

AMENDMENTS TO LB 427

Introduced by Agriculture

1 1. Strike the original sections and insert the following
2 new sections:

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

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

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

10 54-626 For purposes of the Commercial Dog and Cat
11 Operator Inspection Act:

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

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

21 (3) Animal shelter means a facility used to house or
22 contain dogs or cats and owned, operated, or maintained by
23 an incorporated humane society, an animal welfare society, a

1 society for the prevention of cruelty to animals, or another
2 nonprofit organization devoted to the welfare, protection, and
3 humane treatment of such animals;

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

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

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

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

25 (b) Who owns or harbors four or more ~~dogs or~~ cats,
26 intended for breeding, in a twelve-month period beginning on April
27 1 of each year;

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

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

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

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

11 (b) Who owns or harbors four or more dogs, intended for
12 breeding, in a twelve-month period beginning on April 1 of each
13 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)~~ (8) Dealer means any person who is not a commercial
19 dog or cat breeder or a pet shop but is engaged in the business
20 of 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)~~ (9) Department means the Bureau of Animal Industry
25 of the Department of Agriculture with the State Veterinarian in
26 charge, subordinate only to the director;

27 ~~(9)~~ (10) Director means the Director of Agriculture or

1 his or her designated employee;

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

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

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

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

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

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

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

27 ~~(17)~~ (18) Premises means all public or private buildings,

1 kennels, pens, and cages used by a facility and the public or
2 private ground upon which a facility is located if such buildings,
3 kennels, pens, cages, or ground are used by the owner or operator
4 of such facility in the usual course of business;

5 ~~(18)~~ (19) Primary enclosure means any structure used to
6 immediately restrict a dog or cat to a limited amount of space,
7 such as a room, pen, cage, or compartment;

8 ~~(19)~~ (20) Secretary of Agriculture means the Secretary of
9 Agriculture of the United States Department of Agriculture;

10 ~~(20)~~ (21) Stop-movement order means a directive
11 preventing the movement or removal of any dog or cat from the
12 premises; and

13 ~~(21)~~ (22) Unaltered means any male or female dog or
14 cat which has not been neutered or spayed or otherwise rendered
15 incapable of reproduction.

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

18 54-627 (1) A person shall not operate as a commercial
19 dog or cat breeder, a dealer, a boarding kennel, an animal
20 control facility, an animal shelter, ~~or~~, beginning October 1,
21 2010, an animal rescue, or a pet shop unless the person obtains
22 the appropriate license as a commercial breeder, a dealer, a
23 boarding kennel, an animal control facility, an animal shelter,
24 ~~or~~, beginning October 1, 2010, an animal rescue. If a licensee is
25 operating as an animal shelter as of July 15, 2010, he or she may
26 apply for licensure as an animal rescue before October 1, 2010, and
27 shall not be required to pay any licensing fee until October 1,

1 ~~2010-~~ A person shall not operate as a pet shop unless the person
2 obtains a license as a pet shop. A pet shop shall only be subject
3 to the Commercial Dog and Cat Operator Inspection Act and the rules
4 and regulations adopted and promulgated pursuant thereto in any
5 area or areas of the establishment used for the keeping and selling
6 of pet animals. If a facility listed in this subsection is not
7 located at the owner's residence, the name and address of the owner
8 shall be posted on the premises.

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

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

- 24 (i) Ten or fewer dogs or cats, one hundred fifty dollars;
25 (ii) Eleven to fifty dogs or cats, two hundred dollars;
26 (iii) Fifty-one to one hundred dogs or cats, two hundred
27 fifty dollars;

1 (iv) One hundred one to one hundred fifty dogs or cats,
2 three hundred dollars;

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

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

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

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

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

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

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

17 (xii) More than five hundred dogs or cats, two thousand
18 dollars.

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

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

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

26 (e) The fees charged under this subsection may be
27 increased or decreased by the director after a public hearing

1 is held outlining the reason for any proposed change in the fee.
2 The maximum fee that may be charged shall not result in a fee for
3 any license category that exceeds the license fee set forth in this
4 subsection by more than one hundred dollars.

