

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 427

Final Reading

Introduced by Cornett, 45; Carlson, 38; Howard, 9; Haar, 21.

Read first time January 14, 2011

Committee: Agriculture

A BILL

1 FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection
2 Act; to amend sections 54-625, 54-626, 54-627, 54-630,
3 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue
4 Revised Statutes of Nebraska; to define and redefine
5 terms; to change provisions relating to licensing and
6 primary enclosures; to change requirements of commercial
7 cat breeders and commercial dog breeders; to harmonize
8 provisions; to provide an operative date; and to repeal
9 the original sections.

10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-625, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-625 Sections 54-625 to 54-643 and sections 8 to 10 of
4 this act shall be known and may be cited as the Commercial Dog and
5 Cat Operator Inspection Act.

6 Sec. 2. Section 54-626, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 54-626 For purposes of the Commercial Dog and Cat
9 Operator Inspection Act:

10 (1) Animal control facility means a facility operated by
11 or under contract with the state or any political subdivision of the
12 state for the purpose of impounding or harboring seized, stray,
13 homeless, abandoned, or unwanted animals;

14 (2) Animal rescue means a person or group of persons who
15 hold themselves out as an animal rescue, accept or solicit for dogs
16 or cats with the intention of finding permanent adoptive homes or
17 providing lifelong care for such dogs or cats, or who use foster
18 homes as the primary means of housing dogs or cats;

19 (3) Animal shelter means a facility used to house or
20 contain dogs or cats and owned, operated, or maintained by an
21 incorporated humane society, an animal welfare society, a society for
22 the prevention of cruelty to animals, or another nonprofit
23 organization devoted to the welfare, protection, and humane treatment
24 of such animals;

25 (4) Boarding kennel means a facility which is primarily

1 used to house or contain dogs or cats owned by persons other than the
2 operator of such facility. The primary function of a boarding kennel
3 is to temporarily harbor dogs or cats when the owner of the dogs or
4 cats is unable to do so or to provide training, grooming, or other
5 nonveterinary service for consideration before returning the dogs or
6 cats to the owner. A facility which provides such training, grooming,
7 or other nonveterinary service is not a boarding kennel for the
8 purposes of the act unless dogs or cats owned by persons other than
9 the operator of such facility are housed at such facility overnight.
10 Veterinary clinics, animal control facilities, animal rescues, and
11 nonprofit animal shelters are not boarding kennels for the purposes
12 of the act;

13 (5) Breeding dog means any sexually intact male or female
14 dog six months of age or older owned or harbored by a commercial dog
15 breeder;

16 ~~(5)-(6)~~ Cat means any animal which is wholly or in part
17 of the species *Felis domesticus*;

18 ~~(6)-(7)~~ Commercial cat breeder means a person engaged in
19 the business of breeding ~~dogs or cats~~:

20 (a) Who sells, exchanges, leases, or in any way transfers
21 or offers to sell, exchange, lease, or transfer thirty-one or more
22 ~~dogs or cats~~ in a twelve-month period beginning on April 1 of each
23 year;

24 (b) Who owns or harbors four or more ~~dogs or cats~~,
25 intended for breeding, in a twelve-month period beginning on April 1

1 of each year;

2 (c) Whose ~~dogs or~~ cats produce a total of four or more
3 litters within a twelve-month period beginning on April 1 of each
4 year; or

5 (d) Who knowingly sells, exchanges, or leases ~~dogs or~~
6 cats for later retail sale or brokered trading;

7 (8) Commercial dog breeder means a person engaged in the
8 business of breeding dogs:

9 (a) Who sells, exchanges, leases, or in any way transfers
10 or offers to sell, exchange, lease, or transfer thirty-one or more
11 dogs in a twelve-month period beginning on April 1 of each year;

12 (b) Who owns or harbors four or more dogs, intended for
13 breeding, in a twelve-month period beginning on April 1 of each year;

