

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1412

AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 15-17-3-13, AS AMENDED BY P.L.41-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

- (1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.
- (2) Develop, adopt, and implement programs and procedures for establishing and maintaining accredited, certified, validated, or designated disease or pest free or disease or pest monitored animals, herds, flocks, or areas, including the following:
 - (A) The establishment and maintenance of herds that are monitored for disease or pest syndromes.
 - (B) The establishment and maintenance of certified or validated brucellosis free herds, animals, and areas.
 - (C) The establishment and maintenance of accredited tuberculosis free herds, animals, and areas.
- (3) Develop, adopt, and implement programs and plans for the prevention, detection, control, and eradication of diseases and pests of animals.
- (4) Control or prohibit, by permit or other means, the movement

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and transportation into, out of, or within Indiana of animals and objects in order to prevent, detect, control, or eradicate diseases and pests of animals. When implementing controls or prohibitions, the board may consider whether animals or objects are diseased, suspected to be diseased, or under quarantine, or whether the animals or objects originated from a country, a state, an area, or a premises that is known or suspected to harbor animals or objects infected with or exposed to a disease or pest of animals.

(5) Control or prohibit the public and private sale of animals and objects in order to prevent the spread of disease and pests of animals.

(6) Control the use, sanitation, and disinfection of:

(A) public stockyards; and

(B) vehicles used to transport animals and objects into and within Indiana;

to accomplish the objectives of this article.

(7) Control the use, sanitation, and disinfection of premises, facilities, and equipment to accomplish the objectives of this article.

(8) Control the movement of animals and objects to, from, and within premises where diseases or pests of animals may exist.

(9) Control the movement and disposal of carcasses of animals and objects.

(10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs for human consumption regulated under IC 16-42-19, to be used for the prevention, detection, control, and eradication of disease and pests of animals.

(11) Control and prescribe the means, methods, and procedures for the vaccination or other treatment of animals and objects and the conduct of tests for diseases and pests of animals.

(12) Develop, adopt, and implement plans and programs for the identification of animals, objects, premises, and means of conveyances. Plans and programs may include identification:

(A) of animals or objects that have been condemned under this article; and

(B) related to classification as to disease, testing, vaccination, or treatment status.

(13) Establish the terms and method of appraisal or other determination of value of animals and objects condemned under this article, the payment of any indemnities that may be provided



for the animals and objects, and the regulation of the sale or other disposition of the animals or objects.

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, any other state, or the federal government to prevent, detect, control, and eradicate diseases and pests of animals.

(16) Control or prohibit the movement and transportation into, out of, or within Indiana of wild animals, including birds, that might carry or disseminate diseases or pests of animals.

(17) Provide for condemning or abating conditions that cause, aggravate, spread, or harbor diseases or pests of animals.

(18) Establish and designate, in addition to the animal disease diagnostic laboratory under IC 21-46-3-1, other laboratories necessary to make tests of any nature for diseases and pests of animals.

(19) Investigate, develop, and implement the best methods for the prevention, detection, control, suppression, or eradication of diseases and pests of animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any registrant, licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

(22) Institute legal action in the name of the state of Indiana necessary to enforce:

(A) the board's orders and rules; and

(B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of



- slaughter as a result of treatment or exposure; and
 (B) are found by the board to be or have the potential of being injurious to the health of animals or humans.
- (28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:
- (A) animal health;
 - (B) the public health and welfare of the citizens of Indiana; and
 - (C) the trade in animals and animal products in and from Indiana.
- (29) Cooperate and coordinate with animal owners, law enforcement, and local, state, and federal emergency management agencies to plan for, prepare for, respond to, and recover from all hazard emergencies in Indiana.
- (30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.
- (31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.
- (32) Establish a registry of commercial dog brokers, ~~and~~ commercial dog breeders, **and retail pet stores** in Indiana. **The board shall make a registry described in this subdivision available to the public.**
- (33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1) **and animal rescue operations.**
- (34) Conduct inspections of the following entities:**
- (A) Commercial dog breeders.**
 - (B) Commercial dog brokers.**
 - (C) Retail pet stores.**

