

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 427**

Introduced by Cornett, 45.

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, 54-637,  
3 54-640, 54-641, 54-645, and 54-646, Reissue Revised  
4 Statutes of Nebraska; to provide enhanced requirements  
5 and an outstanding designation for commercial dog  
6 breeders; to redefine terms; to harmonize provisions; and  
7 to repeal the original sections.  
8 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 7 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) Cat means any animal which is wholly or in part of  
14 the species *Felis domesticus*;

15 (6) Commercial cat breeder means a person engaged in the  
16 business of breeding ~~dogs or cats~~:

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

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

24 (c) Whose ~~dogs or cats~~ produce a total of four or more  
25 litters within a twelve-month period beginning on April 1 of each

1 year; or

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

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

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

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

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

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

15 ~~(7)-(8)~~ Dealer means any person who is not a commercial  
16 dog or cat breeder or a pet shop but is engaged in the business of  
17 buying for resale or selling or exchanging dogs or cats as a  
18 principal or agent or who claims to be so engaged. A person who  
19 purchases, sells, exchanges, or leases thirty or fewer dogs or cats  
20 in a twelve-month period is not a dealer;

21 ~~(8)-(9)~~ Department means the Bureau of Animal Industry of  
22 the Department of Agriculture with the State Veterinarian in charge,  
23 subordinate only to the director;

24 ~~(9)-(10)~~ Director means the Director of Agriculture or  
25 his or her designated employee;

1           ~~(10)~~(11) Dog means any animal which is wholly or in part  
2 of the species *Canis familiaris*;

3           ~~(11)~~(12) Foster home means any person who provides  
4 temporary housing for twenty or fewer dogs or cats that are six  
5 months of age or older in any twelve-month period and is affiliated  
6 with a person operating as an animal rescue that uses foster homes as  
7 its primary housing of dogs or cats. To be considered a foster home,  
8 a person shall not participate in the acquisition of the dogs or cats  
9 for which temporary care is provided. Any foster home which houses  
10 more than twenty dogs or cats that are six months of age or older in  
11 any twelve-month period or who participates in the acquisition of  
12 dogs or cats shall be licensed as an animal rescue;

13           ~~(12)~~(13) Housing facility means any room, building, or  
14 areas used to contain a primary enclosure;

15           ~~(13)~~(14) Inspector means any person who is employed by  
16 the department and who is authorized to perform inspections pursuant  
17 to the act;

18           ~~(14)~~(15) Licensee means a person who has qualified for  
19 and received a license from the department pursuant to the act;

20           ~~(15)~~(16) Pet animal means an animal kept as a household  
21 pet for the purpose of companionship, which includes, but is not  
22 limited to, dogs, cats, birds, fish, rabbits, rodents, amphibians,  
23 and reptiles;

24           ~~(16)~~(17) Pet shop means a retail establishment which  
25 sells pet animals and related supplies;

1           ~~(17)~~(18) Premises means all public or private buildings,  
2 kennels, pens, and cages used by a facility and the public or private  
3 ground upon which a facility is located if such buildings, kennels,  
4 pens, cages, or ground are used by the owner or operator of such  
5 facility in the usual course of business;

6           ~~(18)~~(19) Primary enclosure means any structure used to  
7 immediately restrict a dog or cat to a limited amount of space, such  
8 as a room, pen, cage, or compartment;

9           ~~(19)~~(20) Secretary of Agriculture means the Secretary of  
10 Agriculture of the United States Department of Agriculture;

11           ~~(20)~~(21) Stop-movement order means a directive  
12 preventing the movement or removal of any dog or cat from the  
13 premises; and

14           ~~(21)~~(22) Unaltered means any male or female dog or cat  
15 which has not been neutered or spayed or otherwise rendered incapable  
16 of reproduction.