14 (c) Whose dogs produce a total of four or more litters
15 within a twelve-month period beginning on April 1 of each year; or

16 (d) Who knowingly sells, exchanges, or leases dogs for
17 later retail sale or brokered trading;

18 ~~(7)-(9)~~ Dealer means any person who is not a commercial
19 dog or cat breeder or a pet shop but is engaged in the business of
20 buying for resale or selling or exchanging dogs or cats as a
21 principal or agent or who claims to be so engaged. A person who
22 purchases, sells, exchanges, or leases thirty or fewer dogs or cats
23 in a twelve-month period is not a dealer;

24 ~~(8)-(10)~~ Department means the Bureau of Animal Industry
25 of the Department of Agriculture with the State Veterinarian in

1 charge, subordinate only to the director;

2 ~~(9)~~ (11) Director means the Director of Agriculture or
3 his or her designated employee;

4 ~~(10)~~ (12) Dog means any animal which is wholly or in part
5 of the species *Canis familiaris*;

6 ~~(11)~~ (13) Foster home means any person who provides
7 temporary housing for twenty or fewer dogs or cats that are six
8 months of age or older in any twelve-month period and is affiliated
9 with a person operating as an animal rescue that uses foster homes as
10 its primary housing of dogs or cats. To be considered a foster home,
11 a person shall not participate in the acquisition of the dogs or cats
12 for which temporary care is provided. Any foster home which houses
13 more than twenty dogs or cats that are six months of age or older in
14 any twelve-month period or who participates in the acquisition of
15 dogs or cats shall be licensed as an animal rescue;

16 ~~(12)~~ (14) Housing facility means any room, building, or
17 areas used to contain a primary enclosure;

18 ~~(13)~~ (15) Inspector means any person who is employed by
19 the department and who is authorized to perform inspections pursuant
20 to the act;

21 ~~(14)~~ (16) Licensee means a person who has qualified for
22 and received a license from the department pursuant to the act;

23 ~~(15)~~ (17) Pet animal means an animal kept as a household
24 pet for the purpose of companionship, which includes, but is not
25 limited to, dogs, cats, birds, fish, rabbits, rodents, amphibians,

1 and reptiles;

2 ~~(16)~~(18) Pet shop means a retail establishment which
3 sells pet animals and related supplies;

4 ~~(17)~~(19) Premises means all public or private buildings,
5 kennels, pens, and cages used by a facility and the public or private
6 ground upon which a facility is located if such buildings, kennels,
7 pens, cages, or ground are used by the owner or operator of such
8 facility in the usual course of business;

9 ~~(18)~~(20) Primary enclosure means any structure used to
10 immediately restrict a dog or cat to a limited amount of space, such
11 as a room, pen, cage, or compartment;

12 ~~(19)~~(21) Secretary of Agriculture means the Secretary of
13 Agriculture of the United States Department of Agriculture;

14 ~~(20)~~(22) Stop-movement order means a directive
15 preventing the movement or removal of any dog or cat from the
16 premises; and

17 ~~(21)~~(23) Unaltered means any male or female dog or cat
18 which has not been neutered or spayed or otherwise rendered incapable
19 of reproduction.

20 Sec. 3. Section 54-627, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 54-627 (1) A person shall not operate as a commercial dog
23 or cat breeder, a dealer, a boarding kennel, an animal control
24 facility, an animal shelter, ~~or, beginning October 1, 2010,~~ an animal
25 rescue, or a pet shop unless the person obtains the appropriate

1 ~~license. as a commercial breeder, a dealer, a boarding kennel, an~~
2 ~~animal control facility, an animal shelter, or, beginning October 1,~~
3 ~~2010, an animal rescue. If a licensee is operating as an animal~~
4 ~~shelter as of July 15, 2010, he or she may apply for licensure as an~~
5 ~~animal rescue before October 1, 2010, and shall not be required to~~
6 ~~pay any licensing fee until October 1, 2010. A person shall not~~
7 ~~operate as a pet shop unless the person obtains a license as a pet~~
8 ~~shop.~~ A pet shop shall only be subject to the Commercial Dog and Cat
9 Operator Inspection Act and the rules and regulations adopted and
10 promulgated pursuant thereto in any area or areas of the
11 establishment used for the keeping and selling of pet animals. If a
12 facility listed in this subsection is not located at the owner's
13 residence, the name and address of the owner shall be posted on the
14 premises.