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

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

25 (6) The state or any political subdivision of the state
26 which contracts out its animal control duties to a facility not
27 operated by the state or any political subdivision of the state may

1 be exempted from the licensing requirements of this section if such
2 facility is licensed as an animal control facility, animal rescue,
3 or animal shelter for the full term of the contract with the state
4 or its political subdivision.

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

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

10 54-630 (1) Before the department approves an application
11 for an initial license, an inspector of the department shall
12 inspect the operation of the applicant to determine whether the
13 applicant qualifies to hold a license pursuant to the Commercial
14 Dog and Cat Operator Inspection Act. ~~An~~ Except as provided in
15 subsection (2) of this section, an applicant who qualifies shall be
16 issued a license. An applicant who does not receive a license shall
17 be afforded the opportunity for a hearing before the director or
18 the director's designee to present evidence that the applicant is
19 qualified to hold a license should a license be issued. All such
20 hearings shall be in accordance with the Administrative Procedure
21 Act.

22 (2) The department may reject an application for a
23 license as a commercial dog or cat breeder, dealer, boarding
24 kennel, animal control facility, animal shelter, animal rescue, or
25 pet shop upon a finding that the applicant is unsuited to perform
26 the obligations of a licensee. The applicant shall be determined
27 unsuited to perform the obligations of a licensee if the department

1 finds, upon an investigation and hearing, that within the previous
2 five years the applicant:

3 (a) Has been convicted of animal cruelty or animal
4 neglect in any jurisdiction;

5 (b) Has operated a breeder facility under a license
6 or permit issued by any jurisdiction that has been revoked,
7 suspended, or otherwise subject to disciplinary proceeding brought
8 by the licensing authority in that jurisdiction if such proceeding
9 resulted in the applicant having voluntarily surrendered a license
10 or permit to avoid disciplinary sanctions; or

11 (c) Has falsified any information provided on the
12 application or intentionally falsified or withheld any information
13 required by the department under this section.

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

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

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

1 information on early-age spaying and neutering, the health benefits
2 associated with spaying and neutering pets, the importance of
3 minimizing the risk of homeless or unwanted animals, and the need
4 to comply with applicable license laws.

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

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

10 54-640 A commercial dog or cat breeder shall:

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

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

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

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

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

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

1 ~~standing;~~

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

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

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

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

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

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

19 (1) A primary enclosure shall provide adequate space
20 appropriate to the age, size, weight, and breed of each dog or cat.
21 For purposes of this subdivision, adequate space means sufficient
22 room to allow each dog or cat to turn around without touching
23 another animal, 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 enclosure, which shall be at least
26 six inches above the head of the tallest animal when the animal is
27 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
5 dogs' 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
9 a 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
12 between 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
17 three times the size of the requirements for a primary enclosure.
18 The entry may be closed during cleaning, under direction of a
19 licensed veterinarian, or in the case of inclement weather. The
20 exercise area shall have solid surface flooring or a flooring
21 material that if of mesh or slatted construction does not allow the
22 dog's feet to pass through any openings in the floor. Any exercise
23 area suspended floor constructed of metal strands shall be required
24 to have strands that are greater than one-eighth of an inch in
25 diameter (nine gauge) or coated with a material such as plastic
26 or fiberglass. All suspended flooring shall be strong enough so as
27 not to sag or bend between any structural supports and be of a

1 surface that is easily cleaned and disinfected. The exercise area
2 shall have protection available from wind, rain, and snow if access
3 to the primary enclosure is unavailable. Any exceptions to the
4 requirements of this subdivision shall be approved by a licensed
5 veterinarian, in writing; and

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

17 (2) Subsection (1) of this section shall not apply to the
18 primary enclosure of:

19 (a) Any female dog and her puppies;

20 (b) Any female dog that is due to give birth within the
21 following two weeks or is nursing; or

22 (c) A dog that displays any clinical signs of disease and
23 any puppy less than six months of age. In the case of illness,
24 any clinical signs of disease shall be noted in the dog's health
25 records and the dog shall be returned to exercise once such signs
26 have ended.

27 (3) Any primary enclosure newly constructed after the

1 operative date of this act shall comply with subdivision (1)(a) of
2 this section. A primary enclosure in existence on the operative
3 date of this act shall not be required to comply with subdivision
4 (1)(a) of this section for the life of such facility.