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

19           54-627 (1) A person shall not operate as a commercial dog  
20 or cat breeder, a dealer, a boarding kennel, an animal control  
21 facility, an animal shelter, ~~or, beginning October 1, 2010,~~ an animal  
22 rescue, or a pet shop unless the person obtains the appropriate  
23 license. ~~as a commercial breeder, a dealer, a boarding kennel, an~~  
24 ~~animal control facility, an animal shelter, or, beginning October 1,~~  
25 ~~2010, an animal rescue. If a licensee is operating as an animal~~

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

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

22           (3)(a) Except as otherwise provided in this subsection,  
23 the annual license fee shall be determined according to the following  
24 fee schedule based upon the daily average number of dogs or cats  
25 housed by the licensee over the previous annual licensure period:

- 1                   (i) Ten or fewer dogs or cats, one hundred fifty dollars;
- 2                   (ii) Eleven to fifty dogs or cats, two hundred dollars;
- 3                   (iii) Fifty-one to one hundred dogs or cats, two hundred
- 4 fifty dollars;
- 5                   (iv) One hundred one to one hundred fifty dogs or cats,
- 6 three hundred dollars;
- 7                   (v) One hundred fifty-one to two hundred dogs or cats,
- 8 three hundred fifty dollars;
- 9                   (vi) Two hundred one to two hundred fifty dogs or cats,
- 10 four hundred dollars;
- 11                   (vii) Two hundred fifty-one to three hundred dogs or
- 12 cats, four hundred fifty dollars;
- 13                   (viii) Three hundred one to three hundred fifty dogs or
- 14 cats, five hundred dollars;
- 15                   (ix) Three hundred fifty-one to four hundred dogs or
- 16 cats, five hundred fifty dollars;
- 17                   (x) Four hundred one to four hundred fifty dogs or cats,
- 18 six hundred dollars;
- 19                   (xi) Four hundred fifty-one to five hundred dogs or cats,
- 20 six hundred fifty dollars; and
- 21                   (xii) More than five hundred dogs or cats, two thousand
- 22 dollars.
- 23                   (b) The initial license fee for any person required to be
- 24 licensed pursuant to the act shall be one hundred twenty-five
- 25 dollars.

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

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

5                   (e) The fees charged under this subsection may be  
6 increased or decreased by the director after a public hearing is held  
7 outlining the reason for any proposed change in the fee. The maximum  
8 fee that may be charged shall not result in a fee for any license  
9 category that exceeds the license fee set forth in this subsection by  
10 more than one hundred dollars.

11                   (4) A license to operate as a commercial dog or cat  
12 breeder, ~~a license to operate as a dealer, a license to operate as a~~  
13 ~~boarding kennel, or a license to operate as a pet shop~~ shall be  
14 renewed by filing with the department on or before April 1 of each  
15 year a renewal application and the annual license fee. A license to  
16 operate as an animal control facility, animal rescue, or animal  
17 shelter shall be renewed by filing with the department on or before  
18 October 1 of each year a renewal application and the annual license  
19 fee. Failure to renew a license prior to the expiration of the  
20 license shall result in a late renewal fee equal to twenty percent of  
21 the annual license fee due and payable each month, not to exceed one  
22 hundred percent of such fee, in addition to the license fee. The  
23 purpose of the late renewal fee is to pay for the administrative  
24 costs associated with the collection of fees under this section. The  
25 assessment of the late renewal fee shall not prohibit the director

1 from taking any other action as provided in the act.

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

5 (6) The state or any political subdivision of the state  
6 which contracts out its animal control duties to a facility not  
7 operated by the state or any political subdivision of the state may  
8 be exempted from the licensing requirements of this section if such  
9 facility is licensed as an animal control facility, animal rescue, or  
10 animal shelter for the full term of the contract with the state or  
11 its political subdivision.

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

15 Sec. 4. Section 54-637, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

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

1 spaying and neutering pets, the importance of minimizing the risk of  
2 homeless or unwanted animals, and the need to comply with applicable  
3 license laws.