SECTION 2. IC 15-21-1-1 IS REPEALED [EFFECTIVE JULY 1, 2024]. See: 1. (a) This article does not apply to:

- (1) an animal shelter;
- (2) a humane society;
- (3) an animal rescue operation;
- (4) a hobby breeder;
- (5) a person who breeds at least seventy-five percent (75%) of the person's dogs as sport dogs for hunting purposes; or
- (6) a person who breeds at least seventy-five percent (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

(b) As used in this section, "animal rescue operation" means a



person or organization:

- (1) that accepts within one (1) year:
 - (A) more than twelve (12) dogs; or
 - (B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;
 that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
- (2) that uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

SECTION 3. IC 15-21-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.5. This article does not apply to a:**

- (1) hobby breeder;
- (2) person who breeds at least seventy-five percent (75%) of the person's dogs as sport dogs for hunting purposes; or
- (3) person who breeds at least seventy-five percent (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

SECTION 4. IC 15-21-1-2, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.** The definitions in sections 3 through 7 of this chapter apply throughout this article.

SECTION 5. IC 15-21-1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.3. "Animal care facility" has the meaning set forth in IC 6-9-39-1.**

SECTION 6. IC 15-21-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. "Animal rescue operation" means a person or organization that:**

- (1) accepts during one (1) year:
 - (A) more than twelve (12) dogs; or
 - (B) more than:
 - (i) nine (9) dogs; and
 - (ii) three (3) unweaned litters of puppies;
 that are available for adoption as pets or as companion animals in permanent adoptive homes and that are



**maintained in a private residential dwelling; or
 (2) uses a system of private residential dwellings as foster homes for dogs.**

The term does not include a person or organization that breeds dogs.

SECTION 7. IC 15-21-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3.5. "Canine care certified program" refers to the certificate program administered by Purdue University that establishes standards for canine:**

- (1) nutrition;**
- (2) veterinary care;**
- (3) housing;**
- (4) handling; and**
- (5) exercise.**

SECTION 8. IC 15-21-1-4, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 4. "Commercial dog breeder" means a person who:**

- (1) maintains more than ~~twenty (20)~~ **nineteen (19)** unaltered female dogs that are at least twelve (12) months of age; and**
- (2) engages in the sale of dogs, resulting from the breeding of dogs, to:**
 - (A) a dog broker;**
 - (B) a pet store; or**
 - (C) the general public.**

SECTION 9. IC 15-21-1-5, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5. "Commercial dog broker" means a person:**

- (1) who is a Class "B" licensee under 9 CFR 1.1; ~~and~~ or**
- (2) who sells at least five hundred (500) dogs in a calendar year.**

SECTION 10. IC 15-21-1-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5.3. "Hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.**

SECTION 11. IC 15-21-1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 6.5. (a) "Retail pet store" means a commercial enterprise that sells dogs from a place of business at which the seller, buyer, and dog are physically present so the buyer may observe the dog before purchasing or taking custody of that**



dog after purchase.

(b) The term excludes the following:

- (1) Commercial dog breeders registered under IC 15-21-3-1.**
- (2) Hobby breeders.**
- (3) Persons who breed at least seventy-five percent (75%) of the person's dogs as sport dogs for hunting purposes.**
- (4) Persons who breed at least seventy-five percent (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.**

SECTION 12. IC 15-21-1-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 6.7. "Unit" refers to a county, municipality, or township.**

SECTION 13. IC 15-21-2-1, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. A person may not operate:

- (1) a commercial dog breeder operation; ~~or~~
- (2) as a commercial dog broker;
- (3) a retail pet store;**
- (4) an animal care facility; or**
- (5) an animal rescue operation;**

without being registered with the board in accordance with ~~this chapter.~~
IC 15-21-3.

SECTION 14. IC 15-21-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. The following entities that are registered under IC 15-21-3 shall post notice of the entity's registration with the board in a prominent place visible to the public:**

- (1) A retail pet store.**
- (2) An animal care facility.**
- (3) An animal rescue operation.**

SECTION 15. IC 15-21-2-3, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) A commercial dog breeder who knowingly or intentionally fails to register with the board as a commercial dog breeder commits a Class A misdemeanor.

