

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 893**

Introduced by Wishart, 27; Chambers, 11; Howard, 9; Morfeld, 46.

Read first time January 08, 2018

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Dog and Cat Purchase Protection Act; to
- 2 amend section 54-644, Reissue Revised Statutes of Nebraska, and
- 3 sections 54-645 and 54-646, Revised Statutes Cumulative Supplement,
- 4 2016; to define a term; to change provisions relating to written
- 5 disclosure statements by sellers; to provide for restrictions and
- 6 duties on pet shop owners as prescribed; to harmonize provisions;
- 7 and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-644, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 54-644 Sections 54-644 to 54-650 and section 4 of this act shall be  
4 known and may be cited as the Dog and Cat Purchase Protection Act.

5 Sec. 2. Section 54-645, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 54-645 For purposes of the Dog and Cat Purchase Protection Act:

8 (1) Casual breeder means any person, other than a commercial dog or  
9 cat breeder as such terms are defined in section 54-626, who offers for  
10 sale, sells, trades, or receives consideration for one or more pet  
11 animals from a litter produced by a female dog or cat owned by such  
12 casual breeder;

13 (2) Clinical symptom means indication of an illness or dysfunction  
14 that is apparent to a veterinarian based on the veterinarian's  
15 observation, examination, or testing of an animal or on a review of the  
16 animal's medical records;

17 (3) Health certificate means the official small animal certificate  
18 of veterinary inspection of the Bureau of Animal Industry of the  
19 Department of Agriculture;

20 (4) Pet animal means a dog, wholly or in part of the species *Canis*  
21 *familiaris*, or a cat, wholly or in part of the species *Felis domesticus*,  
22 that is under fifteen months of age;

23 (5) Pet shop has the same meaning as in section 54-626;

24 (6) ~~(5)~~ Purchaser means the final owner of a pet animal purchased  
25 from a seller. Purchaser does not include a person who purchases a pet  
26 animal for resale;

27 (7) ~~(6)~~ Seller means a casual breeder or any commercial  
28 establishment, including a commercial dog or cat breeder, dealer, or pet  
29 shop as such terms are defined in section 54-626, that engages in a  
30 business of selling pet animals to a purchaser. A seller does not include  
31 an animal control facility, animal rescue, or animal shelter as defined

1 in section 54-626 or any animal adoption activity that an animal control  
2 facility, animal rescue, or animal shelter conducts offsite at any pet  
3 store or other commercial establishment; and

4 ~~(8)(a)~~ ~~(7)(a)~~ Serious health problem means a congenital or  
5 hereditary defect or contagious disease that causes severe illness or  
6 death of the pet animal.

7 (b) Serious health problem does not include (i) parvovirus if the  
8 diagnosis of parvovirus is made after the seven-business-day requirement  
9 in subsection (1) of section 54-647 or (ii) any other contagious disease  
10 that causes severe illness or death after ten calendar days after  
11 delivery of the pet animal to the purchaser.

12 Sec. 3. Section 54-646, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14 54-646 (1) A seller shall deliver to the purchaser at the time of  
15 sale of a pet animal a written disclosure statement containing the  
16 following information regarding the pet animal:

17 (a) The name, address, and license number of any animal control  
18 facility, animal shelter, animal rescue, commercial dog or cat breeder,  
19 or dealer as such terms are defined in section 54-626 or, if applicable,  
20 the United States Department of Agriculture license number of the breeder  
21 or any broker who has had possession of the animal prior to the seller's  
22 possession;

23 (b) The date of the pet animal's birth, if known, the state in which  
24 the pet animal was born, if known, and the date the seller received the  
25 pet animal;

26 (c) The sex and color of the pet animal, any other identifying marks  
27 apparent upon the pet animal, and the breed of the pet animal, if known,  
28 or a statement that the breed of the pet animal is unknown or the pet  
29 animal is of mixed breed;

30 (d) The pet animal's individual identifying tag, tattoo, microchip  
31 number, or collar number;

1 (e) The names and registration numbers of the sire and dam and the  
2 litter number, if applicable and if known;

3 (f) A record of any vaccination, worming treatment, or medication  
4 administered to the pet animal while in the possession of the seller and,  
5 if known, any such vaccination, treatment, or medication administered to  
6 the pet animal prior to the date the seller received the pet animal; and

7 (g) The date or dates of any examination of the pet animal by a  
8 licensed veterinarian while in the possession of the seller.

9 (2) The seller may include any of the following with the written  
10 disclosure statement required by subsection (1) of this section:

11 (a) A statement that a veterinarian examined the pet animal and, at  
12 the time of the examination, the pet animal had no apparent or clinical  
13 symptoms of a serious health problem that would adversely affect the  
14 health of the pet animal at the time of sale or that is likely to  
15 adversely affect the health of the pet animal in the future; and

16 (b) A record of any serious health problem that adversely affects  
17 the pet animal at the time of sale or that is likely to adversely affect  
18 the health of the pet animal in the future.

19 (3) The written disclosure statement made pursuant to this section  
20 shall be signed by the seller certifying the accuracy of the written  
21 disclosure statement and by the purchaser acknowledging receipt of the  
22 written disclosure statement. In addition to information required to be  
23 given to a purchaser under this section, at the time of sale the seller  
24 shall provide the purchaser with written notice of the existence of the  
25 purchaser's rights and responsibilities under the Dog and Cat Purchase  
26 Protection Act or a legible copy of the act.

27 (4) If the pet animal is sold to a purchaser who resides outside of  
28 the state or intends that the pet animal will be relocated or permanently  
29 domiciled outside of the state, the seller shall provide the purchaser  
30 with a health certificate signed by a licensed veterinarian who has  
31 examined the pet animal and is authorized to certify such certificate.

1           (5) The seller shall maintain a copy of any written disclosure  
2 statements made and any other records on the health, status, or  
3 disposition of each pet animal for at least one year after the date of  
4 sale to a purchaser.

5           Sec. 4. (1) A pet shop owner shall not sell a pet animal in a pet  
6 shop unless such animal was obtained from an animal control facility,  
7 animal shelter, or animal rescue as such terms are defined in section  
8 54-626.

9           (2) In addition to the records retention requirements under section  
10 54-646, each pet shop shall maintain records sufficient to document the  
11 source of each pet animal for the duration of each animal's housing at  
12 the pet shop and for at least one year after the date of sale to a  
13 purchaser. Such records shall be available for inspection by the  
14 Department of Agriculture.

15           (3) Each pet store shall post, in a conspicuous location on the cage  
16 or enclosure of each pet animal, a sign listing the name of the animal  
17 control facility, animal shelter, or animal rescue from which the animal  
18 was obtained.

19           Sec. 5. Original section 54-644, Reissue Revised Statutes of  
20 Nebraska, and sections 54-645 and 54-646, Revised Statutes Cumulative  
21 Supplement, 2016, are repealed.