

Bill No. 50-14  
Concerning: Animal Control – Retail Pet Stores  
Revised: 10/17/2014 Draft No. 2  
Introduced: October 28, 2014  
Enacted: March 3, 2015  
Executive: March 13, 2015  
Effective: June 12, 2015  
Sunset Date: None  
Ch. 9, Laws of Mont. Co. 2015

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council Vice President Leventhal and Councilmembers Navarro,  
Branson, Riemer, Berliner, Elrich, Rice, Katz, Hucker, and Floreen

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**AN ACT to:**

- (1) prohibit certain retail pet stores from selling certain animals bred in certain breeding facilities; and
- (2) generally amend County animal control law.

By adding

Montgomery County Code  
Chapter 5, Animal Control  
Article V  
Sections 5-405, 5-406, and 5-407

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article V (Sections 5-405, 5-406, and 5-407) is added as follows:**

2                           **Article V. Retail Sale of Dogs and Cats**

3           **5-405. Legislative Findings.**

4           The County Council finds and declares that:

- 5           (a) A significant number of puppies and kittens sold at retail pet stores  
6           throughout the United States come from large-scale, commercial  
7           breeding facilities where the health and welfare of the animals are not  
8           adequately provided for (“puppy mills” and “kitten mills,”  
9           respectively). According to The Humane Society of the United States,  
10           it is estimated that 10,000 puppy mills produce more than 2,400,000  
11           puppies a year in the United States and that most dogs and cats sold in  
12           retail pet stores come from puppy and kitten mills.
- 13           (b) The documented abuses endemic to puppy and kitten mills include  
14           over-breeding, inbreeding, minimal to non-existent veterinary care,  
15           lack of adequate and nutritious food, water or shelter, lack of  
16           socialization, lack of adequate space, and lack of adequate exercise.
- 17           (c) The inhumane conditions in puppy and kitten mill facilities lead to  
18           health and behavioral issues in the animals bred in those facilities.  
19           However, many consumers are unaware of these issues when  
20           purchasing animals from retail pet stores because of a lack of  
21           education on the issue and misleading tactics of retail pet stores in  
22           some cases. These health and behavioral issues, which may not  
23           present themselves until after the purchase of the animal, can impose  
24           exorbitant financial and emotional costs on consumers.
- 25           (d) Current Federal, State and County regulations do not properly address  
26           the sale of puppy and kitten mill dogs and cats in Montgomery County  
27           retail pet stores.

- 28           (e)   Restricting the retail sale of puppies and kittens to only those that are  
 29                   sourced from shelters or rescue organizations is likely to decrease the  
 30                   demand for puppies and kittens bred in puppy and kitten mills, and is  
 31                   likely to increase demand for animals from animal shelters and rescue  
 32                   organizations.
- 33           (f)   Due in large part to pet overpopulation, a state task force recently  
 34                   found that 45,000 dogs and cats are euthanized in Maryland animal  
 35                   shelters annually, at an estimated cost of \$8 to 9 million each year.  
 36                   Restricting the retail sale of puppies and kittens to only those that are  
 37                   sourced from animal shelters and rescue organizations will likely  
 38                   reduce pet overpopulation and thus the burden on such agencies and  
 39                   financial costs on County taxpayers.
- 40           (g)   Across the country, thousands of independent retail pet stores as well  
 41                   as large chains operate profitably with a business model focused on  
 42                   the sale of pet services and supplies and not on the sale of dogs and  
 43                   cats. Many of these shops collaborate with local animal shelters and  
 44                   rescue organizations to offer space and support for showcasing  
 45                   adoptable homeless pets on their premises.
- 46           (h)   This law will not affect a consumer's ability to obtain a dog or cat of  
 47                   his or her choice directly from a breed-specific rescue organization or  
 48                   a shelter, or from a hobby breeder where the consumer can see  
 49                   directly the conditions in which the dogs or cats are bred, or can  
 50                   confer directly with the hobby breeder concerning those conditions.
- 51           (i)   The County Council believes it is in the best interests of the County to  
 52                   adopt reasonable regulations to reduce costs to the County and its  
 53                   residents, protect the citizens of the County who may purchase cats or  
 54                   dogs from a retail pet store or other business establishment, help

55           prevent inhumane breeding conditions, promote community  
56           awareness of animal welfare, and foster a more humane environment  
57           in the County.

58   **5-406. Definitions.**

59           In this Article, the following words have the meanings indicated:

60           Animal care facility means an animal shelter maintained by, or under  
61           contract with, any state, county, or municipality, and whose mission and  
62           practice is, in whole or significant part, the rescue and placement of animals  
63           in permanent homes.

64           Cat means any individual of the species of the domestic cat, felis catus.

65           Dog means any individual of the species of the domestic dog, canis lupus  
66           familiaris, or any resultant hybrid.

67           Non-profit rescue organization means a non-profit organization that has tax  
68           exempt status under Section 501(c)(3) of the Internal Revenue Code, and  
69           whose mission and practice is, in whole or in significant part, the rescue and  
70           placement of animals in permanent homes.

71           Offer for sale means to display, sell, deliver, offer for sale or adoption,  
72           advertise for the sale of, barter, auction, give away, or otherwise dispose of a  
73           dog or cat.

74           Retail pet store means a store that is required to comply with Title 19,  
75           Subtitle 7 of the Business Regulation Article of the Maryland Code.

76   **5-407. Retail Sale of Dogs and Cats.**

77           A retail pet store must not offer for sale any dog or cat unless the retail pet  
78           store obtained that dog or cat from:

79           (a)   an animal care facility; or

80           (b)   a non-profit rescue organization.

81

82 *Approved:*

83 George Leventhal 3/6/2015  
George Leventhal, President, County Council Date

84 *Approved:*

85 Isiah Leggett March 13, 2015  
Isiah Leggett, County Executive Date

86 *This is a correct copy of Council action.*

87 Linda M. Lauer 3/16/15  
Linda M. Lauer, Clerk of the Council Date

88