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

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

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

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

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

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

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

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

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

D. SUBSECTION B OF this section shall not be construed to grant other powers or benefits to animal control officers to which peace officers of this state are entitled.

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

11-1005. Powers and duties of board of supervisors

A. Each county board of supervisors may:

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

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

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

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

5. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the excessive and unrestrained barking of dogs.
6. Establish either:
   (a) Criminal penalties not to exceed the penalties for a class 2
       misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or
       5 OF THIS SUBSECTION.
   (b) Civil penalties for violations of an ordinance adopted pursuant to
       paragraph 4 or 5 OF THIS SUBSECTION, not to exceed five hundred dollars for
       each violation.

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

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

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

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

44-1799.08. Civil penalties; enforcement actions

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

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

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

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

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

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

      (b) AN ORDER ENTERED BY THE COURT ENJOINING THE PET STORE OR PET
          DEALER FROM SELLING OR OFFERING FOR SALE, FOR UP TO THREE YEARS, A DOG OR CAT
OBTAINED FROM ANY PERSON OTHER THAN A PUBLICLY OPERATED POUND OR A PRIVATE, CHARITABLE NONPROFIT HUMANE SOCIETY OR FROM ANY ANIMAL ADOPTION ACTIVITY CONDUCTED BY A POUND OR HUMANE SOCIETY.

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

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

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

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

D. This section does not prohibit prosecution for criminal violations.

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

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

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

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


3. THE PERSON RECEIVES AN INDIRECT NO ACCESS VIOLATION ON EACH OF THE TWO MOST RECENT INSPECTION REPORTS ISSUED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE UNDER THE ANIMAL WELFARE ACT (7 UNITED STATES CODE SECTIONS 2131 THROUGH 2159).
4. THE PERSON COMMITS THREE OR MORE INDIRECT VIOLATIONS OF THE PET DEALER REGULATIONS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE DURING THE TWO-YEAR PERIOD BEFORE OBTAINING THE DOG OR CAT FOR VIOLATIONS RELATING TO THE HEALTH OR WELFARE OF THE ANIMAL AND THE VIOLATIONS WERE NOT ADMINISTRATIVE IN NATURE. THE INDIRECT VIOLATIONS DESCRIBED IN THIS PARAGRAPH DO NOT INCLUDE A VIOLATION DESCRIBED IN PARAGRAPH 3 OF THIS SUBSECTION.

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

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

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


1. THE CAGE OR ENCLOSURE FOR EACH ANIMAL.

2. ALL PRINTED OR ELECTRONIC MARKETING MATERIALS ABOUT A SPECIFIC DOG OR CAT THAT HAS BEEN OBTAINED BY THE PET DEALER AND THAT IS BEING OFFERED FOR SALE.

44-1799.11. Pet dealer regulation; state preemption

THE REGULATION OF PET DEALERS IS A MATTER OF STATEWIDE CONCERN. A CITY, TOWN OR COUNTY MAY ENACT OR ENFORCE AN ORDINANCE TO ENFORCE SECTION 44-1799.10 AGAINST A PET STORE OR PET DEALER. ANY LOCAL LAW, RULE, REGULATION OR ORDINANCE THAT IMPOSES REQUIREMENTS ON PET DEALERS THAT EXCEED THE REQUIREMENTS OF SECTION 44-1799.10 OR PENALTIES PRESCRIBED BY SECTION
44-1799.08 IS PREEMPTED. ANY LOCAL LAW, RULE, REGULATION OR ORDINANCE MAY
NOT DIRECTLY OR INDIRECTLY PROHIBIT OR BE APPLIED TO PROHIBIT THE SALE OF
DOGS OR CATS BY A PET STORE OR PET DEALER, EXPRESSLY OR IN EFFECT, BASED ON
THE SOURCE FROM WHICH THE ANIMAL IS OBTAINED IF OBTAINED IN COMPLIANCE WITH
SECTION 44-1799.10.

Sec. 5. Dog and cat breeder study committee; delayed repeal
A. The dog and cat breeder study committee is established consisting
of the following members:
1. Two members of the house of representatives who are appointed by
the speaker of the house of representatives and who are members of different
political parties. The speaker of the house of representatives shall
designate one of these members to serve as cochairperson of the committee.
2. Two members of the senate who are appointed by the president of the
senate and who are members of different political parties. The president of
the senate shall designate one of these members to serve as cochairperson of
the committee.
3. One member who has experience as a breeder licensed by the United
States department of agriculture and who is appointed by the speaker of the
house of representatives.
4. One member who is a pet dealer, as defined in section 44-1799,
Arizona Revised Statutes, who has experience with the purchase of dogs or
cats from breeders and who is appointed by the president of the senate.
5. One member who has experience with animal sheltering or rescue and
who is appointed by the speaker of the house of representatives.
6. One member who has experience with dog or cat breeding and who is
exempt from the breeder licensing requirements of the United States
department of agriculture and who is appointed by the president of the
senate.
7. A faculty or staff member from a university under the jurisdiction
of the Arizona board of regents who is familiar with the animal care
standards of the United States department of agriculture under the animal
welfare act (7 United States Code sections 2131 through 2159) and who is
appointed by the president of the Arizona board of regents.
B. The committee shall meet at the call of the cochairpersons.
C. The committee shall:
1. Study the breeding of pets by licensed and unlicensed breeders in
this state and other states.
2. Review data regarding the protection of pets, consumers, pet
dealers and pet breeders from existing regulatory models in this state and
other states.
3. Study options to encourage spay or neuter clinics, adoption of dogs
or cats and healthy breeding of dogs and cats.
D. The committee may:
1. Request information, data and reports from any county or state agency or political subdivision of this state. If possible, information shall be provided electronically.

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

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

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

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

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

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

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