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3 SUBSTITUTE FOR SB17
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8 SYNOPSIS: This bill would create the Alabama Dog and
9 Cat Breeders and Sellers Commission and would give
10 the commission the authority to license dog or cat
11 breeders and dog and cat sellers in this state.

12 This bill would exempt breeders and sellers
13 of certain animals from licensing under certain
14 conditions.

15 This bill would establish a minimum standard
16 of care for certain animals and authorize the
17 commission to set standards for breeding, perform
18 inspections and investigations on the facility of a
19 dog or cat breeder, establish licensing
20 requirements and fees, require notifications to the
21 commission and to local law enforcement, and
22 contract with inspectors to perform certain
23 functions.

24 This bill would require the commission to
25 establish directories of breeders, sellers, and
26 inspectors, establish a database of disciplinary
27 actions taken by the commission, and provide

1 certain consumer interest information. This bill
2 would require breeders and sellers to submit an
3 annual inventory and keep certain records, require
4 the license be displayed at each facility, and
5 require certain notifications be made in all
6 advertising and sales contracts.

7 This bill would also allow the commission to
8 deny, revoke, or suspend a license under certain
9 conditions and would provide civil penalties for
10 violations.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to dog and cat breeders and sellers; to
17 establish the Alabama Dog and Cat Breeders and Sellers
18 Commission and provide for the membership and duties of the
19 commission; to require registration of persons who sell dogs,
20 cats, or both; to require licensing of certain dog and cat
21 breeders and sellers; to provide exemptions; to establish
22 standards of operation; to provide for the denial, revocation,
23 or suspension of a license under certain conditions; and to
24 provide civil penalties.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act shall be known and may be cited
27 as Atti's Law.

1 Section 2. For the purposes of this act, the
2 following terms shall have the following meanings:

3 (1) ADVERTISEMENT. All communications between a
4 breeder or seller and a consumer for the sale or exchange of a
5 dog, cat, or both, for monetary consideration, made on the
6 Internet, a website, social media, in telephone directories,
7 professional directories, or newspapers and other periodicals,
8 or radio and television, or billboards, or otherwise mailed or
9 electronically transmitted written or visual communications
10 that do not involve in-person or direct contact with a
11 specific prospective consumer.

12 (2) ANIMAL. A dog or cat.

13 (3) BREEDER. A person or organization that breeds
14 dogs, cats, or both, and who sells or exchanges 35 or more
15 animals in a calendar year.

16 (4) CAT. A mammal that is wholly or partly of the
17 species *Felis domesticus*.

18 (5) COMMISSION. The Alabama Dog and Cat Breeders and
19 Sellers Commission.

20 (6) CONTROLLING PERSON. An individual who meets any
21 of the following conditions:

22 a. Is a partner, manager, director, officer, or
23 member of a business entity providing service as a breeder or
24 seller.

25 b. Possesses authority to set policy or direct
26 management of the business of a breeder or seller.

1 c. Possesses a direct or indirect control of 25
2 percent or more of the business of a breeder or seller.

3 (7) DOG. A mammal that is wholly or partly of the
4 species *Canis familiaris*.

5 (8) FACILITY. The premises used by a breeder or
6 seller for keeping, selling, or breeding animals, including
7 all buildings, property, and confinement areas used to conduct
8 the business.

9 (9) INSPECTOR. Any of the following entities with
10 which the commission contracts under this act, including a
11 trained employee of the entity:

12 a. A state agency.

13 b. A local law enforcement agency.

14 c. An animal control officer.

15 (10) KITTEN. A cat less than six months old.

16 (11) LICENSEE. A person or business that is required
17 to be licensed under this act to breed or sell dogs, cats, or
18 both.

19 (12) POSSESS. To have custody of or control over.

20 (13) PRIMARY ENCLOSURE. Any structure used to
21 restrict an animal to a limited amount of space, including,
22 but not limited to, a room, pen, run, cage, or compartment.

23 (14) PUPPY. A dog less than six months old.