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

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

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

25 (c) A wellness examination by a licensed veterinarian of
26 each breeding dog at least once every three years, to include a
27 basic physical and dental examination and corresponding notations

1 entered into the dog's health records. Such examination shall not
2 require laboratory analysis unless directed by the veterinarian.

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

9 (3) A breeder shall ensure that all dogs receive regular
10 grooming. Coat matting shall not exceed ten percent, and nails
11 shall be trimmed short enough to ensure the comfort of the dog.

12 (4) A commercial dog breeder shall contact the attending
13 veterinarian without delay after an occurrence of a serious or
14 life-threatening injury or medical condition of any dog under the
15 breeder's care. The dog shall be treated as prescribed by the
16 veterinarian.

17 (5) Surgical births or other surgical procedures shall be
18 performed by a licensed veterinarian using anesthesia. Commercial
19 dog breeders may remove dew claws and perform tail docking under
20 sterile conditions within the first seven days of the dog's life.
21 Wounds shall be treated and monitored by the breeder.

22 (6) If euthanasia is necessary, it shall be performed
23 by the attending veterinarian in accordance with recommendations
24 for the humane euthanization of dogs as published by the American
25 Veterinary Medical Association.

26 Sec. 10. Each breeding dog shall be identified by the
27 implantation of a microchip, and each dog's health records shall

1 accurately record the appropriate identification. This section
2 shall not apply to breeding dogs identified by means authorized by
3 rule and regulation of the department upon the operative date of
4 this act. A commercial dog breeder licensed prior to the operative
5 date of this act who utilizes a method or methods of identification
6 other than microchipping as authorized by rule and regulation of
7 the department prior to the operative date of this act may continue
8 to utilize such method or methods.

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

11 54-645 For purposes of the Dog and Cat Purchase
12 Protection Act:

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

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

22 (3) Health certificate means the official small animal
23 certificate of veterinary inspection of the Bureau of Animal
24 Industry of the Department of Agriculture;

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

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

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

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

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

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

24 54-646 (1) A seller shall deliver to the purchaser at
25 the time of sale of a pet animal a written disclosure statement
26 containing the following information regarding the pet animal:

27 (a) The name, address, and license number of any

1 commercial dog or cat breeder or dealer as such terms are defined
2 in section 54-626 or, if applicable, the United States Department
3 of Agriculture license number of the breeder or any broker who has
4 had possession of the animal prior to the seller's possession;

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

8 (c) The sex and color of the pet animal, any other
9 identifying marks apparent upon the pet animal, and the breed of
10 the pet animal, if known, or a statement that the breed of the pet
11 animal is unknown or the pet animal is of mixed breed;

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

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

16 (f) A record of any vaccination, worming treatment, or
17 medication administered to the pet animal while in the possession
18 of the seller and, if known, any such vaccination, treatment, or
19 medication administered to the pet animal prior to the date the
20 seller received the pet animal; and

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

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

27 (a) A statement that a veterinarian examined the pet

1 animal and, at the time of the examination, the pet animal had
2 no apparent or clinical symptoms of a serious health problem that
3 would adversely affect the health of the pet animal at the time of
4 sale or that is likely to adversely affect the health of the pet
5 animal in the future; and

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

9 (3) The written disclosure statement made pursuant to
10 this section shall be signed by the seller certifying the
11 accuracy of the written disclosure statement and by the purchaser
12 acknowledging receipt of the written disclosure statement. In
13 addition to information required to be given to a purchaser
14 under this section, at the time of sale the seller shall
15 provide the purchaser with written notice of the existence of
16 the purchaser's rights and responsibilities under the Dog and Cat
17 Purchase Protection Act or a legible copy of the act.

18 (4) If the pet animal is sold to a purchaser who resides
19 outside of the state or intends that the pet animal will be
20 relocated or permanently domiciled outside of the state, the seller
21 shall provide the purchaser with a health certificate signed by
22 a licensed veterinarian who has examined the pet animal and is
23 authorized to certify such certificate.

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

- 1 Sec. 13. This act becomes operative on October 1, 2012.
- 2 Sec. 14. Original sections 54-625, 54-626, 54-627,
- 3 54-630, 54-637, 54-640, 54-641, 54-645, and 54-646, Reissue Revised
- 4 Statutes of Nebraska, are repealed.