

1 AN ACT relating to dog vendors and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 10 of this Act:*

6 *(1) "Animal control agency" means a division, department, or operation of any state,*  
7 *county, local government, or other political subdivision of the state that intakes,*  
8 *impounds, harbors, quarantines, returns to the rightful owner, rehomes, sells,*  
9 *adopts to an owner, transfers ownership of, or euthanizes lost, seized, stray,*  
10 *homeless, unowned, abandoned, or unwanted animals. This does not include a*  
11 *person, organization, corporation, business, group, association, or other entity*  
12 *that contracts with one (1) or more governmental bodies to perform animal care*  
13 *or animal control services;*

14 *(2) "Animal shelter" means a person, organization, corporation, business, group,*  
15 *association, or other entity that intakes, impounds, harbors, quarantines, returns*  
16 *to the rightful owner, rehomes, sells, adopts to an owner, transfers ownership of,*  
17 *or euthanizes lost, seized, stray, homeless, unowned, abandoned, or unwanted*  
18 *animals, including a person, organization, corporation, business, group,*  
19 *association, or other entity that contracts with one (1) or more governmental*  
20 *bodies or animal control agencies in Kentucky to perform animal care or animal*  
21 *control services;*

22 *(3) "Commissioner" means the Commissioner of Agriculture or his or her designee;*

23 *(4) "Department" means the Department of Agriculture;*

24 *(5) "Dog" means any domestic canine;*

25 *(6) "Dog vendor" or "vendor" means a person, dog breeder, animal shelter, retail*  
26 *pet store, group, group of persons, or other entity, that sells, fosters, or transports*  
27 *for purposes of sale more than fifty (50) dogs in a calendar year. This shall not*

1 include veterinarians and veterinary practices; mobile veterinary clinics;  
2 accredited colleges and universities, military and law enforcement agencies,  
3 animal control agencies in Kentucky, and animal research facilities licensed by  
4 the United States Department of Agriculture;

5 (7) "Enclosure" means any pen, kennel, room, building, dog house, or structure  
6 where a dog is housed, kept, or maintained by a dog vendor;

7 (8) "Facility" means a property, land, buildings, or structures where a dog vendor  
8 houses, keep, or maintains dogs;

9 (9) "Foster" means to provide temporary accommodations for a dog owned by, held  
10 by, in the possession of, transferred by, or under the authority of an animal  
11 control agency or animal shelter;

12 (10) "Location" means the physical site or sites of a dog vendor's facility;

13 (11) "Person" means any individual, partnership, corporation, organization, or  
14 association;

15 (12) "Registrant" means a person that has applied for registration or that is registered  
16 by the department as a dog vendor;

17 (13) "Sale", "sell", "resale", and "adopt" means the sale or transfer of ownership of  
18 a dog for a fee, compensation, donation, bartered exchange, or other  
19 consideration; and

20 (14) "Veterinarian" means a veterinarian licensed to practice in Kentucky.

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
22 READ AS FOLLOWS:

23 (1) Each person who operates as a dog vendor in Kentucky shall register with the  
24 department as a dog vendor. Each day that a person operates as a dog vendor  
25 without being registered with the department shall be considered a separate  
26 violation of this section.

27 (2) A dog vendor shall pay the following to the department:

- 1        (a) An annual registration fee of two hundred dollars (\$200);
- 2        (b) A dog vendor that operates locations separated by a distance of one (1) mile  
3            or more shall pay an additional one hundred dollar (\$100) fee for each  
4            additional location;
- 5        (c) A re-inspection fee of one hundred dollars (\$100) for each inspection after  
6            the first inspection of the year, if the re-inspection is required by the  
7            commissioner. No person shall be required to pay more than three hundred  
8            dollars (\$300) in re-inspection fees for a calendar year; and
- 9        (d) A delinquent payment penalty of fifteen percent (15%) if any fee required by  
10           this subsection is not paid within thirty (30) days of the payment's due date.
- 11       (3) All fees collected under Sections 1 to 10 of this Act shall be deposited in the  
12           Animal Control and Care Fund pursuant to KRS 258.119.
- 13       (4) Application for registration as a dog vendor and applications for annual renewal  
14           of registration as a dog vendor shall be made on an application form developed  
15           by the department, which shall be verified by affidavit of the applicant, and shall  
16           include the following information:
- 17           (a) The name, address, and telephone number of the registrant;
- 18           (b) If the registrant is a corporation, the names and addresses of the  
19           corporation's officers;
- 20           (c) If the registrant is a partnership, the names and addresses of each partner;
- 21           (d) The address of each location utilized by the registrant;
- 22           (e) A statement that the registrant, or any officer or partner of the registrant,  
23           has not been convicted of, pled guilty to, or entered an Alford plea to an  
24           offense involving animals under KRS Chapter 525 within the last ten (10)  
25           years;
- 26           (f) The number of dogs housed or maintained at each location as of the date of  
27           application for registration;

- 1        (g) The number of dogs sold in the previous calendar year;  
 2        (h) The number of dogs fostered in the previous calendar year; and  
 3        (i) The number of dogs transported for purposes of sale in the previous  
 4                calendar year.

