

116TH CONGRESS  
2D SESSION

# H. R. 5715

To improve honesty in pet sales, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Mr. CRIST (for himself and Mr. RESCHENTHALER) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve honesty in pet sales, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Petfax Act of 2020”.

5 **SEC. 2. PROVISION OF INFORMATION TO PURCHASERS OF**

6 **DOGS AND CATS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMMISSION.—The term “Commission”  
9 means the Federal Trade Commission.

1           (2) COVERED DOG OR CAT.—The term “covered  
2 dog or cat” means a dog or cat bred and raised by  
3 any dealer that is required to be licensed under sec-  
4 tion 3 of the Animal Welfare Act (7 U.S.C. 2133).

5           (3) COVERED SELLER.—

6           (A) IN GENERAL.—The term “covered sell-  
7 er” means—

8                   (i) a dealer;

9                   (ii) a retail pet store; and

10                   (iii) any other person that sells, or of-  
11 fers for sale, dogs or cats, including  
12 through the internet, for compensation or  
13 profit other than on an intermittent basis.

14           (B) EXCLUSION.—The term “covered sell-  
15 er” does not include—

16                   (i) a public animal shelter; or

17                   (ii) an organization—

18                           (I) described in section 501(c)(3)  
19 of the Internal Revenue Code of 1986  
20 and exempt from taxation under  
21 501(a) of that Code; and

22                           (II) that is involved in bona fide  
23 animal adoption or rescue activities.

1           (4) DEALER.—The term “dealer” has the  
2 meaning given the term in section 2 of the Animal  
3 Welfare Act (7 U.S.C. 2132).

4           (5) FINANCIAL CONSIDERATION.—The term “fi-  
5 nancial consideration” means any payment, includ-  
6 ing a donation, but does not include—

7                   (A) a payment made to a public animal  
8 shelter; or

9                   (B) a payment that is made solely to reim-  
10 burse a person for the costs of caring for a dog  
11 or cat.

12           (6) PURCHASER.—The term “purchaser”  
13 means a person that—

14                   (A) is not a dealer; and

15                   (B) purchases a covered dog or cat.

16           (b) REQUIREMENT.—A covered seller may not sell,  
17 or offer for sale, a covered dog or cat, including through  
18 the internet, unless, before the purchase of the covered  
19 dog or cat, the covered seller provides to the purchaser,  
20 in a form prescribed by the Commission—

21                   (1) information relating to the source of the  
22 covered dog or cat, including—

23                           (A) the name, address, telephone number,  
24 and Department of Agriculture license or reg-  
25 istration number (if such a number exists) of—

1 (i) the dealer that bred and raised the  
2 covered dog or cat, and—

3 (I) the number of dogs and cats  
4 bred by such dealer during the prior  
5 2 years; and

6 (II) the number of dogs and cats  
7 sold by such dealer during the prior 2  
8 years;

9 (ii) the covered seller that acquired  
10 the covered dog or cat from the dealer de-  
11 scribed in clause (i), if any; and

12 (iii) each covered seller that acquired  
13 the covered dog or cat thereafter, if any;  
14 and

15 (B) a listing and description of each viola-  
16 tion of the Animal Welfare Act (7 U.S.C. 2131  
17 et seq.), if any, during the prior 2 years by each  
18 dealer and covered seller described in clauses  
19 (i), (ii), and (iii) of subparagraph (A), as appli-  
20 cable; and

21 (2) information relating to the health history of  
22 the covered dog or cat, including—

23 (A) the date of birth of covered dog or cat;

1 (B)(i) if the covered dog or cat has re-  
2 ceived individual examinations by a licensed vet-  
3 erinarian—

4 (I) the most recent date on which the  
5 covered cat or dog received an individual  
6 examination by a licensed veterinarian; and

7 (II) the name, address, telephone  
8 number, and State license number (if such  
9 a number exists) of the licensed veteri-  
10 narian described in subclause (I); or

11 (ii) if the covered dog or cat has not re-  
12 ceived an individual examination by a licensed  
13 veterinarian, a statement that the covered dog  
14 or cat has not received an examination by a li-  
15 censed veterinarian; and

16 (C) a list of—

17 (i) each vaccine administered to the  
18 covered dog or cat;

19 (ii) each congenital deformity, disease,  
20 disorder, or condition that the covered sell-  
21 er knows, or should reasonably know, af-  
22 fects the covered dog or cat; and

23 (iii) each infectious disease, disorder,  
24 or condition that the covered seller knows,

1                   or should reasonably know, affects the cov-  
2                   ered dog or cat.