15 (2) An applicant for a license shall submit an
16 application for the appropriate license to the department, on a form
17 prescribed by the department, together with the annual license fee.
18 Such fee is nonreturnable. Upon receipt of the application and annual
19 license fee and upon completion of a qualifying inspection if
20 required pursuant to section 54-630 for an initial license applicant
21 or if a qualifying inspection is deemed appropriate by the department
22 before a license is issued for any other applicant, the appropriate
23 license may be issued by the department. Such license shall not be
24 transferable to another person or location.

25 (3)(a) Except as otherwise provided in this subsection,

1 the annual license fee shall be determined according to the following
2 fee schedule based upon the daily average number of dogs or cats
3 housed by the licensee over the previous annual licensure period:

4 (i) Ten or fewer dogs or cats, one hundred fifty dollars;

5 (ii) Eleven to fifty dogs or cats, two hundred dollars;

6 (iii) Fifty-one to one hundred dogs or cats, two hundred
7 fifty dollars;

8 (iv) One hundred one to one hundred fifty dogs or cats,
9 three hundred dollars;

10 (v) One hundred fifty-one to two hundred dogs or cats,
11 three hundred fifty dollars;

12 (vi) Two hundred one to two hundred fifty dogs or cats,
13 four hundred dollars;

14 (vii) Two hundred fifty-one to three hundred dogs or
15 cats, four hundred fifty dollars;

16 (viii) Three hundred one to three hundred fifty dogs or
17 cats, five hundred dollars;

18 (ix) Three hundred fifty-one to four hundred dogs or
19 cats, five hundred fifty dollars;

20 (x) Four hundred one to four hundred fifty dogs or cats,
21 six hundred dollars;

22 (xi) Four hundred fifty-one to five hundred dogs or cats,
23 six hundred fifty dollars; and

24 (xii) More than five hundred dogs or cats, two thousand
25 dollars.

1 (b) The initial license fee for any person required to be
2 licensed pursuant to the act shall be one hundred twenty-five
3 dollars.

4 (c) The annual license fee for a licensee that does not
5 house dogs or cats shall be one hundred fifty dollars.

6 (d) The annual license fee for an animal rescue shall be
7 one hundred fifty dollars.

8 (e) The annual license fee for a commercial dog or cat
9 breeder shall be determined according to the fee schedule set forth
10 in subdivision (a) of this subsection based upon the number of
11 breeding dogs or cats owned or harbored by the commercial breeder.

12 ~~(e)-(f)~~ The fees charged under this subsection may be
13 increased or decreased by the director after a public hearing is held
14 outlining the reason for any proposed change in the fee. The maximum
15 fee that may be charged shall not result in a fee for any license
16 category that exceeds the license fee set forth in this subsection by
17 more than one hundred dollars.

18 (4) A license to operate as a commercial dog or cat
19 ~~breeder, a license to operate as a dealer, a license to operate as a~~
20 ~~boarding kennel, or a license to operate as a pet shop shall be~~
21 renewed by filing with the department on or before April 1 of each
22 year a renewal application and the annual license fee. A license to
23 operate as an animal control facility, animal rescue, or animal
24 shelter shall be renewed by filing with the department on or before
25 October 1 of each year a renewal application and the annual license

1 fee. Failure to renew a license prior to the expiration of the
2 license shall result in a late renewal fee equal to twenty percent of
3 the annual license fee due and payable each month, not to exceed one
4 hundred percent of such fee, in addition to the license fee. The
5 purpose of the late renewal fee is to pay for the administrative
6 costs associated with the collection of fees under this section. The
7 assessment of the late renewal fee shall not prohibit the director
8 from taking any other action as provided in the act.