(b) A commercial dog broker who knowingly or intentionally fails to register with the board as a commercial dog broker commits a Class A misdemeanor.

(c) The board may impose a civil penalty of not more than ten thousand dollars (\$10,000) on a retail pet store operator that



knowingly or intentionally fails to register with the board as a retail pet store.

(d) The board may impose a civil penalty of not more than ten thousand dollars (\$10,000) on the operator of:

- (1) an animal care facility; or**
- (2) an animal rescue operation;**

that knowingly or intentionally fails to register with the board.

(e) (e) A commercial dog breeder or a commercial dog broker who fails to register with the board is liable to the state for two (2) times the amount of registration fees that the commercial dog breeder or commercial dog broker failed to pay. The attorney general may bring an action to collect unpaid commercial dog breeder or commercial dog broker registration fees. Funds collected under this subsection shall be deposited in the commercial dog breeder and broker fund established by IC 15-21-3-3.

(f) If any of the following entities fail to register with the board, the entity may not operate in Indiana until the entity registers with the board:

- (1) Commercial dog breeder.**
- (2) Commercial dog broker.**
- (3) Retail pet store.**
- (4) Animal care facility.**
- (5) Animal rescue operation.**

SECTION 16. IC 15-21-3-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.3. (a) A retail pet store shall file an initial registration with the board in a form prescribed by the board.**

(b) After the initial registration under subsection (a), a retail pet store shall register annually with the board in a manner prescribed by the board.

(c) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the registration.

(d) A retail pet store that fails to renew its registration will receive a warning on a form prescribed by the board indicating that it has thirty (30) days to renew its registration or the retail pet store can no longer operate.

(e) A person that registers or renews a registration as a retail pet store must include the following in the registration or renewal application:

- (1) The name and address of the person's retail pet store.**



(2) The name and address of the person operating the retail pet store.

(3) Any other information related to taxation that is required by the board.

(f) An entity that owns and operates more than one (1) retail pet store shall register all of the retail pet stores owned and operated by the entity in Indiana.

(g) The board may impose a civil penalty of not more than ten thousand dollars (\$10,000) on a person that knowingly or intentionally makes a material misstatement in a retail pet store registration statement.

SECTION 17. IC 15-21-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. (a) An animal care facility and an animal rescue operation shall file an initial registration with the board in a form prescribed by the board.**

(b) After the initial registration under subsection (a):

(1) an animal care facility; and

(2) an animal rescue operation;

shall register annually with the board in a manner prescribed by the board.

(c) The board shall provide for notice of the upcoming expiration of registration to each registrant at least thirty (30) days before the expiration of the registration.

(d) An animal care facility or animal rescue operation that fails to renew its registration will receive a warning on a form prescribed by the board indicating that it has thirty (30) days to renew its registration or the entity can no longer operate.

(e) A person that registers or renews a registration as an animal care facility or animal rescue operation must include the following in the registration or renewal application:

(1) The name and address of the person's animal care facility or animal rescue operation.

(2) The name and address of the person operating the animal care facility or animal rescue operation.

(3) Any other information related to taxation that is required by the board.

(f) The board may impose a civil penalty of not more than ten thousand dollars (\$10,000) on a person that knowingly or intentionally makes a material misstatement in an animal care facility or animal rescue operation registration statement.

SECTION 18. IC 15-21-3-3, AS ADDED BY P.L.111-2009,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The commercial dog breeder and broker fund is established for the purpose of funding:

(1) the inspection of commercial dog breeding operations by the board; ~~and~~

(2) the inspection of retail pet stores by the board; and

~~(2)~~ **(3) the enforcement by the board of laws concerning commercial dog breeders and commercial dog brokers.**

The fund shall be administered by the board.