3           (c) TRANSFERS.—A covered seller providing to an-  
4 other covered seller a covered dog or cat that will ulti-  
5 mately be sold to a purchaser shall provide to the other  
6 covered seller the information described in subsection (b).

7           (d) APPLICATION TO NON-PROFIT SELLERS.—Any  
8 organization described in subsection (a)(3)(B)(ii) that ac-  
9 quires a dog or cat in exchange for financial consideration  
10 shall disclose to any person seeking to acquire such dog  
11 or cat from such organization in exchange for financial  
12 consideration—

13                   (1) the fact that such organization acquired  
14 such dog or cat in exchange for financial consider-  
15 ation and the amount of such consideration; and

16                   (2) the name of the person from which the or-  
17 ganization acquired such dog or cat (if known to the  
18 organization).

19           (e) REGULATIONS.—

20                   (1) IN GENERAL.—Not later than 180 days  
21 after the date of enactment of this Act, the Commis-  
22 sion shall promulgate regulations under section 553  
23 of title 5, United States Code, to carry out this sec-  
24 tion.

1           (2) REQUIREMENTS.—The regulations under  
2 paragraph (1) shall—

3           (A) include the manner and method by  
4 which the information described in subsection  
5 (b) may be provided to a potential purchaser  
6 under that subsection, or to another covered  
7 seller under subsection (c), as applicable, to  
8 comply with this section; and

9           (B) provide that a covered seller that uses  
10 a different manner or method than the manner  
11 and method described in subparagraph (A) to  
12 provide the information described in subsection  
13 (b) to a potential purchaser under that sub-  
14 section, or to another covered seller under sub-  
15 section (c), as applicable, may not be deter-  
16 mined to be in noncompliance with this section  
17 solely because of the manner and method used.

18          (f) EFFECT.—Nothing in this section shall preempt  
19 any State or local law.

20 **SEC. 3. UNFAIR OR DECEPTIVE ACTS OR PRACTICES WITH**  
21 **RESPECT TO THE SALE OF ANIMALS FOR USE**  
22 **AS PETS.**

23          (a) DEFINITIONS.—In this section:

1           (1) COMMISSION; COVERED SELLER.—The  
2 terms “Commission” and “covered seller” have the  
3 meanings given those terms in section 2.

4           (2) HIGH-VOLUME BREEDER.—The term “high-  
5 volume breeder” means any person that—

6                   (A) is engaged in the breeding of dogs or  
7 cats; and

8                   (B)(i) is required to be licensed as a dealer  
9 under section 3 of the Animal Welfare Act (7  
10 U.S.C. 2133);

11                   (ii) keeps on the premises of the person  
12 not fewer than 4 breeding dogs or cats; or

13                   (iii) during a 1-year period, sells not fewer  
14 than 25 dogs or cats that were bred on the  
15 premises of the person.

16 (b) UNLAWFUL ACTIVITY.—

17           (1) IN GENERAL.—It is unlawful to engage in  
18 an unfair or deceptive act or practice with respect to  
19 any sale of an animal for use as a pet.

20           (2) MISREPRESENTATIONS RELATING TO THE  
21 SOURCE OF DOGS AND CATS.—It is a violation of  
22 paragraph (1) for a covered seller, in selling, or ne-  
23 gotiating the purchase or sale of, a dog or cat, to  
24 misrepresent where the dog or cat was bred or the

1 source from which the covered seller acquired the  
2 dog or cat, including by misrepresenting whether—

3 (A) a high-volume breeder bred the dog or  
4 cat; or

5 (B) the covered seller acquired the dog or  
6 cat from a high-volume breeder.

7 (3) VIOLATION OF REQUIREMENT TO PROVIDE  
8 CERTAIN INFORMATION.—It is a violation of para-  
9 graph (1) for a covered seller to sell a dog or cat  
10 in violation of section 2 on or after the date that is  
11 60 days after the date on which the Commission  
12 promulgates regulations under subsection (e)(1) of  
13 that section.

14 (c) ENFORCEMENT BY THE COMMISSION.—

15 (1) IN GENERAL.—This section shall be en-  
16 forced by the Commission under the Federal Trade  
17 Commission Act (15 U.S.C. 41 et seq.).

18 (2) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
19 TICES.—A violation of this section shall be treated  
20 as a violation of a rule defining an unfair or decep-  
21 tive act or practice prescribed under section  
22 18(a)(1)(B) of the Federal Trade Commission Act  
23 (15 U.S.C. 57a(a)(1)(B)).

