

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 3.2-6501.1 and 3.2-6511.1 of the Code of Virginia, relating to the sale and procurement of dogs by pet shops; pet shop regulations.

[S 903]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6501.1 and 3.2-6511.1 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6501.1. Regulations for the keeping of certain animals.

A. The Board shall, by July 1, 2022, and pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), adopt comprehensive regulations governing the keeping of dogs and cats by any pet shop. Such regulations shall not apply to agricultural animals.

B. The regulations adopted pursuant to subsection A shall require every regulated person or facility to register annually with the Department and shall prohibit operation without such registration. The fee for such annual registration shall be \$250 for any private, for-profit entity required to register. Such regulations shall provide that a pet shop shall not sell a dog or cat to any research facility.

C. The regulations adopted pursuant to subsection A shall establish standards consistent with the provisions of this chapter for the keeping of animals, including (i) standards of adequate care, exercise, feed, shelter, space, treatment, and water and (ii) standards of proper cleaning and lighting. Where necessary, the Board shall adopt specific regulations that apply only to a particular category of currently unregulated entity; however, the standards established for any two similar categories of regulated entity shall not differ significantly.

D. The Board shall issue guidance setting out the compliance requirements for each regulatory standard adopted pursuant to this section, providing information on what an entity in each category is expected to do to comply with a given regulatory standard.

E. Regulations adopted pursuant to this section shall require a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 to annually conduct at least one unannounced drop-in inspection of each pet shop.

F. Regulations adopted pursuant to this section shall establish remedies for each finding in a given inspection. Such remedies may include the cancellation of the registration granted pursuant to subsection B; the institution of a conditional probationary period, during which the regulated facility shall be allowed to continue to operate; the renewal of such registration for a limited period; or other actions. *Such remedies shall also include a civil penalty not to exceed \$1,000 per violation for each finding in a given inspection upon communication to the pet shop. Each day of the violation is a separate offense; however, the cumulative civil penalty shall not exceed \$5,000. In determining the amount of any civil penalty, the Board or its designee shall consider (i) the history of previous violations at the pet shop; (ii) whether the violation has caused injury to, or death or suffering of, an animal; and (iii) the demonstrated good faith of the pet shop to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.*

G. Nothing in this section or in any regulation adopted pursuant to this section shall be interpreted to limit the authority of any entity to punish or prosecute a person for a violation of any law or regulation or to prevent any person from alerting an animal control officer or law-enforcement officer regarding the condition or treatment of any animal.

§ 3.2-6511.1. Pet shops; procurement of dogs; penalty.

A. A pet shop shall sell or offer for adoption a dog procured only from a humane society; a private or public animal shelter as those terms are defined in § 3.2-6500; or a person who has not received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct or critical violation or citations for three or more indirect or noncritical violations for at least two years prior to the procurement of the dog or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog and who has not knowingly obtained the dog directly or indirectly from a person with such citations.

B. It is unlawful for any dealer or commercial dog breeder who is not licensed or exempted from licensure by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder to sell any dog to a pet shop.

C. A pet shop shall retain records verifying compliance with this section for a minimum of two years after the disposition of any dog.

57 D. No person shall serve as an owner, director, officer, manager, operator, member of staff, or animal
58 caregiver of a pet shop if such person has been convicted of a violation of § 3.2-6570.

59 E. Prior to selling or giving for adoption any dog, a pet shop shall obtain a signed statement from the
60 purchaser or adopter specifying that such person has never been convicted of a violation of § 3.2-6570.

61 F. *A pet shop, upon taking custody of any dog, or any representative of a pet shop upon taking custody of*
62 *any dog on behalf of the pet shop, shall immediately make a record of the matter in accordance with §*
63 *3.2-6513.1.*

64 G. Any person violating any provision of ~~subsections~~ subsection A, B, C, or E of this section is guilty of a
65 Class 1 misdemeanor for each dog sold or offered for sale. Any person violating any provision of subsection
66 D of this section is guilty of a Class 1 misdemeanor.