(b) The fund consists of:

(1) commercial dog breeder and commercial dog broker fees; and

(2) civil penalties deposited by the board into the fund for violations of this article.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

(g) The board may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 19. IC 15-21-5-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3. A retail pet store may not sell a dog to a person who is less than eighteen (18) years of age.**

SECTION 20. IC 15-21-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 4. A retail pet store operator must:**

(1) microchip each dog before the sale of the dog; and

(2) provide each purchaser with the necessary information to register a microchip placed in a dog with a searchable data base.

SECTION 21. IC 15-21-5-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 4.4. A retail pet store operator shall require a consumer to commit to spaying or neutering a dog within a reasonable time frame, as specified by a licensed veterinarian.**



SECTION 22. IC 15-21-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5. Before the sale of a dog, a retail pet store operator must, to the best of the operator's knowledge, provide to the consumer the following information on the dog being offered for sale:**

- (1) The retail price of the dog, including any additional fees or charges.**
- (2) The dog's breed or breeds, if known.**
- (3) The dog's age and date of birth, if known.**
- (4) The dog's sex and color.**
- (5) The date and description of any inoculation or medical treatment that the dog received while in the possession of the:**
 - (A) retail pet store;**
 - (B) commercial dog breeder;**
 - (C) commercial dog broker;**
 - (D) humane society;**
 - (E) animal rescue operation; or**
 - (F) animal shelter.**
- (6) If the dog was supplied by a commercial dog breeder or commercial dog broker, the name and address of the commercial dog breeder or commercial dog broker.**
- (7) If eligible for registration with a pedigree registry, the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.**
- (8) A copy of the retail pet store's policy regarding warranties, refunds, or returns.**
- (9) An explanation of the remedy under section 6 of this chapter, in addition to any other remedies available by law.**
- (10) Disclosure that the dog has been microchipped.**

SECTION 23. IC 15-21-5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5.5. (a) A retail pet store shall accept, for any reason, the return of a dog sold within three (3) business days of the original sale.**

(b) The retail pet store may charge a return fee not exceeding ten percent (10%) of the purchase price of the dog.

SECTION 24. IC 15-21-5-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5.7. (a) To demonstrate that a retail pet store is only selling dogs obtained from the entities**



identified in IC 15-21-6-2(a), a retail pet store shall create and maintain records for seven (7) years demonstrating where the retail pet store obtained any dog it is selling.

(b) The records described in subsection (a) must include a list created by the retail pet store that contains the name and address of the entities where the retail pet store obtained any dog it is selling. The retail pet store shall make this list available to the public.

SECTION 25. IC 15-21-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) A customer who purchases a dog from a retail pet store is entitled to a remedy under subsection (c) if:

(1) not later than fourteen (14) days after the date of sale, a licensed veterinarian states in writing that:

(A) at the time of sale the dog was unfit for purchase due to illness, a disease, or the presence of symptoms of a contagious or infectious disease that are extreme enough to influence the general health of the dog, excluding fleas or ticks; or

(B) the dog has died from a disease that existed in the dog on or before the date of delivery of the dog to the customer; or

(2) not later than two (2) years after the date of sale, a licensed veterinarian states in writing that the dog:

(A) possesses a congenital or hereditary condition that severely affects the health of the dog or requires either hospitalization or a nonelective surgical procedure; or

(B) has died of a congenital or hereditary condition.

(b) The veterinarian's statement under subsection (a) must include:

(1) the customer's name and address;

(2) a statement that the veterinarian examined the dog;

(3) the date or dates that the dog was examined;

(4) the breed and age of the dog, if known;

(5) a statement that the dog has or had a disease, illness, or congenital or hereditary condition; and

(6) the findings of the examination or necropsy, including any lab results or copies of the results.

(c) A customer entitled to a remedy under this section may elect to do the following:

(1) If the dog is alive, retain the dog and be reimbursed for reasonable veterinary fees for diagnosis and treatment of the



dog, not to exceed the purchase price of the dog.

(2) If the dog is deceased, be reimbursed:

(A) the full purchase price of the dog; and

(B) reasonable veterinary fees associated with the diagnosis and treatment of the dog, not to exceed the purchase price of the dog.