24 (15) SALE. The exchange of a dog, cat, or both,
25 between a seller and a buyer for monetary consideration.

26 (16) SELLER. Any person or business that sells 35 or
27 more dogs or cats.

1 (17) UNLICENSED SELLER. Any person or business that
2 sells less than 35 dogs or cats in a calendar year.

3 (18) VETERINARIAN. A veterinarian in good standing
4 and licensed to practice veterinary medicine in this state.

5 Section 3. (a) This act does not affect the
6 applicability of any other law, rule, order, ordinance, or
7 other legal requirement of the federal government, this state,
8 or a political subdivision of this state.

9 (b) This act does not prohibit a municipality or
10 county from prohibiting or further regulating the possession,
11 breeding, or selling of dogs or cats.

12 (c) This act does not apply to an animal regulated
13 by a racing commission legally operating in this state.

14 (d) This act does not apply to an animal under the
15 care or control of an accredited college of veterinary
16 medicine or to any activities conducted by an accredited
17 college of veterinary medicine.

18 (e) Breeders and sellers shall comply with this act
19 unless specifically exempted.

20 Section 4. (a) This act does not apply to a breeder
21 who breeds a dog with the intent that it be used primarily for
22 any of the following reasons:

23 (1) Herding livestock, as defined by Section 2-15-20
24 of the Code of Alabama 1975, or other agricultural uses.

25 (2) Hunting, including tracking, chasing, pointing,
26 flushing, or retrieving game.

1 (3) Competing in field trials, agility events,
2 obedience trials, conformation shows, hunting tests, or
3 similar organized performance events.

4 (4) Working with, or performing tasks for, people
5 with disabilities as defined under the Americans with
6 Disabilities Act or accredited by a nationally recognized
7 organization that accredits or certifies service dogs or
8 therapy dogs.

9 (b) A person who breeds dogs for a purpose described
10 in subsection (a) is subject to the requirements of this act
11 with respect to dogs bred for a purpose not specified in
12 subsection (a) and with respect to cats.

13 Section 5. (a) The Alabama Dog and Cat Breeders and
14 Sellers Commission is established.

15 (b) The commission shall consist of the following
16 members appointed by the Governor and confirmed by the Senate:

17 (1) Two persons who are licensed breeders.

18 (2) Two persons who are veterinarians, one of whom
19 shall be a theriogenologist.

20 (3) Two persons who represent animal welfare
21 organizations that maintain an office in this state and are
22 designated as Section 501(c)(3) organizations.

23 (4) Two persons who represent the public.

24 (5) One person who is an animal control officer.

25 (6) The State Veterinarian, who shall serve in a
26 nonvoting, ex officio capacity.

1 (7) Two persons who are sellers regulated by this
2 act.

3 (c) The composition of the commission shall reflect
4 the racial, economic, gender, and geographic diversity of the
5 state.

6 (d) One licensed breeder, one veterinarian, one
7 representative of an animal welfare organization, and one
8 member of the public shall be appointed to an initial term of
9 two years. The remaining members shall be appointed to initial
10 terms of four years. Thereafter, all members shall be
11 appointed to terms of four years.

12 (e) If a vacancy occurs during the term of a member,
13 the Governor shall appoint a replacement member to serve for
14 the remainder of the unexpired term.

15 (f) The commission shall elect a chair. A member may
16 serve as chair for more than one term.

17 (g) The commission shall meet at least quarterly and
18 at the call of the chair of the commission or by a vote of the
19 commissioners.

20 (h) A decision of the commission is effective on a
21 majority vote of a quorum of the members present. A quorum
22 shall consist of a majority of the full membership of the
23 commission.

24 (i) Commission members shall not receive
25 compensation for their services, but shall receive, out of the
26 funds of the commission, reimbursement for the actual and
27 necessary expenses incurred while performing the duties of the

1 commission at the same rate as a state employee or an elected
2 or appointed official.

3 Section 6. (a) The commission shall do all of the
4 following:

5 (1) Maintain a public directory of licensed
6 breeders, sellers, and inspectors registered under this act.

