

**PET STORE AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses prohibited actions related to pet stores.

**Highlighted Provisions:**

This bill:

- ▶ enacts provisions related to pet stores and companion animals, including:
  - defining terms;
  - outlining prohibited conduct;
  - authorizing the Division of Consumer Protection to act on violations;
  - imposing penalties; and
  - allowing local requirements.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**13-2-1**, as last amended by Laws of Utah 2020, Chapter 118

ENACTS:

**13-58-101**, Utah Code Annotated 1953

**13-58-102**, Utah Code Annotated 1953



- 28            **13-58-201**, Utah Code Annotated 1953
- 29            **13-58-202**, Utah Code Annotated 1953
- 30            **13-58-203**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33            Section 1. Section **13-2-1** is amended to read:

34            **13-2-1. Consumer protection division established -- Functions.**

35            (1) There is established within the Department of Commerce the Division of Consumer  
36 Protection.

37            (2) The division shall administer and enforce the following:

- 38            (a) Chapter 5, Unfair Practices Act;
- 39            (b) Chapter 10a, Music Licensing Practices Act;
- 40            (c) Chapter 11, Utah Consumer Sales Practices Act;
- 41            (d) Chapter 15, Business Opportunity Disclosure Act;
- 42            (e) Chapter 20, New Motor Vehicle Warranties Act;
- 43            (f) Chapter 21, Credit Services Organizations Act;
- 44            (g) Chapter 22, Charitable Solicitations Act;
- 45            (h) Chapter 23, Health Spa Services Protection Act;
- 46            (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 47            (j) Chapter 26, Telephone Fraud Prevention Act;
- 48            (k) Chapter 28, Prize Notices Regulation Act;
- 49            (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
- 50            (m) Chapter 34, Utah Postsecondary Proprietary School Act;
- 51            (n) Chapter 34a, Utah Postsecondary School State Authorization Act;
- 52            (o) Chapter 39, Child Protection Registry;
- 53            (p) Chapter 41, Price Controls During Emergencies Act;
- 54            (q) Chapter 42, Uniform Debt-Management Services Act;
- 55            (r) Chapter 49, Immigration Consultants Registration Act;
- 56            (s) Chapter 51, Transportation Network Company Registration Act;
- 57            (t) Chapter 52, Residential Solar Energy Disclosure Act;
- 58            (u) Chapter 53, Residential, Vocational and Life Skills Program Act;

- 59 (v) Chapter 54, Ticket Website Sales Act;
- 60 (w) Chapter 56, Ticket Transferability Act; [~~and~~]
- 61 (x) Chapter 57, Maintenance Funding Practices Act[:]; and
- 62 (y) Chapter 58, Pet Stores and Companion Animals.

63 Section 2. Section **13-58-101** is enacted to read:

64 **CHAPTER 58. PET STORES AND COMPANION ANIMALS**

65 **Part 1. General Provisions**

66 **13-58-101. Title.**

67 This chapter is known as "Pet Stores and Companion Animals."

68 Section 3. Section **13-58-102** is enacted to read:

69 **13-58-102. Definitions.**

70 As used in this chapter:

71 (1) (a) "Animal rescue organization" means a nonprofit organization incorporated  
72 under the law of any state and exempt from federal taxation under Internal Revenue Code,  
73 Section 501(c)(3) whose:

74 (i) principal purpose is the prevention of cruelty to animals; and

75 (ii) principal activity is to rescue sick, injured, abused, neglected, unwanted,  
76 abandoned, orphaned, lost, or displaced animals and to adopt them to owners.

77 (b) "Animal rescue organization" does not include:

78 (i) an entity that breeds or brokers animals; or

79 (ii) that:

80 (A) is located on the same premises as a person who breeds or brokers animals;

81 (B) has any personnel in common with a person who breeds or brokers animals;

82 (C) obtains, in exchange for payment or any form of compensation, companion animals  
83 from a person who breeds or brokers animals; or

84 (D) facilitates the sale of companion animals from a person who breeds or brokers  
85 animals.