24 (3) ACTIONS BY THE COMMISSION.—

1 (A) IN GENERAL.—The Commission shall  
2 prevent any person from violating this section  
3 in the same manner, by the same means, and  
4 with the same jurisdiction, powers, and duties  
5 as though all applicable terms and provisions of  
6 the Federal Trade Commission Act (15 U.S.C.  
7 41 et seq.) were incorporated into and made a  
8 part of this section.

9 (B) PRIVILEGES AND IMMUNITIES.—Any  
10 person who violates this section shall be subject  
11 to the penalties and entitled to the privileges  
12 and immunities provided under the Federal  
13 Trade Commission Act (15 U.S.C. 41 et seq.).

14 (d) EFFECT.—

15 (1) AUTHORITY PRESERVED.—Nothing in this  
16 section shall be construed to limit the authority of  
17 the Commission, the Secretary of Commerce, or the  
18 Secretary of Agriculture under any other provision  
19 of law.

20 (2) PREEMPTION.—Nothing in this section shall  
21 preempt any State or local law.

22 **SEC. 4. PUBLIC AVAILABILITY OF REGULATORY RECORDS.**

23 Notwithstanding any other provision of law, not later  
24 than 90 days after the date of enactment of this Act, the  
25 Secretary of Agriculture (referred to in this section as the

1 “Secretary”) shall maintain and promptly make available  
2 to the public in an online searchable database in a ma-  
3 chine-readable format on the website of the Department  
4 of Agriculture information relating to the administration  
5 of the Animal Welfare Act (7 U.S.C. 2131 et seq.) and  
6 the Horse Protection Act (15 U.S.C. 1821 et seq.), includ-  
7 ing—

8 (1) the entirety of each report of any inspection  
9 conducted, and record of any enforcement action  
10 taken, at any time under—

11 (A) either of those Acts; or

12 (B) any regulation issued under those  
13 Acts;

14 (2) with respect to the Animal Welfare Act—

15 (A) the entirety of each annual report sub-  
16 mitted by a research facility under section 13 of  
17 that Act (7 U.S.C. 2143); and

18 (B) the name, address, and license or reg-  
19 istration number of each research facility, ex-  
20 hibitor, dealer, and other person or establish-  
21 ment—

22 (i) licensed by the Secretary under  
23 section 3 or 12 of that Act (7 U.S.C.  
24 2133, 2142); or

1 (ii) registered with the Secretary  
2 under section 6 of that Act (7 U.S.C.  
3 2136); and

4 (3) with respect to the Horse Protection Act,  
5 the name and address of—

6 (A) any person that is licensed to conduct  
7 any inspection under section 4(c) of that Act  
8 (15 U.S.C. 1823(c)); or

9 (B) any organization or association that is  
10 licensed by the Department of Agriculture to  
11 promote horses through—

12 (i) the showing, exhibiting, sale, auc-  
13 tion, or registry of horses; or

14 (ii) the conduct of any activity that  
15 contributes to the advancement of horses.

16 **SEC. 5. PROHIBITION ON ISSUING LICENSES TO CERTAIN**  
17 **PERSONS AS A RESULT OF LICENSE REVOCA-**  
18 **TION.**

19 (a) DEFINITION OF IMMEDIATE FAMILY MEMBER.—  
20 Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is  
21 amended by adding at the end the following:

22 “(p) The term ‘immediate family member’ means,  
23 with respect to a dealer—

1           “(1) a spouse, domestic partner, child, parent,  
2           brother, sister, grandparent, or grandchild of the  
3           dealer; and

4           “(2) a spouse or domestic partner of a child,  
5           parent, brother, sister, grandparent, or grandchild of  
6           the dealer.”.

7           (b) PROHIBITION ON ISSUING LICENSES TO CERTAIN  
8           PERSONS AS A RESULT OF LICENSE REVOCATION.—Sec-  
9           tion 3 of the Animal Welfare Act (7 U.S.C. 2133) is  
10          amended—

11           (1) by striking the section designation and all  
12           that follows through “The Secretary shall” and in-  
13           serting the following:

14          **“SEC. 3. LICENSES.**

15           “(a) IN GENERAL.—The Secretary shall”;

16           (2) in subsection (a) (as so designated), in the  
17           first sentence, in the first proviso—

18                   (A) by inserting “or renewed” after  
19                   “issued”; and