9 (5) A licensee under this section shall make its premises
10 available for inspection pursuant to section 54-628 during normal
11 business hours.

12 (6) The state or any political subdivision of the state
13 which contracts out its animal control duties to a facility not
14 operated by the state or any political subdivision of the state may
15 be exempted from the licensing requirements of this section if such
16 facility is licensed as an animal control facility, animal rescue, or
17 animal shelter for the full term of the contract with the state or
18 its political subdivision.

19 (7) Any fees collected pursuant to this section shall be
20 remitted to the State Treasurer for credit to the Commercial Dog and
21 Cat Operator Inspection Program Cash Fund.

22 Sec. 4. Section 54-630, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 54-630 (1) Before the department approves an application
25 for an initial license, an inspector of the department shall inspect

1 the operation of the applicant to determine whether the applicant
2 qualifies to hold a license pursuant to the Commercial Dog and Cat
3 Operator Inspection Act. ~~An Except as provided in subsection (2) of~~
4 ~~this section, an applicant who qualifies shall be issued a license.~~
5 ~~An applicant who does not receive a license shall be afforded the~~
6 ~~opportunity for a hearing before the director or the director's~~
7 ~~designee to present evidence that the applicant is qualified to hold~~
8 ~~a license should a license be issued. All such hearings shall be in~~
9 ~~accordance with the Administrative Procedure Act.~~

10 (2) The department may deny an application for an initial
11 or renewal license as a commercial dog or cat breeder, dealer,
12 boarding kennel, animal control facility, animal shelter, animal
13 rescue, or pet shop upon a finding that the applicant is unsuited to
14 perform the obligations of a licensee. The applicant shall be
15 determined unsuited to perform the obligations of a licensee if the
16 department finds that the applicant has deliberately misrepresented
17 or concealed any information provided on or with the application or
18 any other information provided to the department under this section
19 or that within the previous five years the applicant:

20 (a) Has been convicted of any law regarding the
21 disposition or treatment of dogs or cats in any jurisdiction; or

22 (b) Has operated a breeder facility under a license or
23 permit issued by any jurisdiction that has been revoked, suspended,
24 or otherwise subject to a disciplinary proceeding brought by the
25 licensing authority in that jurisdiction if such proceeding resulted

1 in the applicant having voluntarily surrendered a license or permit
2 to avoid disciplinary sanctions.

3 (3) In addition to the application, the department may
4 require the applicant to provide additional documentation pertinent
5 to the department's determination of the applicant's suitability to
6 perform the duties of a licensee under the act.

7 (4) An applicant who is denied an initial or renewal
8 license under this section shall be afforded the opportunity for a
9 hearing before the director or the director's designee to present
10 evidence that the applicant is qualified to hold a license should a
11 license be issued or renewed. All such hearings shall be in
12 accordance with the Administrative Procedure Act.

13 Sec. 5. Section 54-637, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 54-637 (1) Every dealer, commercial dog or cat breeder,
16 animal shelter, animal rescue, animal control facility, or pet shop
17 or any other retailer, who transfers ownership of a dog or cat to an
18 ultimate consumer, shall deliver to the ultimate consumer of each dog
19 or cat at the time of sale, written material, in a form determined by
20 such seller, containing information on the benefits of spaying and
21 neutering. The written material shall include recommendations on
22 establishing a relationship with a veterinarian, information on
23 early-age spaying and neutering, the health benefits associated with
24 spaying and neutering pets, the importance of minimizing the risk of
25 homeless or unwanted animals, and the need to comply with applicable

1 license laws.

2 (2) The delivering of any model materials prepared by the
3 Pet Industry Joint Advisory Council or the Nebraska Humane Society
4 shall satisfy the requirements of subsection (1) of this section.

