

Amendment No. 373

Assembly Amendment to Assembly Bill No. 246

(BDR 50-747)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DPR/JRS



Date: 4/16/2013

A.B. No. 246—Prohibits the sale or transfer of ownership of a live animal at a swap meet. (BDR 50-747)



ASSEMBLY BILL NO. 246—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

MARCH 13, 2013

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Prohibits the sale or transfer of ownership of a live animal at a swap meet ~~+~~ under certain circumstances. (BDR 50-747)

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: No.

~

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

AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet ~~+~~ under certain circumstances; providing ~~an exception~~ exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for operators, retailers and dealers of dogs and cats concerning the care of those dogs and cats, including, without limitation, requirements for buildings, enclosures, outdoor facilities, floor space, food and water, sanitation and examinations by veterinarians. (NRS 574.360-574.510) This bill prohibits a person ~~+~~ other than a nonprofit organization that was formed for animal welfare purposes, from selling, attempting to sell, offering for adoption or transferring ownership of a live animal at a swap meet ~~+~~ A person who violates that prohibition is guilty of a misdemeanor. ~~This bill also requires a nonprofit organization which sells a live animal or offers a live animal for adoption to provide proof that the animal has been sterilized and that the animal's immunizations are current,~~ unless: (1) the swap meet is conducted in a county or incorporated city in this State which has adopted an ordinance authorizing the sale of a live animal at a swap meet; (2) the person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and (3) the ordinance adopted by the county or incorporated city is substantially similar to those provisions of existing law, but is applicable to all animals for sale and all persons who sell, attempt to sell, or offer for adoption or transfer ownership of an animal at a swap meet. This bill does not apply to the transfer or sale of livestock or to the adoption of a cat or dog at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code.

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 a new section to read as follows:

1. ~~1.4~~ Except as otherwise provided in subsection 2, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.

2. ~~The provisions of this section do not apply to a bona fide nonprofit organization formed for animal welfare purposes that sells or offers for adoption a cat, dog or rabbit at a swap meet. For each animal sold or offered for adoption, the nonprofit organization shall, upon request by the operator of the swap meet, a law enforcement officer or an officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040, provide the appropriate documentation, including, without limitation, a record of current immunizations and proof that the animal has been sterilized.~~ A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive.

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(c) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Sell" means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

~~1.6~~ (c) "Swap meet" means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.