALER REGULATIONS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE DURING THE  
3 TWO-YEAR PERIOD BEFORE OBTAINING THE DOG OR CAT FOR VIOLATIONS RELATING TO  
4 THE HEALTH OR WELFARE OF THE ANIMAL AND THE VIOLATIONS WERE NOT  
5 ADMINISTRATIVE IN NATURE. THE INDIRECT VIOLATIONS DESCRIBED IN THIS  
6 PARAGRAPH DO NOT INCLUDE A VIOLATION DESCRIBED IN PARAGRAPH 3 OF THIS  
7 SUBSECTION.

8           B. A PET STORE OR PET DEALER MAY NOT OBTAIN A DOG OR CAT FOR RESALE OR  
9 SELL OR OFFER FOR SALE ANY DOG OR CAT OBTAINED FROM A PERSON WHO DIRECTLY OR  
10 INDIRECTLY OBTAINED A DOG OR CAT FROM A PERSON DESCRIBED IN SUBSECTION A OF  
11 THIS SECTION. A PET STORE OR PET DEALER IS PRESUMED TO HAVE ACTED IN GOOD  
12 FAITH AND TO HAVE SATISFIED ITS OBLIGATION TO ASCERTAIN WHETHER A PERSON  
13 MEETS THE CRITERIA DESCRIBED IN SUBSECTION A OF THIS SECTION IF, WHEN PLACING  
14 AN ORDER TO OBTAIN A DOG OR CAT FOR SALE OR RESALE, THE PET STORE OR PET  
15 DEALER CONDUCTS A SEARCH FOR INSPECTION REPORTS OF THE BREEDER ON THE ANIMAL  
16 CARE INFORMATION SYSTEM SEARCH TOOL MAINTAINED BY THE UNITED STATES  
17 DEPARTMENT OF AGRICULTURE.

18           C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A PET STORE OR  
19 PET DEALER MAY OBTAIN A DOG OR CAT FOR RESALE OR SELL OR OFFER FOR SALE ANY  
20 DOG OR CAT OBTAINED FROM A PUBLICLY OPERATED POUND OR A PRIVATE, CHARITABLE  
21 NONPROFIT HUMANE SOCIETY OR FROM ANY ANIMAL ADOPTION ACTIVITY CONDUCTED BY A  
22 POUND OR HUMANE SOCIETY.

23           D. A PET DEALER SHALL MAINTAIN RECORDS VERIFYING ITS COMPLIANCE WITH  
24 THIS SECTION FOR AT LEAST TWO YEARS AFTER OBTAINING THE DOG OR CAT TO BE SOLD  
25 OR OFFERED FOR SALE. RECORDS MAINTAINED PURSUANT TO THIS SUBSECTION SHALL BE  
26 OPEN TO INSPECTION ON REQUEST BY A MUNICIPAL OR COUNTY PEACE OFFICER OR  
27 ENFORCEMENT OFFICIAL.

28           E. A PET DEALER SHALL DISPLAY THE SOURCE OF ANY DOG OR CAT OFFERED FOR  
29 SALE BY PROVIDING THE NAME OF THE BREEDER OF THE ANIMAL, THE UNITED STATES  
30 DEPARTMENT OF AGRICULTURE LICENSE NUMBER OF THE BREEDER IF THE ANIMAL IS FROM  
31 A BREEDER THAT IS LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND  
32 THE UNITED STATES DEPARTMENT OF AGRICULTURE WEBSITE WHERE INFORMATION ABOUT  
33 THE BREEDER MAY BE OBTAINED. THE PET DEALER SHALL DISPLAY THE INFORMATION  
34 DESCRIBED IN THIS SUBSECTION ON BOTH OF THE FOLLOWING:

- 35           1. THE CAGE OR ENCLOSURE FOR EACH ANIMAL.
- 36           2. ALL PRINTED OR ELECTRONIC MARKETING MATERIALS ABOUT A SPECIFIC DOG  
37 OR CAT THAT HAS BEEN OBTAINED BY THE PET DEALER AND THAT IS BEING OFFERED FOR  
38 SALE.

39           44-1799.11. Pet dealer regulation; state preemption

40           THE REGULATION OF PET DEALERS IS A MATTER OF STATEWIDE CONCERN. A  
41 CITY, TOWN OR COUNTY MAY ENACT OR ENFORCE AN ORDINANCE TO ENFORCE SECTION  
42 44-1799.10 AGAINST A PET STORE OR PET DEALER. ANY LOCAL LAW, RULE,  
43 REGULATION OR ORDINANCE THAT IMPOSES REQUIREMENTS ON PET DEALERS THAT EXCEED  
44 THE REQUIREMENTS OF SECTION 44-1799.10 OR PENALTIES PRESCRIBED BY SECTION

1 44-1799.08 IS PREEMPTED. ANY LOCAL LAW, RULE, REGULATION OR ORDINANCE MAY  
2 NOT DIRECTLY OR INDIRECTLY PROHIBIT OR BE APPLIED TO PROHIBIT THE SALE OF  
3 DOGS OR CATS BY A PET STORE OR PET DEALER, EXPRESSLY OR IN EFFECT, BASED ON  
4 THE SOURCE FROM WHICH THE ANIMAL IS OBTAINED IF OBTAINED IN COMPLIANCE WITH  
5 SECTION 44-1799.10.