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

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

9 54-640 A commercial cat breeder shall:

10 (1) Maintain housing facilities and primary enclosures in  
11 a sanitary condition;

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

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

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

18 (5) Provide ~~dogs and~~ cats with easy and convenient access  
19 to adequate amounts of clean food and water;

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

1 inches above the head of the tallest animal when the animal is  
2 standing;

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

10 ~~(8)-(7) Assure that a handler's hands are washed before~~  
11 ~~and after handling each infectious or contagious dog or cat;~~

12 ~~(9)-(8) Maintain a written veterinary care plan developed~~  
13 ~~in conjunction with an attending veterinarian; and~~

14 ~~(10)-(9) Provide veterinary care without delay when~~  
15 ~~necessary.~~

16 Sec. 6. Section 54-641, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 54-641 The primary enclosures of all licensees shall meet  
19 the following requirements, except that primary enclosures of  
20 commercial dog breeders shall meet the requirements in section 10 of  
21 this act:

22 (1) A primary enclosure shall have floors that are  
23 constructed in a manner that protects the dogs' and cats' feet and  
24 legs from injury and that, if of mesh or slatted construction, do not  
25 allow the dogs' and cats' feet to pass through any openings in the

1 floor;

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

6 (3) The suspended floor of any primary enclosure shall be  
7 strong enough so that the floor does not sag or bend between the  
8 structural supports.

9 Sec. 7. If the facility of a commercial dog breeder  
10 receives an outstanding designation, such fact shall be published on  
11 the Department of Agriculture's web site, and the department shall  
12 present the commercial dog breeder with a certificate indicating such  
13 outstanding designation.

14 Sec. 8. An inspector from the department shall designate  
15 a commercial dog breeder as outstanding if the breeder successfully  
16 passes all of the inspection components as set out by the department  
17 in rules and regulations, keeps all documentation regarding the  
18 health of the dog, including any documentation by a licensed  
19 veterinarian, meets all the exercise area or program requirements of  
20 section 10 of this act without the use of the grace period in  
21 subsection (5) of section 10 of this act, and meets all of the  
22 following requirements:

23 (1) A female dog shall not be bred more than once in an  
24 eighteen-month period unless the dog has been given a physical by a  
25 licensed veterinarian and the veterinarian issues a written approval

1 for more frequent breeding;

2 (2) Each dog housed in the primary enclosure shall be  
3 provided a minimum square footage of floor space calculated by  
4 squaring the sum of the length in inches measured in a straight line  
5 from the tip of the dog's nose to the base of its tail plus six  
6 inches. The resulting product shall be divided by one hundred forty-  
7 four and then multiplied by two to achieve the appropriate minimum  
8 square footage. For each additional dog placed in the primary  
9 enclosure, the minimum floor space shall be multiplied by the number  
10 of additional dogs. The minimum floor space allotted to each dog  
11 shall be calculated using the dog in the enclosure that measures the  
12 longest in inches from the tip of the dog's nose to the base of its  
13 tail. Each primary enclosure shall be at least one foot taller than  
14 the tallest dog housed in such enclosure. All flooring of the primary  
15 enclosure shall be the ground or solid surface flooring that is  
16 strong enough to not sag or bend between any structural supports and  
17 is a surface that is easily cleaned and disinfected;

18 (3) Every dog shall receive mental stimulation,  
19 including, but not limited to, interaction with dogs other than those  
20 with which the dog shares a primary enclosure, positive interaction  
21 with humans in a way not considered part of daily care, and toys or  
22 other forms of enrichment in the dog's primary enclosure;

23 (4) Each dog shall have an exercise run or an exercise  
24 program pursuant to section 10 of this act, except that for the  
25 commercial dog breeder to receive an outstanding designation, all

1 flooring of the exercise area shall be solid surface or the ground;

2 (5) The breeder's facility shall not have an ammonia odor  
3 that measures more than four parts per million; and

4 (6) Each dog shall be bathed at least twice per year, and  
5 very little, if any, of a dog's coat may be matted.