5        (5) The department shall issue a certificate of registration to a dog vendor that meets  
 6                the requirements for registration under subsection (4) of this section. The  
 7                department may issue the certification electronically.

8        (6) A dog vendor that ceases operation shall notify the department in writing within  
 9                thirty (30) days of the cessation of operation.

10        ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
 11        READ AS FOLLOWS:

12        (1) A dog vendor shall provide the following care and conditions for each dog, unless  
 13                otherwise directed in writing by a veterinarian:

14                (a) Access to potable water provided with sufficient frequency and quantity to  
 15                        maintain health and hydration;

16                (b) Access to nutritionally appropriate food provided at intervals of not less  
 17                        than once every twenty-four (24) hours in sufficient quantity to maintain  
 18                        health;

19                (c) For dogs twelve (12) weeks of age and older, access to exercise at sufficient  
 20                        intervals and of sufficient duration to maintain health;

21                (d) Grooming to maintain health; and

22                (e) Access to an enclosure that:

23                        1. Protects each dog from rain, wind, hail, snow, and the intrusion of  
 24                                water and provides sufficient protection from the elements so that the  
 25                                dog maintains a healthy internal temperature as determined by a  
 26                                veterinarian;

27                        2. Provides space for each dog to sit, stand fully erect, lie down, and turn

- 1                   around comfortably without touching another animal;
- 2                   3. Is cleaned from debris, feces, and other excretions as frequently as
- 3                   necessary so as not to pose a threat to the health of the dog;
- 4                   4. Provides solid footing. If wire is used as a flooring of an enclosure, it
- 5                   shall be constructed of a material featuring a smooth surface or
- 6                   protective coating, be of an appropriate size so as to prevent injury,
- 7                   and shall be kept in good repair;
- 8                   5. Provides a regular lighting cycle; and
- 9                   6. If enclosures are stacked, provides an impervious barrier between
- 10                   each level.
- 11 (2) A dog vendor shall maintain accurate records for three (3) years and shall make
- 12 the records or copies of the records available for inspection by the Commissioner
- 13 upon the Commissioner's request. A dog vendor shall maintain the following
- 14 records and information for each dog:
- 15                   (a) The dog's name or unique identifying number;
- 16                   (b) The dates on which the dog first entered the facility, departed the facility; or
- 17                   died;
- 18                   (c) The name, address, and telephone number of the person or other entity
- 19                   from which the dog was obtained, purchased, impounded, taken in, received
- 20                   for foster care, received from foster care, or received from transport. A dog
- 21                   vendor that impounds, intakes, or receives a dog that was captured while at
- 22                   large, was abandoned, or was received from a person other than the dog's
- 23                   owner shall record the address or location where the dog was found,
- 24                   captured, or impounded;
- 25                   (d) The name address, and telephone number of the person or other entity to
- 26                   which the dog was returned, sold, adopted, transferred, released, released
- 27                   for foster care, or released for transport;

- 1        (e) A description of the dog including the color, distinctive markings, breed if  
2        known, sex, whether the dog has been spayed or neutered, date of birth or  
3        approximate age, and approximate weight;
- 4        (f) Any tattoo, microchip number, tag, or other identification information or  
5        number carried by or on the dog;
- 6        (g) For each dog and litter born at the facility, the date of birth and number of  
7        puppies in the litter;
- 8        (h) All veterinary care and vaccinations provided to each dog, along with proof  
9        of current rabies vaccinations as required by Kentucky;
- 10       (i) For each female dog, the dates on which bred, dates of whelping, number of  
11       living puppies in each litter, and proof of veterinary examinations no less  
12       than twelve (12) months prior to the date on which each breeding took  
13       place; and
- 14       (j) For each location, a written exercise plan for dogs twelve (12) weeks or  
15       older.
- 16       (3) A dog vendor shall ensure that each dog is provided with the following veterinary  
17       care:
- 18       (a) Sufficient veterinary care to reduce the spread of disease and alleviate  
19       suffering;
- 20       (b) Inoculation against rabies as required by the state;
- 21       (c) For each female dog that is bred, a veterinary examination no less than  
22       twelve (12) months prior to the date on which a breeding takes place. No  
23       female dog shall be bred if a veterinarian advises in writing that the female  
24       dog is unfit for breeding. A dog vendor that is advised by a veterinarian that  
25       a female dog is unfit for breeding may have the female dog reexamined at a  
26       later date or may seek the opinion of a different veterinarian. If the dog  
27       vendor is not advised in writing that the female dog is unfit for breeding

1           upon reexamination or upon examination by a different veterinarian, the  
2           female dog may be bred; and

3           (d) If determined to be necessary by a veterinarian, humane euthanasia.