86 (c) "Animal rescue organization" includes a private humane society.

87 (2) "Companion animal" means the same as that term is defined in Section [76-9-301](#).

88 (3) "Host pet store" means the pet store on whose premises the pet store allows an  
89 animal rescue organization or public animal shelter to display companion animals.

90 (4) "Local governing body" means for a county, city, town, or metro township, the  
91 legislative body of the county, city, town, or metro township.

92 (5) "Offer for sale" means to display or proffer for acceptance by another person.

93 (6) (a) "Pet store" means a retail business where animals are kept, sold, or offered for  
94 sale on the premises.

95 (b) "Pet store" includes any owner or operator of the retail business.

96 (c) "Pet store" does not include an animal rescue organization or public animal shelter.

97 (7) "Public animal shelter" means a facility operated by or under contract with a state,  
98 or a political subdivision of a state, for the impoundment and care of seized, stray, homeless,  
99 abandoned, unwanted, or surrendered animals.

100 (8) "Sell" means to exchange for consideration, adopt out, barter, auction, trade, lease,  
101 or otherwise transfer.

102 Section 4. Section 13-58-201 is enacted to read:

103 **Part 2. Prohibition on Sale of Companion Animals**

104 **13-58-201. Pet stores may not sell or offer for sale a companion animal -- Animal**  
105 **rescue organization or public animal shelter.**

106 (1) Beginning August 1, 2021, a pet store may not sell or offer for sale a companion  
107 animal.

108 (2) Subsection (1) does not prohibit a pet store from providing space on the pet store's  
109 premises for the display of a companion animal by an animal rescue organization or a public  
110 animal shelter provided that:

111 (a) no portion of a fee associated with the display or adoption of a companion animal,  
112 including an adoption fee, is paid to the host pet store or to a person affiliated with the host pet  
113 store; and

114 (b) the host pet store does not have an ownership interest in a companion animal  
115 displayed by the animal rescue organization or a public animal shelter.

116 Section 5. Section 13-58-202 is enacted to read:

117 **13-58-202. Penalties.**

118 (1) (a) Before taking action under this section, the division shall issue a written notice  
119 to a pet store, a public animal agency, or animal rescue organization that violates this chapter.

120 (b) The notice shall set forth in detail:

- 121 (i) the specific violation;
- 122 (ii) the name and location of the pet store at issue;
- 123 (iii) the name and location of, or other identifying information regarding, the public
- 124 animal shelter or animal rescue organization responsible for the companion animal that is the
- 125 subject of the violation;
- 126 (iv) any other information relevant to the violation;
- 127 (v) direction to cease the specific activity found to be in violation of this section; and
- 128 (vi) the time period during which the violation must be corrected.

129 (2) In addition to the division's enforcement powers under Section 13-2-6, if the person

130 subject to the notice issued pursuant to Subsection (1) fails in the time period stated in the

131 notice to correct the violation, the division, in accordance with Title 63G, Chapter 4,

132 Administrative Procedures Act, may impose a civil penalty of:

- 133 (a) \$1,000 for a first violation;
- 134 (b) \$2,500 for a second violation; and
- 135 (c) \$5,000 for subsequent violations.

136 (3) A district attorney or city attorney for the location where the violation occurred may

137 bring an action in a court of competent jurisdiction to, in addition to any other remedy, apply to

138 the court for, and that court shall have jurisdiction upon hearing and for cause shown to grant, a

139 temporary or permanent injunction enjoining or restraining a person from violating this

140 chapter.

141 (4) Each companion animal and each day a violation continues constitutes a separate

142 violation.

143 Section 6. Section 13-58-203 is enacted to read:

144 **13-58-203. Local requirements.**

145 A local governing body may adopt requirements that are more protective of animal

146 welfare than those set forth in this chapter.