

E AND R AMENDMENTS TO LB 427

Introduced by Larson, 40, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following 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) Breeding dog means any sexually intact male or female
18 dog six months of age or older owned or harbored by a commercial
19 dog breeder;

20 ~~(5)~~ (6) Cat means any animal which is wholly or in part
21 of the species Felis domesticus;

22 ~~(6)~~ (7) Commercial cat breeder means a person engaged in
23 the business of breeding ~~dogs or~~ cats:

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

1 (b) Who owns or harbors four or more ~~dogs or~~ cats,
2 intended for breeding, in a twelve-month period beginning on April
3 1 of each year;

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

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

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

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

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

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

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

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

27 ~~(8)~~ (10) Department means the Bureau of Animal Industry

1 of the Department of Agriculture with the State Veterinarian in
2 charge, subordinate only to the director;

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

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

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

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

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

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

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

1 ~~(16)~~ (18) Pet shop means a retail establishment which
2 sells pet animals and related supplies;

3 ~~(17)~~ (19) Premises means all public or private buildings,
4 kennels, pens, and cages used by a facility and the public or
5 private ground upon which a facility is located if such buildings,
6 kennels, pens, cages, or ground are used by the owner or operator
7 of such facility in the usual course of business;

8 ~~(18)~~ (20) Primary enclosure means any structure used to
9 immediately restrict a dog or cat to a limited amount of space,
10 such as a room, pen, cage, or compartment;

11 ~~(19)~~ (21) Secretary of Agriculture means the Secretary of
12 Agriculture of the United States Department of Agriculture;

13 ~~(20)~~ (22) Stop-movement order means a directive
14 preventing the movement or removal of any dog or cat from the
15 premises; and

16 ~~(21)~~ (23) Unaltered means any male or female dog or
17 cat which has not been neutered or spayed or otherwise rendered
18 incapable of reproduction.

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

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

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

12 (2) An applicant for a license shall submit an
13 application for the appropriate license to the department, on a
14 form prescribed by the department, together with the annual license
15 fee. Such fee is nonreturnable. Upon receipt of the application and
16 annual license fee and upon completion of a qualifying inspection
17 if required pursuant to section 54-630 for an initial license
18 applicant or if a qualifying inspection is deemed appropriate by
19 the department before a license is issued for any other applicant,
20 the appropriate license may be issued by the department. Such
21 license shall not be 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
24 following fee schedule based upon the daily average number of dogs
25 or cats housed by the licensee over the previous annual licensure
26 period:

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

- 1 (ii) Eleven to fifty dogs or cats, two hundred dollars;
- 2 (iii) Fifty-one to one hundred dogs or cats, two hundred
3 fifty dollars;
- 4 (iv) One hundred one to one hundred fifty dogs or cats,
5 three hundred dollars;
- 6 (v) One hundred fifty-one to two hundred dogs or cats,
7 three hundred fifty dollars;
- 8 (vi) Two hundred one to two hundred fifty dogs or cats,
9 four hundred dollars;
- 10 (vii) Two hundred fifty-one to three hundred dogs or
11 cats, four hundred fifty dollars;
- 12 (viii) Three hundred one to three hundred fifty dogs or
13 cats, five hundred dollars;
- 14 (ix) Three hundred fifty-one to four hundred dogs or
15 cats, five hundred fifty dollars;
- 16 (x) Four hundred one to four hundred fifty dogs or cats,
17 six hundred dollars;
- 18 (xi) Four hundred fifty-one to five hundred dogs or cats,
19 six hundred fifty dollars; and
- 20 (xii) More than five hundred dogs or cats, two thousand
21 dollars.
- 22 (b) The initial license fee for any person required to
23 be licensed pursuant to the act shall be one hundred twenty-five
24 dollars.
- 25 (c) The annual license fee for a licensee that does not
26 house dogs or cats shall be one hundred fifty dollars.
- 27 (d) The annual license fee for an animal rescue shall be

1 one hundred fifty dollars.