6 Sec. 9. A commercial dog breeder shall provide  
7 responsible medical care for each dog in his or her facility,  
8 including the keeping of accurate breeding records and the following:

9 (1) Each dog's health and welfare shall be assessed and  
10 noted at least every sixty days in the dog's health records,  
11 including body condition, such as appropriate weight, skin, coat, and  
12 nails, the dog's behavior, and the normalcy of the dog's eating,  
13 drinking, urination, and defecation;

14 (2) Each breeding dog shall be implanted with a microchip  
15 and the microchip identification number shall be maintained with the  
16 dog's health records;

17 (3) Each dog over six months of age shall have a  
18 veterinary medical examination at least every three years, including  
19 a dental examination but excluding laboratory work, and a written  
20 medical and dental care plan on a form to be provided by the  
21 department and signed by a licensed veterinarian shall be maintained  
22 with the dog's health records. The plan shall include a course of  
23 action for addressing any identified health or dental issues;

24 (4) Each regularly scheduled inspection conducted by the  
25 department shall include a random sampling of at least five percent

1 of the breeding dogs to examine each dog's individual medical and  
2 dental care plan and ensure that the dog's health records match the  
3 appropriate dog through the microchip identification number;

4 (5) A female dog shall be at least twelve months old but  
5 no more than eight years old in order to be bred and shall be bred no  
6 more often than once every twelve months. Any exception shall be in  
7 writing and following a medical examination assessing the general  
8 health condition of the dog by a licensed veterinarian and maintained  
9 in the dog's health records;

10 (6) The breeder shall contact a licensed veterinarian  
11 without delay after an occurrence of a serious or life-threatening  
12 injury to or medical condition of a dog in the breeder's care. The  
13 dog shall be treated as prescribed by the veterinarian;

14 (7) Any ear cropping, surgical births, or other surgical  
15 procedures shall be performed by a licensed veterinarian using  
16 anesthesia. The breeder may perform removal of a dog's dew claws or  
17 tail docking, except that such procedures shall be performed within  
18 the first five days of the dog's life. Such dew claw removal or tail  
19 docking shall be performed in sterile conditions, and wounds shall be  
20 treated and monitored by the breeder. The dog's medical records shall  
21 indicate the date of dew claw removal or tail docking, and the  
22 environment in which the procedure was performed shall be available  
23 for inspection by the department;

24 (8) Any dog that has had three Cesarean sections shall  
25 have written approval from a licensed veterinarian before the breeder

1 can breed such dog a fourth or subsequent time;

2 (9) If euthanasia is necessary, it shall be performed by  
3 a licensed veterinarian using techniques at least as strict as those  
4 accepted by the American Veterinary Medical Association; and

5 (10) Each dog shall receive grooming at least once a  
6 month that includes brushing and detangling the coat and nail  
7 trimming.

8 Sec. 10. (1) Any primary enclosure of a commercial dog  
9 breeder shall meet the following requirements:

10 (a) Each primary enclosure shall have solid surface  
11 flooring covering the minimum amount of floor space as is needed to  
12 allow each dog in the enclosure to lay down, stand up, and turn  
13 around without touching another dog. The department may approve an  
14 additional flooring option that would comply with this subdivision.  
15 Any additional flooring in the enclosure that is not solid surface  
16 shall be of a material that does not allow a dog's feet to pass  
17 through any openings in the floor and is approved by the department.  
18 The solid surface flooring shall be strong enough so as not to sag or  
19 bend between any structural supports and be of a surface that is  
20 easily cleaned and disinfected; and

21 (b) Each primary enclosure shall have an entry that  
22 allows each dog unfettered access to:

23 (i) An outdoor exercise area that is on a surface  
24 approved by the department and that is at least ten times the size of  
25 the requirements for a primary enclosure. The entry may be closed

