Bill No. 50-14
Concerning: Animal Control – Retail Pet Stores
Revised: 10/17/2014 Draft No. 2
Introduced: October 28, 2014
Enacted: March 3, 2015
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice President Leventhal and Councilmembers Navarro, Branson, Riemer, Berliner, Elrich, Rice, Katz, Hucker, and Floreen

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AN ACT to:

(1) prohibit certain retail pet stores from selling certain animals bred in certain breeding facilities; and

(2) generally amend County animal control law.

By adding
Montgomery County Code
Chapter 5, Animal Control
Article V
Sections 5-405, 5-406, and 5-407

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Article V (Sections 5-405, 5-406, and 5-407) is added as follows:

Article V. Retail Sale of Dogs and Cats

5-405. Legislative Findings.

The County Council finds and declares that:

(a) A significant number of puppies and kittens sold at retail pet stores throughout the United States come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most dogs and cats sold in retail pet stores come from puppy and kitten mills.

(b) The documented abuses endemic to puppy and kitten mills include over-breeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water or shelter, lack of socialization, lack of adequate space, and lack of adequate exercise.

(c) The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities. However, many consumers are unaware of these issues when purchasing animals from retail pet stores because of a lack of education on the issue and misleading tactics of retail pet stores in some cases. These health and behavioral issues, which may not present themselves until after the purchase of the animal, can impose exorbitant financial and emotional costs on consumers.

(d) Current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in Montgomery County retail pet stores.

28 (e) Restricting the retail sale of puppies and kittens to only those that are
29 sourced from shelters or rescue organizations is likely to decrease the
30 demand for puppies and kittens bred in puppy and kitten mills, and is
31 likely to increase demand for animals from animal shelters and rescue
32 organizations.
33 (f) Due in large part to pet overpopulation, a state task force recently
34 found that 45,000 dogs and cats are euthanized in Maryland animal
35 shelters annually, at an estimated cost of $8 to 9 million each year.
36 Restricting the retail sale of puppies and kittens to only those that are
37 sourced from animal shelters and rescue organizations will likely
38 reduce pet overpopulation and thus the burden on such agencies and
39 financial costs on County taxpayers.
40 (g) Across the country, thousands of independent retail pet stores as well
41 as large chains operate profitably with a business model focused on
42 the sale of pet services and supplies and not on the sale of dogs and
43 cats. Many of these shops collaborate with local animal shelters and
44 rescue organizations to offer space and support for showcasing
45 adoptable homeless pets on their premises.
46 (h) This law will not affect a consumer's ability to obtain a dog or cat of
47 his or her choice directly from a breed-specific rescue organization or
48 a shelter, or from a hobby breeder where the consumer can see
49 directly the conditions in which the dogs or cats are bred, or can
50 confer directly with the hobby breeder concerning those conditions.
51 (i) The County Council believes it is in the best interests of the County to
52 adopt reasonable regulations to reduce costs to the County and its
53 residents, protect the citizens of the County who may purchase cats or
54 dogs from a retail pet store or other business establishment, help

55 prevent inhumane breeding conditions, promote community
56 awareness of animal welfare, and foster a more humane environment
57 in the County.

58 **5-406. Definitions.**

59 In this Article, the following words have the meanings indicated:
60 *Animal care facility* means an animal shelter maintained by, or under
61 contract with, any state, county, or municipality, and whose mission and
62 practice is, in whole or significant part, the rescue and placement of animals
63 in permanent homes.
64 *Cat* means any individual of the species of the domestic cat, felis catus.
65 *Dog* means any individual of the species of the domestic dog, canis lupus
66 familiaris, or any resultant hybrid.
67 *Non-profit rescue organization* means a non-profit organization that has tax
68 exempt status under Section 501(c)(3) of the Internal Revenue Code, and
69 whose mission and practice is, in whole or in significant part, the rescue and
70 placement of animals in permanent homes.
71 *Offer for sale* means to display, sell, deliver, offer for sale or adoption,
72 advertise for the sale of, barter, auction, give away, or otherwise dispose of a
73 dog or cat.
74 *Retail pet store* means a store that is required to comply with Title 19,
75 Subtitle 7 of the Business Regulation Article of the Maryland Code.

76 **5-407. Retail Sale of Dogs and Cats.**

77 A retail pet store must not offer for sale any dog or cat unless the retail pet
78 store obtained that dog or cat from:
79 (a) an animal care facility; or
80 (b) a non-profit rescue organization.
81

82 *Approved:*

83 George Leventhal 3/6/2015

George Leventhal, President, County Council — Date

84 *Approved:*

85

Isiah Leggett, County Executive — Date

86 *This is a correct copy of Council action.*

87

Linda M. Lauer, Clerk of the Council — Date

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