

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) "Hobby breeder" means a breeder who owns no more than three (3)
10 breeding female dogs or cats;

11 (d) "Large-scale breeding kennel" means a kennel located inside or outside of
12 the Commonwealth that:

13 1. Is licensed and registered by the United States Department of
14 Agriculture; and

15 2. Maintains dogs or cats for the purpose of breeding and for
16 commercial sale of the offspring;

17 (e) "Qualified breeder" means a hobby breeder or large-scale breeding kennel
18 that has no direct violations indicated by United States Department of
19 Agriculture inspection reports in the last two (2) years; and

20 (f) "Retail pet shop" means a for-profit commercial establishment open to the
21 public that sells, or offers for commercial sale, food, supplies, or animals to
22 be kept as household pets.

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

25 (a) An animal shelter; or

26 (b) A qualified breeder.

27 (3) A retail pet shop shall not sell, offer to sell, barter, auction, or otherwise transfer

1 ownership of any dog or cat:

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

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

4 (4) No county, municipality, or any of their agencies shall adopt or enforce a rule,
5 administrative regulation, code, or ordinance that prohibits a retail pet shop from
6 operating within the county or municipality if the retail pet shop operates in
7 accordance with subsections (2) and (3) of this section.

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

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

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

15 (3) (a) Any person violating or failing or refusing to comply with KRS 258.095 to
16 258.365, except KRS 258.235(5)(a), shall, upon conviction, be fined not less
17 than five dollars (\$5) nor more than one hundred dollars (\$100), or be
18 imprisoned in the county jail for not less than five (5) nor more than sixty (60)
19 days, or both.

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

24 (4) Any retail pet shop owner who violates subsections (2) or (3) of Section 1 of this
25 Act shall be subject to a civil penalty of five hundred dollars (\$500). Each animal
26 offered for commercial sale in violation of this section shall constitute a separate
27 violation.

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