
SENATE BILL NO. 241—SENATORS BREEDEN, CARLTON, WIENER,
TOWNSEND; HORSFORD, LEE, PARKS AND WOODHOUSE

MARCH 13, 2009

JOINT SPONSORS: ASSEMBLYMEN MANENDO,
MUNFORD AND SEGERBLOM

Referred to Committee on Natural Resources

SUMMARY—Requires the licensing of cat and dog breeders by the
State Department of Agriculture. (BDR 50-778)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to pets; requiring breeders of cats or dogs to be
licensed by the State Department of Agriculture; setting
forth the qualifications for a person wishing to be issued a
license as a breeder; setting forth the annual licensing fee
for a license for breeders; providing the circumstances
under which the Department may refuse to grant or
renew, or may suspend or revoke the license of a breeder;
setting forth the duties of breeders; providing a penalty;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 4** of this bill prohibits a person from breeding cats and dogs for sale in
2 Nevada without first obtaining a license as a breeder from the State Department of
3 Agriculture and makes a violation of the licensure provision a misdemeanor.
4 **Section 4** also imposes an annual \$500 licensing fee on breeders. **Section 5** of this
5 bill: (1) sets forth the qualifications a person must meet to be issued a license as a
6 breeder, including good moral character and a lack of any convictions of violating a
7 provision of chapter 574 of NRS relating to cruelty to and care of animals; (2)
8 requires the license to be renewed annually; and (3) requires the Department to
9 adopt regulations for the issuance and renewal of licenses for breeders. **Section 6** of
10 this bill requires a breeder to display his license in a conspicuous location at his
11 place of business. **Section 7** of this bill sets forth the reasons for which the



12 Department may refuse to grant or renew a license or for which a license may be
13 suspended or revoked, and the procedures for notice and a hearing that the
14 Department must follow before suspending or revoking the license of a breeder.
15 **Section 8** of this bill authorizes the Department to inspect the records of the
16 business of a breeder to ensure that the breeder is in compliance with the provisions
17 of NRS 574.210 to 574.510, inclusive, and this bill. **Section 11** of this bill sets forth
18 the duties of a breeder, including ensuring that cats or dogs he breeds and sells have
19 all their necessary immunizations, that no cat or dog is bred for more than two
20 litters, that each cat or dog is implanted with a microchip before it is sold and that
21 the breeder registers each litter with the Department.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 574 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this
3 act.

4 **Sec. 2.** *“Breeder” means a person who breeds cats or dogs
5 for sale.*

6 **Sec. 3.** *“Department” means the State Department of
7 Agriculture.*

8 **Sec. 4. 1.** *A person shall not operate as a breeder in this
9 State without first obtaining a license to do so from the
10 Department. A person who operates as a breeder without a license
11 is guilty of a misdemeanor.*

12 *2. The application for a license as a breeder must be made to
13 the Department on a form provided by the Department and include
14 such information as the Department deems necessary.*

15 *3. The application must be accompanied by the annual
16 licensing fee of \$500.*

17 **Sec. 5. 1.** *Upon receipt of an application for a license to
18 operate as a breeder, accompanied by the required licensing fee,
19 the Department shall examine the application and issue a license
20 to the applicant after determining that:*

21 *(a) The applicant is of good moral character;*

22 *(b) The applicant has not been convicted of violating a
23 provision of this chapter;*

24 *(c) The business of the breeder will be conducted in a
25 permanent structure or building; and*

26 *(d) Upon inspection, the premises upon which the breeder
27 proposes to operate conform to this chapter and the rules and
28 regulations of the Department and is a suitable place to conduct
29 the business of the breeder.*

30 *2. The Department shall issue each license only for the
31 premises and to the person named in the application.*



1 3. *Each license issued is valid for 1 year and must be renewed*
2 *annually by payment of the annual licensing fee.*

3 4. *The Department shall adopt regulations necessary to carry*
4 *out the provisions of sections 4 to 11, inclusive, of this act.*

5 **Sec. 6.** *The original license or a certified copy thereof must*
6 *be displayed conspicuously by the licensee in a prominent place in*
7 *the licensed establishment or premises.*