4           ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
5 READ AS FOLLOWS:

6           The department shall maintain a list of registered dog vendors that is online and  
7           available to the public.

8           ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
9 READ AS FOLLOWS:

10          (1) The commissioner may inspect a dog vendor's locations, facilities, any dog kept at  
11          a dog vendor's locations or facilities, or any record required to be kept under  
12          Section 3 of this Act:

13          (a) Prior to issuing or renewing a registration; or

14          (b) Upon probable cause that a violation of Sections 1 to 10 of this Act or KRS  
15          525.125, 525.130, or 525.135 has occurred or is occurring.

16          (2) Inspections shall be conducted during business hours on weekdays, unless  
17          otherwise agreed by the Commissioner and the dog vendor.

18          (3) No dog vendor shall refuse to allow an inspection by the Commissioner of the dog  
19          vendor's facility, dogs kept in the facility, or records required to be kept and  
20          maintained pursuant to Sections 1 to 10 of this Act.

21          (4) If a dog vendor refuses to allow inspection, the Commissioner may petition for a  
22          warrant to inspect the dog vendor's facility, dogs kept in the facility, or records  
23          required to be kept and maintained pursuant to Sections 1 to 10 of this Act.

24          (5) No person shall assault, resist, impeded, prevent, or interfere with the  
25          Commissioner in the execution of an inspection pursuant to Sections 1 to 10 of  
26          this Act.

27          (6) No person shall provide a knowingly false statement or information to the

1 Commissioner on any official form, record, or other document required to be kept  
2 or maintained by Sections 1 to 10 of this Act concerning a matter material to the  
3 Commissioner in the exercise of the authority to enforce and administer Sections  
4 1 to 10 of this Act.

5 (7) The Commissioner shall issue to a registrant written notification of  
6 noncompliance with a provision or provisions of Sections 1 to 10 of this Act. The  
7 registrant shall correct the noncompliant conditions within fourteen (14)  
8 business days following the delivery of written notification. The Commissioner  
9 may grant additional time to a dog vendor for the correction of a noncompliant  
10 condition.

11 (8) The registrant shall notify the Commissioner when noncompliant conditions are  
12 corrected. The Commissioner may require the registrant to provide written or  
13 photographic evidence that the noncompliant conditions have been corrected,  
14 and may also conduct a re-inspection pursuant to Sections 1 to 10 of this Act to  
15 determine if the noncompliant conditions have been corrected.

16 (9) If the Commissioner finds that a complaint brought before the department is  
17 frivolous in nature, the Commissioner may dismiss the complaint. For the  
18 purposes of this section, "frivolous" means a complaint clearly lacking any basis  
19 in fact or law.

20 (10) No person shall submit a frivolous complaint to the department. A person that  
21 submits a frivolous complaint shall be liable to the department for an amount  
22 equal to the department's actual costs of investigating the frivolous complaint.

23 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
24 READ AS FOLLOWS:

25 (1) The Commissioner may deny, suspend, or revoke a dog vendor's registration if:

26 (a) The dog vendor or a person employed by the dog vendor is convicted of,  
27 pleads guilty to, or enters an Alford plea to an offense under KRS 525.125,



- 1           525.130, or 525.135;
- 2           (b) The dog vendor fails to correct noncompliant conditions pursuant to
- 3           Section 5 of this Act;
- 4           (c) The dog vendor fails to remit fees as required by Sections 1 to 10 of this Act;
- 5           or
- 6           (d) The dog vendor commits an act prohibited by Sections 1 to 10 of this Act.
- 7           (2) No person whose registration as a dog vendor has been denied, suspended, or
- 8           revoked shall operate as a dog vendor in Kentucky. Each day that a person
- 9           operates as a dog vendor in violation of this subsection shall be considered a
- 10           separate violation.
- 11           (3) A person whose registration as a dog vendor has been denied, suspended, or
- 12           revoked may resubmit an application for registration not less than thirty (30) days
- 13           following the date of the denial, suspension, or revocation. Payment of an
- 14           additional annual registration fee shall not be required if the application for
- 15           registration is received by the department within thirty (30) days following the
- 16           date of the first denial, suspension, or revocation. Upon a resubmission of an
- 17           application of registration, The Commissioner may conduct an inspection,
- 18           pursuant to Sections 1 to 10 of this Act, which shall be considered a re-
- 19           inspection, subject to re-inspection fees, to determine if the cause or causes for
- 20           such denial or cancelation have been corrected.
- 21           (4) The commissioner may deny, suspend, or revoke a dog vendor's registration if the
- 22           dog vendor's registration has previously been denied, suspended, or revoked, and
- 23           the cause or causes for the denial, suspension, or revocation remain in effect or
- 24           have not been corrected.
- 25           (5) Appeals from a decision by the Commissioner to deny, suspend, or revoke a dog
- 26           vendor's registration, in the determination of noncompliant conditions, and to
- 27           contest payment of re-inspection fees shall be heard by the Animal Control

