

1 AN ACT relating to the sale of dogs and cats.

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 *(1) As used in this section:*

6 *(a) "Animal shelter" has the same meaning as in KRS 258.095;*

7 *(b) "Breeder" means a person that maintains dogs or cats for the purpose of*  
8 *breeding and selling their offspring;*

9 *(c) "Broker" means a person that transfers dogs or cats for resale by another*  
10 *person;*

11 *(d) "Publicly accessible space" means an area owned, leased, or otherwise*  
12 *operated by a private, local, or state entity that is open to the public,*  
13 *including but not limited to parks, recreation areas, rights-of-way,*  
14 *thoroughfares, roadside areas, parking lots, farmers' markets, flea markets,*  
15 *lobbies, public common areas, and other areas where the public may either*  
16 *congregate or incidentally pass by or through; and*

17 *(e) "Retail pet shop" means a for-profit establishment open to the public that*  
18 *sells, or offers for sale, food, supplies, or animals to be kept as household*  
19 *pets.*

20 *(2) A retail pet shop shall not sell, offer to sell, barter, auction, or otherwise transfer*  
21 *ownership of any dog or cat.*

22 *(3) Retail pet shops shall not collaborate to showcase dogs or cats with any entity*  
23 *which:*

24 *(a) Is affiliated with or housed on the premises of a breeder or broker;*

25 *(b) Obtains dogs or cats from a breeder or broker in exchange for payment or*  
26 *compensation; or*

27 *(c) Resells dogs or cats obtained from a breeder or broker and provides*

1                   payment or compensation to such breeder or broker.

2   (4) Nothing in this section shall be construed to prohibit a retail pet shop from  
3   collaborating with any animal shelter to provide space to showcase dogs or cats  
4   owned by the shelters for the purpose of adoption. Each retail pet shop shall  
5   maintain for at least one (1) year records sufficient to document the source of  
6   each dog or cat for which the retail pet shop provides space to showcase.  
7   Additionally, each retail pet shop shall post, in a conspicuous location on the  
8   cage or enclosure of each animal, a sign listing the name of the animal rescue  
9   organization from which each animal was obtained. Animal control officers or  
10   animal shelters may periodically require pet stores to provide access to these  
11   records.

12   (5) No person shall sell, offer to sell, barter, auction, or otherwise transfer ownership  
13   of any dog or cat of any age in a publicly accessible space.

14   (6) This section does not prohibit a local governing body from adopting requirements  
15   that are more protective of animal welfare than those set forth in this section.

16       ➔Section 2. KRS 258.990 is amended to read as follows:

17   (1) Any person who violates KRS 258.015, 258.035, 258.055, 258.065, or 258.085  
18   shall be fined not less than ten dollars (\$10) nor more than one hundred dollars  
19   (\$100). Each day of violation shall constitute a separate offense.

20   (2) The owner of any dog, cat, or ferret which bites a human being shall be liable to  
21   pay all damages for personal injuries resulting from the bite of the dog, cat, or  
22   ferret.

23   (3) (a) Any person violating or failing or refusing to comply with KRS 258.095 to  
24   258.365, except KRS 258.235(5)(a), shall, upon conviction, be fined not less  
25   than five dollars (\$5) nor more than one hundred dollars (\$100), or be  
26   imprisoned in the county jail for not less than five (5) nor more than sixty (60)  
27   days, or both.

1 (b) Any person violating KRS 258.235(5)(a) shall be punished by a fine of not  
2 less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by  
3 imprisonment in the county jail for not less than ten (10) nor more than sixty  
4 (60) days, or both.

5 (4) Any retail pet shop operator who violates subsections (2) or (5) of Section 1 of  
6 this Act shall be subject to a civil penalty of five hundred dollars (\$500). Each  
7 animal offered for sale in violation of this section shall constitute a separate  
8 violation.

9 (5) All fines collected under subsection (3) of this section shall after costs and  
10 commissions have been deducted, be paid to the department to be credited to the  
11 animal control and care fund.