

HOUSE BILL No. 1121

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-20-5; IC 15-21-1-1.

Synopsis: Sale of companion animals. Defines "companion animal" as a dog or cat. Defines "casual breeder" as a person who maintains at least five but not more than 20 unaltered female dogs that are at least 12 months of age and is recognized by a kennel society. Defines "hobby breeder" as a person who: (1) maintains not more than four unaltered female dogs that are at least 12 months of age; (2) only sells the offspring of the unaltered female dogs raised on the breeder's premises as pets or for exhibition; and (3) is recognized by a kennel society. Prohibits the adoption or enforcement of an ordinance or regulation prohibiting the sale of a companion animal in certain circumstances.

Effective: July 1, 2023.

Aylesworth

January 10, 2023, read first time and referred to Committee on Agriculture and Rural Development.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1121



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

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

1 SECTION 1. IC 15-20-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]:
4 **Chapter 5. Regulation of the Sale of Companion Animals**
5 **Sec. 1. As used in this chapter, "companion animal" means a**
6 **dog or cat.**
7 **Sec. 2. As used in this chapter, "kennel" means an establishment**
8 **that:**
9 (1) **operates for the:**
10 (A) **breeding;**
11 (B) **boarding;**
12 (C) **training; or**
13 (D) **sale;**
14 **of dogs; and**
15 (2) **may be liable for payment of a county option dog tax**
16 **under IC 6-9-39-3.**
17 **Sec. 3. (a) As used in this chapter, "retail pet store" means a**



1 **commercial enterprise that sells companion animals or companion**
 2 **animal accessories for profit.**

3 **(b) The term excludes a kennel.**

4 **Sec. 4. As used in this chapter, "unit" means a city (as defined**
 5 **by IC 36-1-2-3).**

6 **Sec. 5. (a) A unit may not adopt or enforce an ordinance or**
 7 **regulation that prohibits or effectively prohibits the sale of a**
 8 **companion animal by a retail pet store that acquires dogs from a:**

9 **(1) commercial dog broker or commercial dog breeder that is**
 10 **registered as required by IC 15-21-2-1;**

11 **(2) licensee (as defined in 9 CFR 1.1) that is subject to**
 12 **9 CFR 3.1; or**

13 **(3) casual breeder (as defined in IC 15-21-1-1(c)).**

14 **(b) This section does not apply to a unit's adoption or**
 15 **enforcement of an ordinance or regulation that enforces a state or**
 16 **federal law.**

17 SECTION 2. IC 15-21-1-1, AS AMENDED BY P.L.1-2010,
 18 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2023]: Sec. 1. (a) This article does not apply to:

20 (1) an animal shelter;

21 (2) a humane society;

22 (3) an animal rescue operation;

23 **(4) a casual breeder;**

24 ~~(4)~~ **(5) a hobby breeder;**

25 ~~(5)~~ **(6) a person who breeds at least seventy-five percent (75%) of**
 26 **the person's dogs as sport dogs for ~~hunting~~ sporting purposes; or**

27 ~~(6)~~ **(7) a person who breeds at least seventy-five percent (75%) of**
 28 **the person's dogs as:**

29 **(A) service dogs; or as**

30 **(B) dogs for use by the police or the armed forces;**

31 **(C) personal protection dogs;**

32 **(D) therapy dogs; and**

33 **(E) guide dogs.**

34 **(b) As used in this section, "animal rescue operation" means a**
 35 **person or organization:**

36 **(1) that accepts within one (1) year:**

37 **(A) more than twelve (12) dogs; or**

38 **(B) more than nine (9) dogs and more than three (3) unweaned**
 39 **litters of puppies;**

40 **that are available for adoption for human companionship as pets**
 41 **or as companion animals in permanent adoptive homes and that**
 42 **are ~~maintained~~ in a private residential dwelling; or**



- 1 (2) that uses a system of private residential dwellings as foster
2 homes for the dogs.
3 The term does not include a person or organization that breeds dogs.
4 (c) As used in this section, "~~hobby breeder~~" "**casual breeder**"
5 means a person who:
6 (1) maintains ~~fewer than~~ **at least five (5) but not more than**
7 twenty (20) unaltered female dogs that are at least twelve (12)
8 months of age; **and**
9 (2) **is recognized by a kennel society.**
10 (d) As used in this section, "hobby breeder" means a person
11 who:
12 (1) **maintains not more than four (4) unaltered female dogs**
13 **that are at least twelve (12) months of age;**
14 (2) **only sells the offspring of the unaltered female dogs raised**
15 **on the breeder's premises:**
16 (A) as pets; or
17 (B) for exhibition; and
18 (3) **is recognized by a kennel society.**