8 **Sec. 7.** 1. *The Department may refuse to grant or to renew*
9 *a license issued pursuant to section 5 of this act, or may suspend*
10 *or revoke a license if, after notice and a hearing, the Department*
11 *finds that:*

12 (a) *The licensee has violated any provision of NRS 574.210 to*
13 *574.510, inclusive, and sections 2 to 11, inclusive, of this act or*
14 *any rule or regulation issued pursuant thereto;*

15 (b) *The licensee falsified any information in his application;*
16 *or*

17 (c) *The licensee has been convicted of violating any provision*
18 *of NRS 574.050 to 574.510, inclusive, and sections 2 to 11,*
19 *inclusive, of this act.*

20 2. *Before suspending or revoking any license issued pursuant*
21 *to section 5 of this act, the Department shall send a notice by*
22 *registered or certified mail to the licensee at his last known*
23 *address. The notice must order the licensee to show cause why his*
24 *license should not be suspended or revoked by appearing before*
25 *the Department at a time not less than 10 days after the mailing of*
26 *the notice. The Department shall allow the licensee an opportunity*
27 *to be heard in accordance with the notice, and thereafter, the*
28 *Department may suspend or revoke his license.*

29 3. *A person whose license has been revoked may apply to the*
30 *Department for the reinstatement of his license 1 year after*
31 *the date of revocation. The Department may reinstate the license if*
32 *the Department determines that the licensee will comply with the*
33 *provisions of NRS 574.210 to 574.510, inclusive, and sections 2 to*
34 *11, inclusive, of this act and the regulations adopted by the*
35 *Department.*

36 **Sec. 8.** *To carry out the provisions of NRS 574.210 to*
37 *574.510, inclusive, and sections 2 to 11, inclusive, of this act and*
38 *to conduct inspections pursuant thereto, the Department or any*
39 *authorized representative thereof may enter the establishment or*
40 *premises of the business of a breeder and inspect the records*
41 *thereof at all reasonable times.*

42 **Sec. 9.** 1. *In addition to any other requirements of this*
43 *chapter, an applicant for the issuance or renewal of a license*
44 *issued pursuant to section 5 of this act must:*



1 (a) Include his social security number in the application
2 submitted to the Department; and

3 (b) Submit to the Department annually the statement
4 prescribed by the Division of Welfare and Supportive Services of
5 the Department of Health and Human Services pursuant to NRS
6 425.520. The statement must be completed and signed by the
7 applicant.

8 2. The Department shall include the statement required
9 pursuant to subsection 1 in:

10 (a) The application or any other forms that must be submitted
11 for the issuance or renewal of the license; or

12 (b) A separate form prescribed by the Department.

13 3. A license may not be issued or renewed by the Department
14 pursuant to section 5 of this act if the applicant:

15 (a) Fails to submit the statement required pursuant to
16 subsection 1; or

17 (b) Indicates on the statement submitted pursuant to
18 subsection 1 that he is subject to a court order for the support of a
19 child and is not in compliance with the order or a plan approved
20 by the district attorney or other public agency enforcing the order
21 for the repayment of the amount owed pursuant to the order.

22 4. If an applicant indicates on the statement submitted
23 pursuant to subsection 1 that he is subject to a court order for the
24 support of a child and is not in compliance with the order or a
25 plan approved by the district attorney or other public agency
26 enforcing the order for the repayment of the amount owed
27 pursuant to the order, the Department shall advise the applicant to
28 contact the district attorney or other public agency enforcing the
29 order to determine the actions that the applicant may take to
30 satisfy the arrearage.

31 **Sec. 10.** 1. If the Department receives a copy of a court
32 order issued pursuant to NRS 425.540 that provides for the
33 suspension of all professional, occupational and recreational
34 licenses, certificates and permits issued to a person who is the
35 holder of a license issued pursuant to section 5 of this act, the
36 Department shall deem the license issued to that person to be
37 suspended at the end of the 30th day after the date on which the
38 court order was issued unless the Department receives a letter
39 issued to the holder of the license by the district attorney or other
40 public agency pursuant to NRS 425.550 stating that the holder of
41 the license has complied with the subpoena or warrant or has
42 satisfied the arrearage pursuant to NRS 425.560.