20                   (B) by striking “demonstrated that his fa-  
21                   cilities” and inserting “demonstrated through  
22                   facility inspection that the facilities”; and

23           (3) by adding at the end the following:

1       “(b) PROHIBITION ON ISSUING LICENSES TO CER-  
2 TAIN PERSONS AS A RESULT OF LICENSE SUSPENSION  
3 OR REVOCATION.—

4           “(1) IN GENERAL.—The Secretary shall not  
5 issue or renew a license for the purpose of being a  
6 dealer of dogs or cats to a person who is an imme-  
7 diate family member of, or who resides at the same  
8 address of, a dealer of dogs or cats if—

9           “(A) the license is for purposes of oper-  
10 ating a facility for dogs or cats at a location  
11 that the dealer has used as a facility for dogs  
12 or cats; and

13           “(B) within the last 10 years, a license of  
14 that dealer has been suspended after notice and  
15 opportunity for hearing or revoked pursuant to  
16 section 19(a).

17           “(2) EXCEPTION.—Paragraph (1) shall not  
18 apply to a person described in that paragraph if that  
19 person shows by clear and convincing evidence that  
20 a dealer described in that paragraph—

21           “(A) will have no ownership interest in the  
22 facility for which that person seeks a license;

23           “(B) will play no role in the care of dogs  
24 or cats at the facility; and

1           “(C) will play no role in the management  
2           of the facility.

3           “(c) PROHIBITION ON ISSUING LICENSES TO CER-  
4 TAIN LEGAL ENTITIES AS A RESULT OF LICENSE SUS-  
5 PENSION OR REVOCATION.—

6           “(1) IN GENERAL.—The Secretary shall not  
7           issue or renew a license for the purpose of being a  
8           dealer of dogs or cats to any person that is a part-  
9           nership, firm, joint stock company, corporation, as-  
10          sociation, trust, estate, or other legal entity if any  
11          person who holds an ownership interest in the part-  
12          nership, firm, joint stock company, corporation, as-  
13          sociation, trust, estate, or other legal entity—

14                  “(A) previously held a license for purposes  
15                  of operating a facility for dogs or cats at the  
16                  same address of the facility for which the li-  
17                  cense is being sought; and

18                  “(B) within the last 10 years, that license  
19                  has been suspended after notice and oppor-  
20                  tunity for hearing or revoked pursuant to sec-  
21                  tion 19(a).

22           “(2) EXCEPTION.—Paragraph (1) shall not  
23           apply to a person seeking the issuance or renewal of  
24           a license described in that paragraph if that person  
25           shows by clear and convincing evidence that a per-

1 son who previously held a license for purposes of op-  
2 erating a facility for dogs or cats described in sub-  
3 paragraph (A) of that paragraph—

4 “(A) will play no role in the care of dogs  
5 or cats at the facility; and

6 “(B) will play no role in the management  
7 of the facility.

8 “(d) 10-YEAR BAR FOR SUSPENSION OR REVOCATION OF A LICENSE OF A DEALER OF DOGS OR CATS.—  
9 TION OF A LICENSE OF A DEALER OF DOGS OR CATS.—  
10 The Secretary shall not issue or renew a license for the  
11 purpose of being a dealer of dogs or cats to a person if—

12 “(1) within the last 10 years, a license for the  
13 purpose of being a dealer of dogs or cats of that per-  
14 son has been suspended after notice and opportunity  
15 for hearing or revoked pursuant to section 19(a);  
16 and

17 “(2) the license is for purposes of operating a  
18 facility for dogs or cats at a location that the person  
19 has used as a facility for dogs or cats.”.

20 (e) REVOCATION OF IMPROPERLY GRANTED LI-  
21 CENSES.—Section 19 of the Animal Welfare Act (7 U.S.C.  
22 2149) is amended by adding at the end the following:

23 “(e) REVOCATION OF IMPROPERLY GRANTED LI-  
24 CENSES.—The Secretary shall revoke a license issued after  
25 the date of enactment of this subsection if the Secretary

1 subsequently determines that, at the time of issuance, the  
2 issuance of the license violated section 3.”.

3 (d) REGULATIONS.—

4 (1) IN GENERAL.—The Secretary of Agriculture  
5 may prescribe such regulations as the Secretary of  
6 Agriculture determines to be necessary to implement  
7 the amendments made by this section.

8 (2) DEADLINE.—Any regulations under para-  
9 graph (1) shall be prescribed not later than 1 year  
10 after the date of enactment of this Act.

○