5 Sec. 6. Section 54-640, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 54-640 A commercial dog or cat breeder shall:

8 (1) Maintain housing facilities and primary enclosures in
9 a sanitary condition;

10 (2) Enable all dogs and cats to remain dry and clean;

11 (3) Provide shelter and protection from extreme
12 temperatures and weather conditions that may be uncomfortable or
13 hazardous to the dogs and cats;

14 (4) Provide sufficient shade to shelter all the dogs and
15 cats housed in the primary enclosure at one time;

16 (5) Provide dogs and cats with easy and convenient access
17 to adequate amounts of clean food and water;

18 ~~(6) Provide adequate space appropriate to the age, size,~~
19 ~~weight, and breed of dog or cat. For purposes of this subdivision,~~
20 ~~adequate space means sufficient space to allow each dog and cat to~~
21 ~~turn about freely, to stand, sit, and lie in a comfortable, normal~~
22 ~~position, and to walk in a normal manner without the head of such~~
23 ~~animal touching the top of the cage which shall be at least six~~
24 ~~inches above the head of the tallest animal when the animal is~~
25 ~~standing;~~

1 ~~(7)~~(6) Provide dogs with adequate socialization, and
2 exercise. ~~For the purpose~~purposes of this subdivision, adequate
3 socialization means physical contact with other dogs and with human
4 beings, other than being fed; ~~, and adequate exercise means providing~~
5 ~~the opportunity for exercise at least two times per day outside of a~~
6 ~~eage or similar small enclosure except during inclement weather that~~
7 ~~may be hazardous to dogs;~~

8 ~~(8)~~(7) Assure that a handler's hands are washed before
9 and after handling each infectious or contagious ~~dog or cat;~~

10 ~~(9)~~(8) Maintain a written veterinary care plan developed
11 in conjunction with an attending veterinarian; and

12 ~~(10)~~(9) Provide veterinary care without delay when
13 necessary.

14 Sec. 7. Section 54-641, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 54-641 The primary enclosures of all licensees shall meet
17 the following requirements:

18 (1) A primary enclosure shall provide adequate space
19 appropriate to the age, size, weight, and breed of each dog or cat.
20 For purposes of this subdivision, adequate space means sufficient
21 room to allow each dog or cat to turn around without touching another
22 animal, to stand, sit, and lie in a comfortable, normal position, and
23 to walk in a normal manner without the head of such animal touching
24 the top of the enclosure, which shall be at least six inches above
25 the head of the tallest animal when the animal is standing;

1 ~~(1)~~(2) A primary enclosure shall have ~~floors~~ solid
2 surface flooring or a flooring material ~~that are constructed in a~~
3 ~~manner~~ that protects the dogs' and cats' feet and legs from injury
4 and that, if of mesh or slatted construction, do not allow the dogs'
5 and cats' feet to pass through any openings in the floor;

6 ~~(2)~~(3) If a primary enclosure has a suspended floor
7 constructed of metal strands, the strands shall either be greater
8 than one-eighth of an inch in diameter (nine gauge) or coated with a
9 material such as plastic or fiberglass; and

10 ~~(3)~~(4) The suspended floor of any primary enclosure
11 shall be strong enough so that the floor does not sag or bend between
12 the structural supports.

13 Sec. 8. (1) A commercial dog breeder shall provide dogs
14 with the opportunity for exercise as follows:

15 (a) A primary enclosure shall have an entry that allows
16 each dog unfettered access to an exercise area that is at least three
17 times the size of the requirements for a primary enclosure. The entry
18 may be closed during cleaning, under direction of a licensed
19 veterinarian, or in the case of inclement weather. The exercise area
20 shall have solid surface flooring or a flooring material that if of
21 mesh or slatted construction does not allow the dog's feet to pass
22 through any openings in the floor. Any exercise area suspended floor
23 constructed of metal strands shall be required to have strands that
24 are greater than one-eighth of an inch in diameter (nine gauge) or
25 coated with a material such as plastic or fiberglass. All suspended