SECTION 26. IC 15-21-5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 6.5. (a) A retail pet store shall only sell dogs acquired from the following sources:**

(1) A commercial dog breeder that meets the following criteria:

(A) Is registered as required by IC 15-21-2-1.

(B) Is certified by a national science based breeder standards program.

(C) Is audited by an independent auditing firm that complies with the applicable standards of the International Organization for Standardization (ISO).

(2) A commercial dog broker that meets the following criteria:

(A) Is registered as required by IC 15-21-2-1.

(B) Acquires dogs from the following sources:

(i) A commercial dog breeder that meets the requirements established in subdivision (1).

(ii) A dog breeder or broker that is subject to 9 CFR 2.1 and has no direct violations for the previous two (2) years.

(3) A dog breeder or broker that is subject to 9 CFR 2.1 and has no direct violations for the previous two (2) years.

(b) If a retail pet store acquires a dog from a source that does not fall under the criteria established in subsection (a) or no longer meets the criteria established in subsection (a), the retail pet store shall take the following corrective action within thirty (30) days:

(1) Notify the board of the violation and report which entity sold the dog to the retail pet store.

(2) Notify customers who purchased a dog acquired from a source not described in subsection (a).

(3) Provide a refund to a customer who elects to return a dog acquired from a source not described in subsection (a).

(c) A retail pet store that takes corrective action under subsection (b) does not violate subsection (a).

SECTION 27. IC 15-21-5-7 IS ADDED TO THE INDIANA CODE



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 7. (a) The board may review or obtain records from a retail pet store that contain the information described in this chapter and confirm that all dogs acquired by a retail pet store meet the criteria established under section 6.5(a) of this chapter.**

(b) A retail pet store shall, within thirty (30) days, provide the board with electronic access to any requested records that contain information required to verify disclosures and procedures established by this chapter.

SECTION 28. IC 15-21-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 5.5. Board Inspections

Sec. 1. The board shall determine the frequency of inspections for the following:

- (1) A commercial dog breeder.**
- (2) A commercial dog broker.**
- (3) A retail pet store.**

Sec. 2. (a) The following entities are subject to random unannounced inspections by the board:

- (1) A commercial dog breeder.**
- (2) A commercial dog broker.**
- (3) A retail pet store.**

(b) Subject to IC 15-17-3, the board may not inspect the same entity more than one (1) time in a calendar year, unless an entity fails an inspection and additional inspections are necessary to protect the safety and well-being of the dogs.

SECTION 29. IC 15-21-6-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2. (a) A unit may not prohibit a retail pet store from selling dogs acquired from the following:**

- (1) A commercial dog breeder that meets the following criteria:**
 - (A) Is registered as required by IC 15-21-2-1.**
 - (B) Is certified by a national science based breeder standards program.**
 - (C) Is audited by an independent auditing firm that complies with the applicable standards of the International Organization for Standardization (ISO).**
- (2) A commercial dog broker that meets the following criteria:**
 - (A) Is registered as required by IC 15-21-2-1.**



(B) Acquires dogs from the following sources:

(i) A commercial dog breeder that meets the requirements established in subdivision (1).

(ii) A dog breeder or broker that is subject to 9 CFR 2.1 and has no direct violations for the previous two (2) years.

(3) A dog breeder or broker that is subject to 9 CFR 2.1 and has no direct violations for the previous two (2) years.

(b) A retail pet store may sell dogs from a commercial dog breeder that is awaiting a final audit from the canine care certified program until June 30, 2025.

(c) A commercial dog broker may acquire dogs from a commercial dog breeder that is awaiting a final audit from the canine care certified program until June 30, 2025.

(d) A retail pet store shall have an opportunity to take corrective action under IC 15-21-5-6.5 before a local unit prevents a retail pet store from selling dogs due to a violation under this section.

(e) This section may not be construed to prohibit a unit from adopting an ordinance or regulating a retail pet store for:

- (1) inspections;
- (2) business licenses; or
- (3) other applicable local ordinances.

