

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) "Commercial sale" means the sale of a product in the stream of commerce*
8 *at retail or at wholesale, including sales on the internet;*

9 *(c) "Qualified breeder" means a kennel located inside or outside of the*
10 *Commonwealth that:*

11 *1. Is licensed by the United States Department of Agriculture;*

12 *2. Maintains dogs or cats for the purpose of breeding and commercially*
13 *selling the offspring; and*

14 *3. Has no direct violations indicated by United States Department of*
15 *Agriculture inspection reports in the last two (2) years; and*

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

19 *(2) A retail pet shop shall not sell, offer to sell, barter, auction, or otherwise transfer*
20 *ownership of any dog or cat unless the animal was obtained from:*

21 *(a) An animal shelter; or*

22 *(b) A qualified breeder.*

23 *(3) A retail pet shop shall not sell, offer to sell, barter, auction, or otherwise transfer*
24 *ownership of any dog or cat:*

25 *(a) That is less than eight (8) weeks old; or*

26 *(b) To an individual who is under eighteen (18) years old.*

27 *(4) A county or municipality, or any agency thereof, may:*

1 (a) Adopt or enforce a rule, administrative regulation, code, or ordinance
 2 relating to the operations of a retail pet shop that does not prohibit a retail
 3 pet shop from operating within the county or municipality if the shop is in
 4 compliance with subsections (2) and (3) of this section and other rules,
 5 regulations, codes, or ordinances;

6 (b) Prohibit a retail pet shop or retail pet shop owner from selling dogs and cats
 7 within the county or municipality if the shop or owner has received:

8 1. Three (3) or more civil citations for violating subsection (2) or (3) of
 9 this section;

10 2. Three (3) or more civil citations for violating a rule, regulation, code,
 11 or ordinance adopted pursuant to paragraph (a) of this subsection; or

12 3. Any combination thereof; and

13 (c) Enforce any rule, regulation, code, or ordinance adopted pursuant to
 14 paragraph (a) of this subsection in accordance with KRS 65.8801 to
 15 65.8839.

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

8 **(5) (a) Any retail pet shop owner who violates subsection (2) or (3) of Section 1 of**
9 **this Act shall be subject to a civil penalty of five hundred dollars (\$500),**
10 **which shall be paid to the county or municipality in which the violation**
11 **occurred.**

12 **(b) Each dog or cat offered for commercial sale in violation of subsection (2) or**
13 **(3) of Section 1 of this Act shall constitute a separate violation.**

14 **(c) Any rule, administrative regulation, code, or ordinance adopted pursuant to**
15 **subsection (4)(a) of Section 1 of this Act may prescribe additional civil**
16 **penalties.**