6 Sec. 5. Dog and cat breeder study committee; delayed repeal

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

9 1. Two members of the house of representatives who are appointed by  
10 the speaker of the house of representatives and who are members of different  
11 political parties. The speaker of the house of representatives shall  
12 designate one of these members to serve as cochairperson of the committee.

13 2. Two members of the senate who are appointed by the president of the  
14 senate and who are members of different political parties. The president of  
15 the senate shall designate one of these members to serve as cochairperson of  
16 the committee.

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

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

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

25 6. One member who has experience with dog or cat breeding and who is  
26 exempt from the breeder licensing requirements of the United States  
27 department of agriculture and who is appointed by the president of the  
28 senate.

29 7. A faculty or staff member from a university under the jurisdiction  
30 of the Arizona board of regents who is familiar with the animal care  
31 standards of the United States department of agriculture under the animal  
32 welfare act (7 United States Code sections 2131 through 2159) and who is  
33 appointed by the president of the Arizona board of regents.

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

35 C. The committee shall:

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

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

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

43 D. The committee may:

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

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

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

9           F. The legislature shall provide staff and support services to the  
10 committee.

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

14           H. The members of the committee are not eligible to receive  
15 compensation but are eligible for reimbursement of expenses pursuant to title  
16 38, chapter 4, article 2, Arizona Revised Statutes.

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

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

APPROVED BY THE GOVERNOR MAY 19, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 19, 2016.

Passed the House April 6, 2016,

Passed the Senate March 2, 2016,

by the following vote: 36 Ayes,

by the following vote: 19 Ayes,

23 Nays, 1 Not Voting

8 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State

**S.B. 1248**

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 18 Ayes,

9 Nays, 3 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

4<sup>th</sup> day of May, 2016

at 4:26 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 19<sup>th</sup> day of

May

at 2:29 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19<sup>th</sup> day of May, 2016

at 3:20 o'clock P. M.

[Signature]  
Secretary of State



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

May 19, 2016

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am an unapologetic dog lover.

Like all pet owners, I consider my dog, Woody, to be a member of the family. Animal welfare is an issue that is close to my heart and of great personal importance.

Animal cruelty is disgusting and morally reprehensible.

As my record demonstrates, I will not stand for – and the state of Arizona will have zero tolerance for – the mistreatment of any animal. Last year, I issued my first veto in office for a bill that would have weakened protections for animals under state law. In recent days, we have taken significant action to expand protections for animals in Arizona – from ensuring the freedom of Salt River horses to roam free in our state, to ending live Greyhound racing for good. In my campaign for governor in 2014, I was proud to be endorsed by the U.S. Humane Society.

Today, in that same spirit, I signed SB 1248.

In my deliberation process, I ensured my staff thoroughly researched this bill, and I spent considerable time understanding the arguments for and against. In particular, the many comments from concerned citizens on social media have been ones that I've personally read and I've taken to heart because of my passion on this issue.

It's important to understand the facts of the bill. SB 1248 actually strengthens penalties for pet store owners who do not take measures to ensure that the animals under their care are from a licensed, safe, sanitary and humane place.

I'm a vocal supporter of small business and economic development. But I would never, ever, support any business operation that would endanger dogs – and subject future generations of puppies to health risks and defects. That is not a business model welcome in the state of Arizona.

The Honorable Michele Reagan

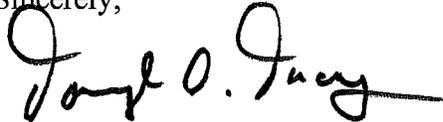
May 19, 2016

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Shutting down the good guys will do nothing to stop the bad actors. Rather, it will open the doors for more puppy sales through unregulated sources, where abuse and inhumane conditions are more likely. This bill ensures that puppies being sold in pet shops are coming from responsible breeders, and includes strict penalties for store owners who do not comply.

As this action demonstrates, I will continue to support measures that increase protections for animals. If there are bad actors in this state, they will be held accountable under the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Ducey". The signature is fluid and cursive, with a long horizontal stroke at the end.

Douglas A. Ducey

Governor

State of Arizona

cc: The Honorable David Gowan  
The Honorable Andy Biggs  
The Honorable Don Shooter