(f) Any ordinance that violates subsection (a) is void and unenforceable. An ordinance adopted before July 1, 2024, becomes void and unenforceable on July 1, 2024.

SECTION 30. IC 15-21-7-1, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) The board may enforce this article when the board determines that sufficient funds have been deposited in the commercial dog breeder and broker fund to permit enforcement.

(b) In enforcing this article, the board may:

- (1) seek injunctive relief;
- (2) issue an order of compliance notifying the commercial dog breeder, or commercial dog broker, **retail pet store, animal care facility, or animal rescue operation** of a violation and requiring corrective action by a certain date; and
- (3) impose a civil penalty of not more than:
 - (A) five hundred dollars (\$500) for a knowing violation;
 - (B) one thousand dollars (\$1,000) for an intentional violation; and
 - (C) five thousand dollars (\$5,000) for knowingly or



intentionally violating an injunction.

(c) The board may assess a civil penalty of ten thousand dollars (\$10,000) per day for each day a violation is not corrected, plus payment to the board for the costs incurred by the board as a direct consequence of prosecution of the violation. All civil penalties under this section shall be deposited in the commercial dog breeder and broker fund established by IC 15-21-3-3.

~~(c)~~ **(d)** The board may seek an injunction to prohibit a commercial dog breeder from registering with the board for not more than three (3) years.

~~(d)~~ **(e)** Subsection (a) does not prohibit the board from assisting a law enforcement agency in a criminal investigation.

SECTION 31. IC 15-21-7-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2. (a) Nothing in this article shall be construed to prohibit the board from exercising its statutory powers and duties conferred under IC 15-17-3.**

(b) The board may inspect and audit any:

- (1) commercial dog breeder;**
- (2) commercial dog broker;**
- (3) retail pet store;**
- (4) animal care facility; or**
- (5) animal rescue operation;**

that the board has reason to believe violates this article, or has reason to believe that a higher frequency of inspections is necessary for a high risk entity.

SECTION 32. IC 15-21-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 4. (a) A retail pet store operator that violates this article commits a deceptive act that is actionable by the attorney general or a consumer under IC 24-5-0.5-4 and is subject to the remedies and penalties under IC 24-5-0.5.**

(b) A retail pet store operator that misleads a consumer, by contract or otherwise, with the intent to evade the requirements of this article commits a deceptive act that is actionable by the attorney general or a consumer under IC 24-5-0.5-4 and is subject to the remedies and penalties under IC 24-5-0.5.

(c) Nothing in this article shall be construed to prevent a consumer from filing a complaint as provided under IC 24-5-0.5-4.

SECTION 33. IC 24-5-0.5-3, AS AMENDED BY P.L.34-2022, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3. (a) A supplier may not commit an unfair,**



abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

- (1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.
- (2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.
- (3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.
- (4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.
- (5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.
- (6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.
- (7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.
- (8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.
- (9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time



the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:



- (A) the name misrepresents the supplier's geographic location;
 - (B) the listing fails to identify the locality and state of the supplier's business;
 - (C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and
 - (D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.
- (16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:
- (A) the name misrepresents the supplier's geographic location;
 - (B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and
 - (C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.
- (17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.
- (18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.
- (19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.
- (20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).
- (21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.
- (22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.
- (23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.
- (24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.
- (25) A violation of IC 24-5-12 (concerning telephone



- solicitations), as set forth in IC 24-5-12-23.
- (26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.
- (27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.
- (28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.
- (29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.
- (30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.
- (31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.
- (32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.
- (33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.
- (34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.
- (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.
- (36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.
- (37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.
- (38) A violation of IC 24-5-15.5 (concerning collection actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- (39) A violation of IC 24-14 (concerning towing services), as set forth in IC 24-14-10-1.
- (40) A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.
- (41) A violation of IC 24-5-27 (concerning intrastate inmate calling services), as set forth in IC 24-5-27-27.
- (42) A violation of IC 15-21 (concerning sales of dogs by retail pet stores), as set forth in IC 15-21-7-4.**

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such



representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1412 — Concur

