

COMMERCIAL BREEDERS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits, in certain circumstances, a commercial breeder from selling, soliciting, or advertising for purchase a dog or cat and amends a municipality's or county's authority to license a commercial breeder.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits, in certain circumstances, a commercial breeder from selling, soliciting, or advertising for purchase a dog or cat;

requires:

- a city auditor or city recorder to file with the State Tax Commission and a poundkeeper a report regarding a commercial breeder;
- a county ~~H~~→ [assessor] business licensing agency ←~~H~~ to file with the State Tax Commission and a county animal control office, if any, a report regarding a commercial breeder;
- a municipal land use authority to file with a poundkeeper a report regarding a commercial breeder; and
- a county land use authority to file with a county animal control office, if any, a report regarding a commercial breeder;
- ▶ prohibits a municipality or county from issuing a commercial breeder a business license in certain circumstances;

H.B. 124



90 (iv) the name of the business if different from the commercial breeder's name.
 91 (b) The city auditor or city recorder shall file the report described in Subsection (3)(a):
 92 (i) within 30 days after the day on which the business license is issued; and
 93 (ii) for a report filed with the State Tax Commission, on a written or an electronic form
 94 provided by the State Tax Commission.

95 (4) A municipal land use authority that approves a land use application for a
 96 commercial breeder in accordance with Section 10-9a-509.5 shall report the information listed
 97 in Subsection (3)(a) to a poundkeeper appointed by the municipality under Section 10-8-64
 98 within 30 days after the day on which the land use application is approved.

99 (5) If a commercial breeder is not licensed in accordance with 9 C.F.R. Chapter 1,
 100 Subchapter A, a municipality:

101 (a) may not issue a business license under Section 10-1-203 to the commercial breeder;
 102 or

103 (b) shall revoke a business license issued to a commercial breeder under Section
 104 10-1-203.

105 (6) (a) A commercial breeder may not maintain or operate more than one kennel at an
 106 address.

107 (b) If a municipality issues a license under Section 10-1-203 to a commercial breeder
 108 who owns, leases, operates, or manages more than one kennel, the municipality shall review for
 109 approval and issue a license for each kennel individually.

110 (7) This section does not affect or apply to:

111 (a) a dog used for authorized purposes by federal or state military;

112 (b) a dog that is specially trained for law enforcement work and used by law
 113 enforcement for an authorized purpose; or

114 (c) a dog or cat kept by a pound established under Section 10-8-64 or an animal shelter
 115 established under Section 10-17-102.

116 (8) A person who knowingly violates Subsection (2) or (6)(a) is guilty

116a of a class ~~H~~ → [A] B ← ~~H~~
 117 misdemeanor.

118 Section 3. Section **17-50-332** is enacted to read:

119 **17-50-332. Commercial breeders.**

120 (1) As used in this section:

121 (a) (i) "Commercial breeder" means a person who, for a fee or other consideration:

122 (A) maintains in a kennel at any time six or more dogs for breeding or six or more cats
 123 for breeding and sells, leases, trades, barter, auctions, or provides to another person the
 124 offspring of one of those dogs or cats; or

125 (B) buys, sells, leases, trades, barter, or provides to another person a dog or cat at
 126 wholesale for resale to another.

127 (ii) "Commercial breeder" does not include:

128 (A) an animal shelter as defined in Section 17-42-102; or

129 (B) a person with five or fewer unsterilized dogs over six months old or five or fewer
 130 unsterilized cats over six months old.

131 (b) "Kennel" means a facility where a commercial breeder keeps, houses, and
 132 maintains dogs or cats.

133 (c) "Retailer" means a person who:

134 (i) sells or distributes a dog or cat to a consumer in the state; or

135 (ii) intends to sell or distribute a dog or cat to a consumer in the state.

136 (2) A commercial breeder may not sell, solicit, or advertise for purchase a dog or cat
 137 unless the commercial breeder has:

138 (a) a valid business license issued in accordance with Section 17-53-216;

139 (b) completed a land use application and received approval for the land use application
 140 for each kennel from the land use authority in accordance with Section 17-27a-509.5; and

141 (c) obtained a license described in Section 59-12-106 for each place of business.

142 (3) (a) The ~~H~~→ [county assessor] county business licensing agency ←~~H~~ of a county that
 142a issues a commercial breeder a business

143 license as described in Subsection (2)(a) shall report, in accordance with Subsection (3)(b), to
 144 the State Tax Commission and a county animal control office, if any:

145 (i) the commercial breeder's name;

146 (ii) the address of the commercial breeder's principal place of business;

147 (iii) any other address provided by the commercial breeder; and

148 (iv) the name of the business if different than the commercial breeder's name.

149 (b) The ~~H~~→ [county assessor] county business licensing agency ←~~H~~ shall file the report
 149a described in Subsection (3)(a):

150 (i) within 30 days after the day on which the business license is issued; and

151 (ii) for a report filed with the State Tax Commission, on a written or an electronic form

152 provided by the State Tax Commission.

153 (4) A county land use authority that approves a land use application for a commercial
154 breeder in accordance with Section 17-27a-509.5 shall report the information listed in
155 Subsection (3)(a) to a county animal control office, if any, within 30 days after the day on
156 which the land use application is approved.

157 (5) If a commercial breeder is not licensed in accordance with 9 C.F.R. Chapter 1,
158 Subchapter A, a county:

159 (a) may not issue a business license under Section 17-53-216 to the commercial
160 breeder; or

161 (b) shall revoke a business license issued to a commercial breeder under Section
162 17-53-216.

163 (6) (a) A commercial breeder may not maintain or operate more than one kennel at an
164 address.

165 (b) If a county issues a license under Section 17-53-216 to a commercial breeder who
166 owns, leases, operates, or manages more than one kennel, the county shall review for approval
167 and issue a license for each kennel individually.

168 (7) This section does not affect or apply to:

169 (a) a dog used for authorized purposes by federal or state military;

170 (b) a dog that is specially trained for law enforcement work and used by law
171 enforcement for an authorized purpose; or

172 (c) a dog or cat kept by an animal shelter established under Section 17-42-102.

173 (8) A person who knowingly violates Subsection (2) or (6)(a) is guilty

173a of a class ~~H~~→ [A] B ←~~H~~

174 misdemeanor.

175 Section 4. Section **17-53-216** is amended to read:

176 **17-53-216. Business license fees and taxes -- Application information to be**
177 **transmitted to the county assessor.**

178 (1) For the purpose of this section, "business" means any enterprise carried on for the
179 purpose of gain or economic profit, except that the acts of employees rendering services to
180 employers are not included in this definition.

181 (2) (a) The legislative body of a county may by ordinance provide for the licensing of
182 businesses within the unincorporated areas of the county for the purpose of regulation and