1 during cleaning, under direction of a licensed veterinarian, or in  
2 the case of inclement weather. The flooring shall have enough area of  
3 solid surface so as to allow each dog to lay down, turn around, and  
4 stand up without touching another dog on the solid surface. The solid  
5 surface flooring shall be strong enough so as not to sag or bend  
6 between any structural supports and be of a surface that is easily  
7 cleaned and disinfected. The department may approve an additional  
8 flooring option that would comply with this subdivision. The exercise  
9 area shall have protection available from wind, rain, and snow. Any  
10 exceptions to the requirements of this subdivision shall be approved  
11 by a licensed veterinarian, in writing, and shall be maintained with  
12 the dog's health records; or

13 (ii) A verifiable exercise program in which each dog is  
14 removed from its primary enclosure at least two times per day and  
15 placed in an exercise area that meets the requirements of subdivision  
16 (1)(b)(i) of this section. In inclement weather such as extreme heat  
17 or cold, any exercise program shall be suspended unless an exception  
18 is noted in the medical care plan that is signed by a licensed  
19 veterinarian. The exercise area shall be kept in good repair and be  
20 free of rust, jagged edges, or defects that could cause injury to a  
21 dog.

22 (2) At the discretion of the commercial dog breeder, any  
23 female dog, and her puppies, if any, that is due to give birth within  
24 the following two weeks or is nursing may be exercised separately  
25 from all other dogs in the facility.

1           (3) No dog shall be tethered or chained, including with  
2 the use of a pulley system, in lieu of a primary enclosure or  
3 exercise area.

4           (4) The breeder's facility shall have an adequate heating  
5 and cooling system that keeps the facility at least forty-five and no  
6 more than eighty-five degrees Fahrenheit at all times, and humidity  
7 levels shall be appropriate for the temperature. For a temperature  
8 outside of such range to be acceptable, it shall be clearly written  
9 in a dog's medical care plan by a licensed veterinarian.

10           (5) A commercial dog breeder that has a facility in  
11 existence on the effective date of this act is not required to comply  
12 with subdivision (1)(b) of this section or subsection (2) or (3) of  
13 this section until July 1, 2016.

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

16           54-645 For purposes of the Dog and Cat Purchase  
17 Protection Act:

18           (1) Casual breeder means any person, other than a  
19 commercial dog or cat breeder as such terms are defined in section  
20 54-626, who offers for sale, sells, trades, or receives consideration  
21 for one or more pet animals from a litter produced by a female dog or  
22 cat owned by such casual breeder;

23           (2) Clinical symptom means indication of an illness or  
24 dysfunction that is apparent to a veterinarian based on the  
25 veterinarian's observation, examination, or testing of an animal or

1 on a review of the animal's medical records;

2 (3) Health certificate means the official small animal  
3 certificate of veterinary inspection of the Bureau of Animal Industry  
4 of the Department of Agriculture;

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

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

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

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

22 (b) Serious health problem does not include (i)  
23 parvovirus if the diagnosis of parvovirus is made after the seven-  
24 business-day requirement in subsection (1) of section 54-647 or (ii)  
25 any other contagious disease that causes severe illness or death

1 after ten calendar days after delivery of the pet animal to the  
2 purchaser.

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

5 54-646 (1) A seller shall deliver to the purchaser at the  
6 time of sale of a pet animal a written disclosure statement  
7 containing the following information regarding the pet animal:

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

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

16 (c) The sex and color of the pet animal, any other  
17 identifying marks apparent upon the pet animal, and the breed of the  
18 pet animal, if known, or a statement that the breed of the pet animal  
19 is unknown or the pet animal is of mixed breed;

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

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

24 (f) A record of any vaccination, worming treatment, or  
25 medication administered to the pet animal while in the possession of

1 the seller and, if known, any such vaccination, treatment, or  
2 medication administered to the pet animal prior to the date the  
3 seller received the pet animal; and

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

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

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

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

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

1 responsibilities under the Dog and Cat Purchase Protection Act or a  
2 legible copy of the act.

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

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

13 Sec. 13. The other sections of this act become operative  
14 on their effective date.

15 Sec. 14. Original sections 54-625, 54-626, 54-627,  
16 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised Statutes  
17 of Nebraska, are repealed.