43 2. The Department shall reinstate a license issued pursuant to
44 section 5 of this act that has been suspended by a district court
45 pursuant to NRS 425.540 if the Department receives a letter issued



1 *by the district attorney or other public agency pursuant to NRS*
2 *425.550 to the person whose license was suspended stating that the*
3 *person whose license was suspended has complied with the*
4 *subpoena or warrant or has satisfied the arrearage pursuant to*
5 *NRS 425.560.*

6 **Sec. 11.** *A breeder shall:*

7 *1. Ensure that each cat or dog he breeds, and each cat or dog*
8 *resulting from the breeding, has all of the necessary*
9 *immunizations before the cat or dog is sold;*

10 *2. Not breed a cat or dog for more than two litters during the*
11 *life of the cat or dog;*

12 *3. Implant, or cause to be implanted, an identification*
13 *microchip into each cat or dog before it is sold; and*

14 *4. Register each litter with the Department.*

15 **Sec. 12.** NRS 574.210 is hereby amended to read as follows:

16 574.210 As used in NRS 574.210 to 574.510, inclusive, *and*
17 *sections 2 to 11, inclusive, of this act*, unless the context otherwise
18 requires, the words and terms defined in NRS 574.220 to 574.330,
19 inclusive, *and sections 2 and 3 of this act* have the meanings
20 ascribed to them in those sections.

21 **Sec. 13.** NRS 574.260 is hereby amended to read as follows:

22 574.260 “Dealer” means a person who, for compensation or
23 profit, buys, sells, ~~breeds,~~ trades or imports cats or dogs for resale.
24 *The term includes a breeder.*

25 **Sec. 14.** NRS 574.340 is hereby amended to read as follows:

26 574.340 The provisions of NRS 574.210 to 574.510, inclusive,
27 *and sections 2 to 11, inclusive, of this act* do not apply to:

28 1. The exhibition, production, marketing or disposal of any
29 livestock, poultry, fish or other agricultural commodity.

30 2. Activities for which a license is required by the provisions of
31 chapter 466 of NRS.

32 3. The housing of domestic cats or dogs kept as pets or cared
33 for, without remuneration other than payment for reasonable
34 expenses relating to the care of the cats or dogs, on behalf of another
35 person in a home environment.

36 4. The exhibition of dogs or cats.

37 **Sec. 15.** NRS 574.350 is hereby amended to read as follows:

38 574.350 No member, agent or officer of a society for the
39 prevention of cruelty to animals may enforce the provisions of NRS
40 574.210 to 574.510, inclusive ~~§~~, *and sections 2 to 11, inclusive, of*
41 *this act.*

42 **Sec. 16.** NRS 574.485 is hereby amended to read as follows:

43 574.485 1. In addition to any other penalty provided by law,
44 the Director of the ~~State~~ Department ~~of Agriculture~~ may impose
45 an administrative fine on any retailer or dealer who violates the



1 provisions of NRS 574.460, 574.470 or 574.480 *or on any person*
2 *who violates the provisions of section 4 or 11 of this act* in an
3 amount not to exceed:

- 4
- 5 For the first violation.....\$250
- 6 For the second violation..... 500
- 7 For each subsequent violation..... 1,000
- 8

9 2. All fines collected by the Director pursuant to subsection 1
10 must be deposited with the State Treasurer for credit to the State
11 General Fund.

12 **Sec. 17.** 1. This act becomes effective:

13 (a) Upon passage and approval for the purpose of adopting
14 regulations and carrying out any preliminary administrative tasks
15 that are required to carry out the provisions of this act; and

16 (b) On October 1, 2009, for all other purposes.

17 2. Sections 9 and 10 of this act expire by limitation on the date
18 on which the provisions of 42 U.S.C. § 666 requiring each state to
19 establish procedures under which the state has authority to withhold
20 or suspend, or to restrict the use of professional, occupational and
21 recreational licenses of persons who:

22 (a) Have failed to comply with a subpoena or warrant relating to
23 a proceeding to determine the paternity of a child or to establish or
24 enforce an obligation for the support of a child; or

25 (b) Are in arrears in the payment for the support of one or more
26 children,

27 ➔ are repealed by the Congress of the United States.

