

15105143D

SENATE BILL NO. 1001

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 18, 2015)

(Patron Prior to Substitute—Senator Stanley)

A BILL to amend and reenact § 3.2-6511.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6508.1, relating to the sale of certain pets.

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6511.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6508.1 as follows:

§ 3.2-6508.1. Sale of dogs or cats prohibited in certain places.

A. It is unlawful for any person to sell, exchange, trade, barter, lease, or display for a commercial purpose any dog or cat on or in any roadside, public right-of-way, parkway, median, park, or recreation area; flea market or other outdoor market; or commercial parking lot, regardless of whether such act is authorized by the landowner.

B. This section shall not apply to:

1. The display of dogs or cats by or the adoption of dogs or cats from a humane society or private or public animal shelter as those terms are defined in § 3.2-6500;

2. The display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibition or educational program;

3. The sale, exchange, or trade of dogs that are sold primarily for use in commonly-accepted hunting or livestock farming activities; or

4. A prearranged sale between a dog breeder who sells no more than 30 puppies in a calendar year and a specific individual purchaser. Such prearranged sale shall not take place at a regularly-occurring event such as a flea market or other organized trade venue.

§ 3.2-6511.1. Pet shops; procurement of dogs; penalty.

A. It is unlawful for a pet shop to A pet shop shall sell or offer for sale any dog procured from adoption a dog procured only from a humane society or private or public animal shelter as those terms are defined in § 3.2-6500 or from a person who is not a dealer or licensed by has not received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct violation or citations for three or more indirect violations for at least two years prior to the procurement of the dog or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog.

B. It shall be unlawful for any commercial dog breeder who is not licensed by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder to sell any dog to a pet shop; unless such commercial dog breeder maintains a valid and current USDA dealer's permit.

C. A pet shop shall retain records verifying compliance with this section for a minimum of two years after the disposition of any dog.

D. Any person violating any provision of this section is guilty of a Class 1 misdemeanor for each dog sold or offered for sale.