1 flooring shall be strong enough so as not to sag or bend between any
2 structural supports and be of a surface that is easily cleaned and
3 disinfected. The exercise area shall have protection available from
4 wind, rain, and snow if access to the primary enclosure is
5 unavailable; and

6 (b) Any dog not housed in a primary enclosure that meets
7 the exercise area requirements of subdivision (a) of this subsection
8 shall be provided with the opportunity for exercise according to a
9 plan approved by the attending veterinarian, in writing. The
10 opportunity for exercise shall be accomplished by:

11 (i) Providing access to a run or open area at a frequency
12 and duration prescribed by the attending veterinarian; or

13 (ii) Removal of the dogs from the primary enclosure at
14 least twice daily to be walked, allowed to move about freely in an
15 open area, or placed in an exercise area that meets the requirements
16 of subdivision (a) of this subsection.

17 (2) Subsection (1) of this section shall not apply to:

18 (a) Any dog that is less than six months of age;

19 (b) The primary enclosure of a nursing facility that
20 houses any female dog that is due to give birth within the following
21 two weeks or a nursing dog and her puppies;

22 (c) Any dog that is injured or displays any clinical
23 signs of disease. In such case, any injury or clinical signs of
24 disease shall be noted in the dog's health records and the dog shall
25 be returned to exercise upon recovery from such injury or disease; or

1 (d) Any dog that is excluded from the exercise
2 requirements of subsection (1) of this section pursuant to a written
3 directive of a licensed veterinarian.

4 (3) Any primary enclosure newly constructed after the
5 operative date of this act shall comply with subdivision (1)(a) of
6 this section. A primary enclosure in existence on the operative date
7 of this act shall not be required to comply with subdivision (1)(a)
8 of this section for the life of such facility.

9 Sec. 9. (1) A commercial dog breeder shall ensure that
10 each dog under his or her care, supervision, or control receives
11 adequate veterinary care. A commercial dog breeder's written
12 veterinary care plan shall provide for, in addition to requirements
13 prescribed by rule and regulation of the department:

14 (a) The maintenance of individual health records for each
15 dog bought, raised, or otherwise obtained, held, kept, maintained,
16 sold, donated, or otherwise disposed of, including by death or
17 euthanasia, except that litter health records may be kept on litters
18 when litter mates are treated with the same medication or procedure;

19 (b) Establishment of a program of disease control and
20 prevention, pest and parasite control, before and after procedure
21 care, nutrition, and euthanasia supervised by the attending
22 veterinarian. Such program shall provide for regularly scheduled
23 onsite visits to the facility by the veterinarian and shall be
24 annually reviewed and updated by the veterinarian at the time of an
25 onsite visit that includes the veterinarian's walk-through of the

1 facility and observation by the veterinarian of dogs under the
2 commercial dog breeder's care, supervision, or control; and

3 (c) A wellness examination by a licensed veterinarian of
4 each breeding dog at least once every three years, to include a basic
5 physical and dental examination and corresponding notations entered
6 into the dog's health records. Such examination shall not require
7 laboratory analysis unless directed by the veterinarian.

8 (2) During regularly scheduled inspections of a
9 commercial dog breeder's facility conducted by the department, the
10 health records of a random sample of at least five percent of the
11 breeding dogs shall be reviewed to verify that such records
12 correspond to the dog's permanent identification and verify that the
13 health records are properly maintained.

14 (3) For each dog under the commercial dog breeder's care,
15 supervision, or control, the breeder shall:

16 (a) Ensure that all breeding dogs receive regular
17 grooming. Coat matting shall not exceed ten percent, and nails shall
18 be trimmed short enough to ensure the comfort of the dog;

19 (b) Contact a licensed veterinarian without delay after
20 an occurrence of a serious or life-threatening injury or medical
21 condition of such dog. The dog shall be treated as prescribed by the
22 veterinarian;

23 (c) Ensure that all surgical births or other surgical
24 procedures shall be performed by a licensed veterinarian using
25 anesthesia. Commercial dog breeders may remove dew claws and perform

1 tail docking under sterile conditions within the first seven days of
2 the dog's life. Wounds shall be treated and monitored by the breeder;
3 and

4 (d) Ensure that, if euthanasia is necessary, it shall be
5 performed by a licensed veterinarian in accordance with
6 recommendations for the humane euthanization of dogs as published by
7 the American Veterinary Medical Association.