7 (2) Maintain a public database of dog or cat
8 breeders and dog or cat sellers who have been subject to
9 disciplinary action under this act.

10 (3) Prepare and publicize all of the following
11 information for consumers:

12 a. The functions performed by the commission under
13 this act.

14 b. The rights of a consumer affected by this act.

15 c. The procedure by which a consumer complaint is
16 filed with and resolved by the commission.

17 (4) Promulgate rules, pursuant to the Administrative
18 Procedure Act, to carry out the requirements of this act. The
19 rules shall include a schedule of reasonable and customary
20 licensing and inspection fees. In setting the fee for
21 inspecting or licensing a facility, the commission may
22 consider the number of animals sold in a calendar year.

23 (5) Refer suspected violations of the animal cruelty
24 laws of this state to the appropriate law enforcement agency.

25 (b) The commission may employ personnel necessary to
26 carry out the functions and duties of the commission under
27 this act.

1 Section 7. (a) There is established a separate fund
2 in the State Treasury to be known as the Alabama Dog and Cat
3 Breeders and Sellers Commission Fund.

4 (b) All receipts and administrative penalties
5 collected by the commission pursuant to this act shall be
6 deposited in the fund and used only to administer and enforce
7 this act.

8 (c) The funds shall be disbursed by warrant of the
9 Comptroller, upon itemized vouchers approved by the chair of
10 the commission.

11 (d) The commission may authorize disbursements
12 necessary to implement this act, including, but not limited
13 to, disbursements for office expenses, equipment, costs, and
14 necessary facilities.

15 (e) Funds shall be withdrawn or expended pursuant to
16 Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to
17 41-19-12, inclusive, of the Code of Alabama 1975, and only in
18 amounts as stipulated in the general appropriations bill or
19 other appropriations bills. The commission shall ensure that a
20 public purpose is accomplished when disbursing funds pursuant
21 to this subsection.

22 (f) In addition to paying for the expenses of the
23 commission, funds in the account may be disbursed to the
24 commission for any of the following purposes:

25 (1) Promoting consumer awareness of this act and
26 rules adopted under this act.

1 (2) Supporting educational seminars, training
2 activities, or other actions designed to benefit the ability
3 of the commission to administer and enforce this act.

4 (g) The commission may solicit and accept any lawful
5 in-kind gifts, grants, and donations from any source for
6 deposit into the account, to perform the administrative
7 functions of this act under the direct supervision of the
8 commission, including, but not limited to, the following:

9 (1) Licensing breeders.

10 (2) Issuing seller registration numbers.

11 (3) Tracking seller's advertising.

12 (4) Performing inspections.

13 (h) The commission shall report disbursements from
14 the fund in a quarterly financial report.

15 Section 8. (a) An unlicensed seller who, by
16 advertising, offers for sale dogs or cats shall obtain a
17 one-time registration number from the commission at no charge.
18 The registration number shall be displayed in all advertising.

19 (b) To obtain a registration number, the unlicensed
20 seller shall provide all of the following information:

21 (1) The name and address and contact information of
22 the unlicensed seller.

23 (2) A certificate of good health from a licensed
24 veterinarian for the dog or cat being sold.

25 (c) When placing an advertisement for the sale of a
26 dog or cat, or both, the unlicensed seller shall include the

1 registration number issued by the commission in the
2 advertisement.

3 (d) The commission, at its discretion, may assess an
4 administrative penalty against an unlicensed seller who fails
5 to comply with this section.

6 Section 9. (a) A person or organization that has
7 sold 35 or more cats or dogs in the preceding 12 months shall
8 obtain a license from the commission.

9 (b) A seller shall obtain a license for each
10 facility operating in the state.

11 (c) A license for a single facility may cover more
12 than one building on the same premises.

13 (d) An applicant for a license shall submit all of
14 the following to the commission:

15 (1) A completed application on a form prescribed by
16 the commission.

17 (2) Information regarding the facilities and
18 operations of the applicant as requested by the commission.