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

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

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

1 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,
10 or animal shelter for the full term of the contract with the state
11 or 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
14 and Cat Operator Inspection Program Cash Fund.

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

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

1 ~~Act.~~

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

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

14 (b) Has operated a breeder facility under a license or
15 permit issued by any jurisdiction that has been revoked, suspended,
16 or otherwise subject to a disciplinary proceeding brought by
17 the licensing authority in that jurisdiction if such proceeding
18 resulted in the applicant having voluntarily surrendered a license
19 or permit to avoid disciplinary sanctions.

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

24 (4) An applicant who is denied an initial or renewal
25 license under this section shall be afforded the opportunity for a
26 hearing before the director or the director's designee to present
27 evidence that the applicant is qualified to hold a license should

1 a license be issued or renewed. All such hearings shall be in
2 accordance with the Administrative Procedure Act.

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

5 54-637 (1) Every dealer, commercial dog or cat breeder,
6 animal shelter, animal rescue, animal control facility, or pet shop
7 or any other retailer, who transfers ownership of a dog or cat to
8 an ultimate consumer, shall deliver to the ultimate consumer of
9 each dog or cat at the time of sale, written material, in a form
10 determined by such seller, containing information on the benefits
11 of spaying and neutering. The written material shall include
12 recommendations on establishing a relationship with a veterinarian,
13 information on early-age spaying and neutering, the health benefits
14 associated with spaying and neutering pets, the importance of
15 minimizing the risk of homeless or unwanted animals, and the need
16 to comply with applicable license laws.

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

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

22 54-640 A commercial dog or cat breeder shall:

23 (1) Maintain housing facilities and primary enclosures in
24 a sanitary condition;

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

26 (3) Provide shelter and protection from extreme
27 temperatures and weather conditions that may be uncomfortable or

1 hazardous to the dogs and cats;

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

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

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

14 ~~(7) (6) Provide dogs with adequate socialization, and~~
15 ~~exercise. For the purpose purposes of this subdivision, adequate~~
16 ~~socialization means physical contact with other dogs and with~~
17 ~~human beings, other than being fed; and adequate exercise means~~
18 ~~providing the opportunity for exercise at least two times per~~
19 ~~day outside of a cage or similar small enclosure except during~~
20 ~~inclement weather that may be hazardous to dogs;~~

21 ~~(8) (7) Assure that a handler's hands are washed before~~
22 ~~and after handling each infectious or contagious dog or cat;~~

23 ~~(9) (8) Maintain a written veterinary care plan developed~~
24 ~~in conjunction with an attending veterinarian; and~~

25 ~~(10) (9) Provide veterinary care without delay when~~
26 ~~necessary.~~

27 Sec. 7. Section 54-641, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 54-641 The primary enclosures of all licensees shall meet
3 the following requirements:

4 (1) A primary enclosure shall provide adequate space
5 appropriate to the age, size, weight, and breed of each dog or cat.
6 For purposes of this subdivision, adequate space means sufficient
7 room to allow each dog or cat to turn around without touching
8 another animal, to stand, sit, and lie in a comfortable, normal
9 position, and to walk in a normal manner without the head of such
10 animal touching the top of the enclosure, which shall be at least
11 six inches above the head of the tallest animal when the animal is
12 standing;

13 ~~(1)~~ (2) A primary enclosure shall have ~~floors~~ solid
14 surface flooring or a flooring material ~~that are constructed in a~~
15 ~~manner~~ that protects the dogs' and cats' feet and legs from injury
16 and that, if of mesh or slatted construction, do not allow the
17 dogs' and cats' feet to pass through any openings in the floor;

18 ~~(2)~~ (3) If a primary enclosure has a suspended floor
19 constructed of metal strands, the strands shall either be greater
20 than one-eighth of an inch in diameter (nine gauge) or coated with
21 a material such as plastic or fiberglass; and

22 ~~(3)~~ (4) The suspended floor of any primary enclosure
23 shall be strong enough so that the floor does not sag or bend
24 between the structural supports.