1        **Advisory Board in accordance with KRS Chapter 13B.**

2        ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
3 READ AS FOLLOWS:

4        **The Commissioner shall promulgate administrative regulations necessary to**  
5 **administer Sections 1 to 10 of this Act.**

6        ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
7 READ AS FOLLOWS:

8        **Any person that transports a dog for the purpose of sale, receives a dog from a**  
9 **volunteer or commercial transporter for purposes of sale, or remits a dog to a volunteer**  
10 **or commercial transporter for purposes of sale shall ensure that each dog is**  
11 **accompanied by valid health documentation as required by federal and state law. Each**  
12 **dog transported for the purpose of sale, received for purposes of sale, received for**  
13 **purposes of sale from a transporter, or remitted for purposes of sale to a transporter in**  
14 **violation of this section may be considered a separate violation.**

15        ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
16 READ AS FOLLOWS:

17        **(1) No person shall sell a dog that is less than eight (8) weeks of age. Each dog sold**  
18 **in violation of this subsection may be considered a separate violation.**

19        **(2) No person shall transport for the purpose of sale or remit to a transporter for the**  
20 **purpose of sale a dog less than eight (8) weeks of age unless the dog is**  
21 **accompanied by the dog's mother or another nursing female dog. Each dog**  
22 **transported or remitted for transport in violation of this subsection may be**  
23 **considered a separate violation.**

24        ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO  
25 READ AS FOLLOWS:

26        **(1) A person who performs an act prohibited by Sections 1 to 10 of this Act shall be**  
27 **guilty of a Class B misdemeanor.**

1 (2) Any fine paid for a violation of Sections 1 to 10 of this Act shall be deposited in  
2 the Animal Control and Care Fund pursuant to KRS 258.119.

3 (3) The provisions of Sections 1 to 10 of this Act are in addition to, and not in lieu of,  
4 federal laws and regulations pertaining to the sale, care, keeping, transfer, and  
5 transport of dogs. The Commissioner may report to the appropriate authority any  
6 person alleged to have violated a federal law or regulation pertaining to the sale,  
7 care, keeping, transfer, and transport of dogs.

8 (4) The Commissioner may report to a law enforcement agency any dog vendor  
9 alleged by the Commissioner to have committed an offense prohibited by KRS  
10 525.125, 525.130, or 525.135.

11 ➔Section 11. KRS 258.117 is amended to read as follows:

12 (1) The Animal Control Advisory Board is hereby created for the purposes of  
13 evaluating applications for and reviewing disbursements from the animal control  
14 and care fund, creating training programs, hearing appeals based on actions or  
15 decisions pursuant to Sections 1 to 10 of this Act, and other duties relating to  
16 animal control and care in the counties of the Commonwealth. The Animal Control  
17 Advisory Board shall promulgate administrative regulations to carry out the  
18 provisions of this section.

19 (2) The advisory board shall be attached to the Kentucky Department of Agriculture for  
20 administrative purposes.

21 (3) The advisory board shall be composed of the following members appointed by the  
22 Governor as specified:

23 (a) Two (2) members selected from a list of three (3) submitted by the Kentucky  
24 Animal Control Association;

25 (b) Two (2) members selected from a list of three (3) submitted by the Kentucky  
26 Veterinary Medical Association;

27 (c) Two (2) members selected from a list of three (3) submitted by the Kentucky

- 1 Farm Bureau;
- 2 (d) Two (2) members selected from a list of three (3) submitted by the Kentucky
- 3 Association of Counties;
- 4 (e) Two (2) members selected from a list of three (3) submitted by the Kentucky
- 5 Houndsmen Association; and
- 6 (f) Two (2) members selected from a list of three (3) submitted by the Kentucky
- 7 League of Cities.
- 8 (4) Appointed members shall serve for a term of four (4) years. Vacancies shall be
- 9 filled in the same manner as the original appointment for the unexpired portion of
- 10 the term.
- 11 (5) Members of the advisory board shall receive one hundred dollars (\$100) per day for
- 12 attendance at meetings and shall be entitled to reimbursement for expenses incurred
- 13 for travel. No per diem or travel expenses shall be paid except for meetings of the
- 14 full advisory board.
- 15 (6) The advisory board shall elect one (1) of its members to serve as chair for a term of
- 16 two (2) years.
- 17 (7) The advisory board shall meet quarterly or upon the call of the chair.
- 18 ➔Section 12. This Act takes effect January 1, 2020.