19 (3) A sales tax number.

20 (4) Information demonstrating that the applicant has
21 satisfied the requirements of this act and rules adopted under
22 this act.

23 (5) Payment of the license fee established by the
24 commission in an amount not to exceed three hundred dollars
25 (\$300).

1 (e) Upon an applicant meeting the criteria of
2 subsection (d), the commission shall issue a license to the
3 applicant.

4 (f) A license issued under this act is valid until
5 the first anniversary of the date of issuance and is
6 nontransferable.

7 (g) The commission shall include the expiration date
8 on each license. The licensee shall renew the license for each
9 facility annually, subject to the rules established by the
10 commission.

11 (h) A licensed seller shall notify the commission in
12 a manner prescribed by the commission not later than the
13 thirtieth day after the date any change occurs in the address,
14 name, management, or controlling person of the business or
15 operation.

16 (i) No person who has been convicted of any act of
17 animal cruelty within the past seven years shall be licensed
18 by the commission.

19 Section 10. (a) Except as provided in Section 11,
20 the commission shall conduct an inspection of a facility
21 within the first 12 months of licensing for the purpose of
22 certifying that the facility meets the requirements of this
23 act and the rules adopted under this act.

24 (b) The commission shall revoke a license issued to
25 a breeder or seller whose facility does not meet the
26 requirements of this act and rules adopted under this act, if

1 the breeder or seller does not correct any deficiencies
2 revealed by the inspection within 30 days.

3 (c) After the breeder or seller notifies the
4 commission that it has corrected the deficiencies noted in the
5 inspection report, the commission shall conduct another
6 inspection.

7 (d) The commission shall reinstate a license that is
8 revoked for deficiencies upon receipt of an inspection report
9 certifying that the facility meets the requirements of this
10 act and the rules adopted under this act.

11 Section 11. (a) The commission or an inspector
12 designated by the commission shall inspect each facility of a
13 licensed breeder or seller at least once in every 24-month
14 period and at other times as necessary to ensure compliance
15 with this act.

16 (b) The inspection shall be conducted during the
17 normal business hours of the facility, and the licensed
18 breeder or seller, or a representative of the licensed breeder
19 or seller, shall be given a reasonable opportunity to be
20 present during the inspection.

21 (c) (1) If necessary to adequately perform the
22 inspection, the commission or its inspector may determine it
23 is appropriate to not provide advance notice to the licensed
24 breeder, seller, or a representative of the licensed breeder
25 or seller before arriving at the facility.

1 (2) The licensed breeder, seller, or a
2 representative, upon the request of the inspector, shall
3 assist the inspector in performing the inspection.

4 (d)(1) In conducting an inspection under this
5 section, an inspector may not enter or access any portion of a
6 private residence of a licensed breeder or seller except as
7 necessary to access animals or other property relevant to the
8 care of the animals.

9 (2) The inspector may request that relevant
10 documents or records be provided for inspection.

11 (e) The inspector shall submit an inspection report
12 to the commission not later than the tenth day after the date
13 of the inspection on a form prescribed by the commission and
14 provide a copy of the report to the licensed breeder or its
15 representative.

16 (f) On receipt of a written and signed complaint
17 alleging a violation of this act or rule adopted under this
18 act, the commission or the inspector designated by the
19 commission shall conduct an investigation of the alleged
20 violation by performing an inspection pursuant to this act.

21 (g) A person conducting an inspection or an
22 investigation pursuant to this act shall notify the
23 appropriate local law enforcement agency within 24 hours of
24 discovering evidence of animal cruelty or any other crime
25 against an animal during the inspection or investigation.

26 Section 12. (a) A licensed breeder or seller may
27 renew his or her license by doing all of the following:

1 (1) Submitting a renewal application to the
2 commission on the form prescribed by the commission.

3 (2) Complying with any other renewal requirements
4 adopted by the commission.

5 (3) Paying the license renewal fee established by
6 the commission in an amount not to exceed three hundred
7 dollars (\$300).