8 Sec. 10. Each breeding dog shall be identified by the
9 implantation of a microchip, and each dog's health records shall
10 accurately record the appropriate identification. The department may
11 by rule or regulation require identification of any dog by tag,
12 tattoo, or other method if the microchip system is determined to be
13 ineffective. A commercial dog breeder licensed prior to the operative
14 date of this act who utilizes a method or methods of identification
15 other than microchipping as authorized by rule and regulation of the
16 department prior to the operative date of this act may continue to
17 utilize such method or methods.

18 Sec. 11. Section 54-645, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-645 For purposes of the Dog and Cat Purchase
21 Protection Act:

22 (1) Casual breeder means any person, other than a
23 commercial dog or cat breeder as such terms are defined in section
24 54-626, who offers for sale, sells, trades, or receives consideration
25 for one or more pet animals from a litter produced by a female dog or

1 cat owned by such casual breeder;

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

6 (3) Health certificate means the official small animal
7 certificate of veterinary inspection of the Bureau of Animal Industry
8 of the Department of Agriculture;

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

12 (5) Purchaser means the final owner of a pet animal
13 purchased from a seller. Purchaser does not include a person who
14 purchases a pet animal for resale;

15 (6) Seller means a casual breeder or any commercial
16 establishment, including a commercial dog or cat breeder, dealer, or
17 pet shop as such terms are defined in section 54-626, that engages in
18 a business of selling pet animals to a purchaser. A seller does not
19 include an animal control facility, animal rescue, or animal shelter
20 as defined in section 54-626 or any animal adoption activity that an
21 animal control facility, animal rescue, or animal shelter conducts
22 offsite at any pet store or other commercial establishment; and

23 (7)(a) Serious health problem means a congenital or
24 hereditary defect or contagious disease that causes severe illness or
25 death of the pet animal.

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

7 Sec. 12. Section 54-646, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 54-646 (1) A seller shall deliver to the purchaser at the
10 time of sale of a pet animal a written disclosure statement
11 containing the following information regarding the pet animal:

12 (a) The name, address, and license number of any
13 commercial dog or cat breeder or dealer as such terms are defined in
14 section 54-626 or, if applicable, the United States Department of
15 Agriculture license number of the breeder or any broker who has had
16 possession of the animal prior to the seller's possession;

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

20 (c) The sex and color of the pet animal, any other
21 identifying marks apparent upon the pet animal, and the breed of the
22 pet animal, if known, or a statement that the breed of the pet animal
23 is unknown or the pet animal is of mixed breed;

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

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

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

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

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

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

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

23 (3) The written disclosure statement made pursuant to
24 this section shall be signed by the seller certifying the accuracy of
25 the written disclosure statement and by the purchaser acknowledging

1 receipt of the written disclosure statement. In addition to
2 information required to be given to a purchaser under this section,
3 at the time of sale the seller shall provide the purchaser with
4 written notice of the existence of the purchaser's rights and
5 responsibilities under the Dog and Cat Purchase Protection Act or a
6 legible copy of the act.

7 (4) If the pet animal is sold to a purchaser who resides
8 outside of the state or intends that the pet animal will be relocated
9 or permanently domiciled outside of the state, the seller shall
10 provide the purchaser with a health certificate signed by a licensed
11 veterinarian who has examined the pet animal and is authorized to
12 certify such certificate.

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

17 Sec. 13. This act becomes operative on October 1, 2012.

18 Sec. 14. Original sections 54-625, 54-626, 54-627,
19 54-630, 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised
20 Statutes of Nebraska, are repealed.