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:

Section 4 of this bill prohibits a person from breeding cats and dogs for sale in Nevada without first obtaining a license as a breeder from the State Department of Agriculture and makes a violation of the licensure provision a misdemeanor. Section 4 also imposes an annual $500 licensing fee on breeders. Section 5 of this bill: (1) sets forth the qualifications a person must meet to be issued a license as a breeder, including good moral character and a lack of any convictions of violating a provision of chapter 574 of NRS relating to cruelty to and care of animals; (2) requires the license to be renewed annually; and (3) requires the Department to adopt regulations for the issuance and renewal of licenses for breeders. Section 6 of this bill requires a breeder to display his license in a conspicuous location at his place of business. Section 7 of this bill sets forth the reasons for which the
Department may refuse to grant or renew a license or for which a license may be suspended or revoked, and the procedures for notice and a hearing that the Department must follow before suspending or revoking the license of a breeder. Section 8 of this bill authorizes the Department to inspect the records of the business of a breeder to ensure that the breeder is in compliance with the provisions of NRS 574.210 to 574.510, inclusive, and this bill. Section 11 of this bill sets forth the duties of a breeder, including ensuring that cats or dogs he breeds and sells have all their necessary immunizations, that no cat or dog is bred for more than two litters, that each cat or dog is implanted with a microchip before it is sold and that the breeder registers each litter with the Department.

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

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

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

Sec. 3. “Department” means the State Department of Agriculture.

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

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

3. The application must be accompanied by the annual licensing fee of $500.

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

   (a) The applicant is of good moral character;
   (b) The applicant has not been convicted of violating a provision of this chapter;
   (c) The business of the breeder will be conducted in a permanent structure or building; and
   (d) Upon inspection, the premises upon which the breeder proposes to operate conform to this chapter and the rules and regulations of the Department and is a suitable place to conduct the business of the breeder.

2. The Department shall issue each license only for the premises and to the person named in the application.
3. Each license issued is valid for 1 year and must be renewed annually by payment of the annual licensing fee.

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

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

Sec. 7. 1. The Department may refuse to grant or to renew a license issued pursuant to section 5 of this act, or may suspend or revoke a license if, after notice and a hearing, the Department finds that:
   (a) The licensee has violated any provision of NRS 574.210 to 574.510, inclusive, and sections 2 to 11, inclusive, of this act or any rule or regulation issued pursuant thereto;
   (b) The licensee falsified any information in his application; or
   (c) The licensee has been convicted of violating any provision of NRS 574.050 to 574.510, inclusive, and sections 2 to 11, inclusive, of this act.

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

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

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

Sec. 9. 1. In addition to any other requirements of this chapter, an applicant for the issuance or renewal of a license issued pursuant to section 5 of this act must:
(a) Include his social security number in the application submitted to the Department; and
(b) Submit to the Department annually the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:
   (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
   (b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to section 5 of this act if the applicant:
   (a) Fails to submit the statement required pursuant to subsection 1; or
   (b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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

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

2. The Department shall reinstate a license issued pursuant to section 5 of this act that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued
by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 11. A breeder shall:
1. Ensure that each cat or dog he breeds, and each cat or dog resulting from the breeding, has all of the necessary immunizations before the cat or dog is sold;
2. Not breed a cat or dog for more than two litters during the life of the cat or dog;
3. Implant, or cause to be implanted, an identification microchip into each cat or dog before it is sold; and
4. Register each litter with the Department.

Sec. 12. NRS 574.210 is hereby amended to read as follows:
574.210 As used in NRS 574.210 to 574.510, inclusive, and sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 13. NRS 574.260 is hereby amended to read as follows:
574.260 “Dealer” means a person who, for compensation or profit, buys, sells, [breeds,] trades or imports cats or dogs for resale. The term includes a breeder.

Sec. 14. NRS 574.340 is hereby amended to read as follows:
574.340 The provisions of NRS 574.210 to 574.510, inclusive, and sections 2 to 11, inclusive, of this act do not apply to:
1. The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity.
2. Activities for which a license is required by the provisions of chapter 466 of NRS.
3. The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.
4. The exhibition of dogs or cats.

Sec. 15. NRS 574.350 is hereby amended to read as follows:
574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive [574.210 to 574.510, inclusive, and sections 2 to 11, inclusive, of this act.]

Sec. 16. NRS 574.485 is hereby amended to read as follows:
574.485 1. In addition to any other penalty provided by law, the Director of the [State] Department [of Agriculture] may impose an administrative fine on any retailer or dealer who violates the
provisions of NRS 574.460, 574.470 or 574.480 or on any person who violates the provisions of section 4 or 11 of this act in an amount not to exceed:

- For the first violation: $250
- For the second violation: $500
- For each subsequent violation: $1,000

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

Sec. 17. 1. This act becomes effective:
(a) Upon passage and approval for the purpose of adopting regulations and carrying out any preliminary administrative tasks that are required to carry out the provisions of this act; and
(b) On October 1, 2009, for all other purposes.

2. Sections 9 and 10 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
(b) Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.