8 (b) A person whose license has expired may not
9 engage in activities that require a license until the license
10 has been renewed.

11 (c) The commission may not renew the license of a
12 person if the person is in violation of this act or any rule
13 adopted under this act.

14 (d) The commission, by rule, shall establish both of
15 the following:

16 (1) Training requirements for an inspector employed
17 by the commission.

18 (2) Policies governing the acts of an inspector in
19 conducting an inspection or investigation.

20 Section 13. (a) The commission shall deny issuance
21 of a license to or refuse to renew the license of a breeder or
22 seller if the breeder or seller or a controlling person of the
23 breeder or seller has entered a plea of guilty to, been
24 convicted of, or received deferred adjudication for animal
25 cruelty in this state or any other jurisdiction in the five
26 years preceding the initial or renewal application of the
27 breeder or seller for a license.

1 (b) If an existing licensee or a controlling person
2 of an existing licensee pleads guilty to, is convicted of, or
3 receives deferred adjudication for animal cruelty in this
4 state or any other jurisdiction, the commission shall revoke
5 his or her license.

6 (c) The commission may deny issuance of a license
7 to, refuse to renew the license of, or revoke or suspend a
8 license in any of the following circumstances:

9 (1) The licensee fails to meet the requirements of
10 this act or the rules adopted pursuant to this act.

11 (2) The licensee has had a similar license issued by
12 a federal or state authority denied, revoked, or suspended.

13 (3) The licensee falsifies any material information
14 requested by the commission.

15 (4) The licensee fails to comply with any corrective
16 action required under an inspection report within 30 days of
17 receipt of the report.

18 (d) (1) In addition to the licensing penalties under
19 this section, the commission may impose a civil penalty not to
20 exceed five hundred dollars (\$500) for each violation of this
21 act. For violations that are not remedied after giving the
22 licensee a written warning of 30 days to correct the
23 violation, the commission may increase the penalty to a
24 maximum penalty of two thousand five hundred dollars (\$2,500)
25 for each violation.

26 (2) Each day of a continued violation constitutes a
27 separate violation.

1 (3) In addition to the penalties provided in
2 subdivision (1), continued violations after a 30-day period
3 may result in suspension or revocation of the license.

4 (e) A licensee, upon request, is entitled to a
5 hearing pursuant to the Administrative Procedure Act on any
6 penalty imposed or disciplinary act taken.

7 Section 14. A licensee shall do all of the
8 following:

9 (1) Prominently display a copy of the license at
10 each facility.

11 (2) Maintain at each facility a copy of this act and
12 rules adopted under this act as made available by the
13 commission.

14 (3) Display the license number in all
15 advertisements.

16 (4) Include in each contract for the sale or
17 transfer of an animal by the licensee both of the following:

18 a. The license number.

19 b. The following statement: "Dog and cat breeders
20 and sellers are regulated by the Alabama Dog and Cat Breeders
21 and Sellers Commission, Montgomery, Alabama" or a similar
22 statement adopted by rule of the commission that includes the
23 name, mailing address, telephone number, and Internet website
24 address of the commission.

25 (5) Collect and remit any sales tax required by
26 state law to be collected.

1 Section 15. (a) Not later than February 1 of each
2 year, a licensee shall submit to the commission, on a form
3 prescribed by the commission, an accounting of all animals
4 held at the facility at any time during the preceding calendar
5 year.

6 (b) The licensee shall keep copies of the items
7 described by subsection (a) at the facility of the licensee
8 and shall make the annual inventory available upon request to
9 the commission or the inspector designated by the commission.

10 (c) A licensee that has more than one facility shall
11 do both of the following:

12 (1) Keep separate records for each facility.

13 (2) Submit a separate accounting of animals for each
14 facility.

15 Section 16. (a) The commission shall adopt rules
16 establishing the minimum information that a licensee shall
17 maintain for each animal in each facility.

18 (b) A licensee shall maintain a separate record for
19 each animal in the facility of the licensee documenting the
20 care of the animal.