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

27 (a) A primary enclosure shall have an entry that allows

1 each dog unfettered access to an exercise area that is at least
2 three times the size of the requirements for a primary enclosure.
3 The entry may be closed during cleaning, under direction of a
4 licensed veterinarian, or in the case of inclement weather. The
5 exercise area shall have solid surface flooring or a flooring
6 material that if of mesh or slatted construction does not allow the
7 dog's feet to pass through any openings in the floor. Any exercise
8 area suspended floor constructed of metal strands shall be required
9 to have strands that are greater than one-eighth of an inch in
10 diameter (nine gauge) or coated with a material such as plastic or
11 fiberglass. All suspended flooring shall be strong enough so as not
12 to sag or bend between any structural supports and be of a surface
13 that is easily cleaned and disinfected. The exercise area shall
14 have protection available from wind, rain, and snow if access to
15 the primary enclosure is unavailable; and

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

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

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

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

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

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

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

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

13 (3) Any primary enclosure newly constructed after the
14 operative date of this act shall comply with subdivision (1)(a) of
15 this section. A primary enclosure in existence on the operative
16 date of this act shall not be required to comply with subdivision
17 (1)(a) of this section for the life of such facility.

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

23 (a) The maintenance of individual health records for each
24 dog bought, raised, or otherwise obtained, held, kept, maintained,
25 sold, donated, or otherwise disposed of, including by death or
26 euthanasia, except that litter health records may be kept on
27 litters when litter mates are treated with the same medication or

1 procedure;

2 (b) Establishment of a program of disease control and
3 prevention, pest and parasite control, before and after procedure
4 care, nutrition, and euthanasia supervised by the attending
5 veterinarian. Such program shall provide for regularly scheduled
6 onsite visits to the facility by the veterinarian and shall be
7 annually reviewed and updated by the veterinarian at the time of
8 an onsite visit that includes the veterinarian's walk-through of
9 the facility and observation by the veterinarian of dogs under the
10 commercial dog breeder's care, supervision, or control; and

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

16 (2) During regularly scheduled inspections of a
17 commercial dog breeder's facility conducted by the department, the
18 health records of a random sample of at least five percent of
19 the breeding dogs shall be reviewed to verify that such records
20 correspond to the dog's permanent identification and verify that
21 the health records are properly maintained.

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

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

27 (b) Contact a licensed veterinarian without delay after

1 an occurrence of a serious or life-threatening injury or medical
2 condition of such dog. The dog shall be treated as prescribed by
3 the veterinarian;

4 (c) Ensure that all surgical births or other surgical
5 procedures shall be performed by a licensed veterinarian using
6 anesthesia. Commercial dog breeders may remove dew claws and
7 perform tail docking under sterile conditions within the first
8 seven days of the dog's life. Wounds shall be treated and monitored
9 by the breeder; and

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

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

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

26 54-645 For purposes of the Dog and Cat Purchase
27 Protection Act:

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

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

10 (3) Health certificate means the official small animal
11 certificate of veterinary inspection of the Bureau of Animal
12 Industry of the Department of Agriculture;

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

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

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

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

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

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

12 54-646 (1) A seller shall deliver to the purchaser at
13 the time of sale of a pet animal a written disclosure statement
14 containing the following information regarding the pet animal:

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

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

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

27 (d) The pet animal's individual identifying tag, tattoo,

1 microchip number, or collar number;

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

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

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

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

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

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

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

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

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

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

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

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

20 2. On page 1, strike beginning with "54-637" in line
21 2 through line 6 and insert "54-630, 54-637, 54-640, 64-641,
22 54-645, and 54-646, Reissue Revised Statutes of Nebraska; to define
23 and redefine terms; to change provisions relating to licensing
24 and primary enclosures; to change requirements of commercial cat
25 breeders and commercial dog breeders; to harmonize provisions; to
26 provide an operative date; and".