

§4153. Sale prohibited

1. Animal with disease, illness or condition. Notwithstanding section 4152, a seller may not sell an animal that has any obvious clinical sign of infectious, contagious, parasitic or communicable disease or abnormality or has any disease, illness or condition that requires hospitalization or nonelective surgical procedures.

[PL 2019, c. 544, §7 (NEW).]

2. Wolf hybrid. A seller may not sell a wolf hybrid.

[PL 2019, c. 544, §7 (NEW).]

3. Pet shop. Except as provided in this subsection, a pet shop as defined in section 3907, subsection 23 may not offer an animal for sale.

A. A pet shop may provide space to an animal rescue entity to offer to the public animals for adoption for an adoption fee, as long as the pet shop does not have any ownership interest in the animals offered for adoption and does not receive any fee for providing space or for the adoption of any of the animals. [PL 2019, c. 544, §7 (NEW).]

B. A pet shop that lawfully offered animals for sale on the effective date of this paragraph may continue to offer animals for sale as long as the pet shop:

- (1) Maintains a valid license under section 3933;
- (2) Remains in the same ownership as existed on May 1, 2019; and
- (3) Keeps for sale or offers for sale in any calendar year no greater a number of animals than were kept for sale or offered for sale by the pet shop in calendar year 2018.

In order to qualify for the exception allowed under this paragraph, a pet shop must provide to the department, in a form and manner prescribed by the department, documentation of the ownership of the pet shop on May 1, 2019 as well as the number of animals offered for sale in 2018 and annually thereafter. For purposes of this paragraph, "remains in the same ownership" means a static state of ownership in which no ownership interest changes after May 1, 2019, except, in the case of a pet shop that on May 1, 2019 was owned by a family, a transfer of an ownership interest to the spouse, domestic partner or one or more children of the oldest member of the family holding an ownership interest on May 1, 2019. For purposes of this paragraph, "family" means one person or a group of people whose relationship to the oldest person in the group is either spouse, domestic partner or child. In order to maintain a valid license, the pet shop must provide to the department, in a form and manner prescribed by the department, documentation of any transfer of ownership under this paragraph. If there is ambiguity as to whether a pet shop remains in the same ownership, the pet shop does not satisfy the requirements of subparagraph (2). [PL 2019, c. 544, §7 (NEW).]

[PL 2019, c. 544, §7 (NEW).]

4. Penalties. A person who violates subsection 3 commits a civil violation for which a fine of \$500 may be adjudged and is subject to the suspension or revocation of the person's pet shop license pursuant to section 4162, subsection 2. Each offer for sale of an animal in violation of subsection 3 constitutes a separate violation.

[PL 2019, c. 544, §7 (NEW).]

SECTION HISTORY

PL 1995, c. 589, §1 (NEW). PL 2007, c. 702, §24 (AMD). PL 2011, c. 100, §15 (AMD). PL 2019, c. 544, §7 (RPR).

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