21 (c) The licensee shall make the animal records
22 available to the commission upon request.

23 (d) The commission, by rule, shall establish the
24 retention period for records required by this section.

25 Section 17. (a) The commission shall adopt rules
26 establishing minimum breed specific standards for the ethical
27 handling, care, housing, and transportation of animals by a

1 licensee. The minimum standards shall ensure the overall
2 health, safety, and well-being of each animal in the
3 possession of the licensee.

4 (b) The standards adopted under this section shall
5 meet all of the following criteria:

6 (1) Apply equally to all licensees.

7 (2) Unless otherwise prescribed by a veterinarian
8 and certified to the commission in the manner prescribed by
9 the commission, require a licensee to provide each animal 24
10 weeks of age or older with exercise that will maintain the dog
11 or cat in the physical condition commensurate with its breed.
12 An exercise area meeting the following criteria shall satisfy
13 this requirement:

14 a. Has a surface that has adequate drainage and that
15 will not adversely affect the health or well-being of the
16 animal and that may be composed of natural turf or soil.

17 b. Provides adequate protection against harsh
18 weather, including exposure to the sun.

19 c. Has at least three times more square feet than
20 the primary enclosure of the animal.

21 (3) Require that a female breeding animal be
22 inspected by a veterinarian in the year preceding the breeding
23 of the animal. If the veterinarian advises in writing that the
24 animal not be bred, that owner may seek a second opinion from
25 that veterinarian or another veterinarian. If the second
26 opinion advises that breeding would not be detrimental to the
27 health of that animal, the animal may be bred.

1 (4) Require that a licensee provide basic grooming
2 to each animal, including bathing and nail trimming, to the
3 extent required to maintain the animal in a state of good
4 health.

5 (5) Require that all primary enclosures meet all of
6 the following criteria:

7 a. Be composed of materials that are safe for the
8 animal based on the breed, size, and age of the animal.

9 b. Have adequate space to allow the animal to
10 comfortably stand, sit, turn around, and lie down in a natural
11 position.

12 c. Have adequate drainage.

13 d. If any portion of the floor surface is composed
14 of wire or of a slatted material, be free from any protruding,
15 sharp surfaces and be designed so that the paws of the animal
16 are unable to extend through or become caught in the floor.

17 (6) Prohibit the placement of a primary enclosure of
18 an animal on top of the primary enclosure of another animal,
19 unless an impervious barrier designed to prevent the transfer
20 of any liquid or animal waste from one enclosure to the other
21 is placed between the enclosures.

22 (7) Prohibit the stacking of the primary enclosures
23 of dogs or cats above three vertical levels.

24 (8) Require at least one regular veterinary
25 examination each year for a breeding animal.

26 (9) Require that a breeder or seller maintain at
27 each of the facilities of the breeder or seller a written

1 health care management protocol that addresses routine and
2 preventive care.

3 (10) Ensure that breed specific, necessary routine
4 and preventive care is provided to each animal and that each
5 animal receives appropriate care and treatment for any disease
6 or illness, to the extent required to maintain the animal in a
7 state of good health.

8 (11) Prohibit a person from performing a surgical
9 birth of an animal unless the person is a licensed
10 veterinarian.

11 (12) Prohibit a person from euthanizing an adult
12 animal unless the person is a veterinarian, a certified
13 euthanasia technician employed by an animal shelter approved
14 by the commission, or a licensed veterinary technician who is
15 the employee or agent of a veterinarian or animal shelter, or
16 the owner of the animal and is euthanizing the animal for
17 humane purposes.

18 (12) Require appropriate training for any person
19 whose duties and responsibilities include the handling of or
20 caring for an animal in the facility of a licensee.

21 (13) Prohibit selling, trading, or giving away an
22 animal before the animal is eight weeks of age.

23 (c) The commission, by rule, may modify existing
24 standards as necessary to protect or improve the health and
25 well-being of animals or to protect the health and safety of
26 the public.

1 Section 18. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.