SPONSOR: Rep. K. Williams & Rep. Neal & Sen. Walsh
Reps. Morrison, Snyder-Hall, Ross Levin, Lambert, Gorman, Chukwuocha, Berry, Griffith; Sens. Cruce, Hansen, Sturgeon, Hoffner

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 131
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 6 AND 16 OF THE DELAWARE CODE RELATING TO PET STORES AND ANIMAL WELFARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subtitle II, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 40A. RETAIL PET STORES

§ 4001A. Definitions.

For purposes of this chapter:

(1) "Animal rescue" means a nonprofit organization that is tax exempt under the United States Internal Revenue Code, 26 U.S.C. § 501(c)(3) as amended, whose mission and practice is the rescue and placement of animals into permanent homes. An "animal rescue" does not include an organization that obtains animals from breeders or brokers for compensation.

(2) "Animal shelter" means a public or private facility which includes a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals and is operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" does not mean individuals providing temporary foster care to animals in their home or animal rescue groups sheltering animals on an individual's private property.

(3) "Breeder" means any person who breeds and raises dogs or cats to sell, exchange, or otherwise transfer to the public. A "breeder" does not include an individual who sells a single litter of puppies or kittens or any part of a single litter during a calendar year. A "breeder" does not include an animal shelter, or animal rescue.

(4) "Broker" means a person, firm, corporation, or organization who transfers dogs or cats for resale by another person to be sold as household pets.

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(5) “Consumer” means any person purchasing a dog or cat not for the purpose of resale.

(6) a. “Retail pet store” means any premises where domestic animals, to be kept as household pets, are sold, or offered or maintained for sale, on a retail basis. “Retail pet store” includes flea markets, farmer’s markets, and any temporary or permanent structures where domestic animals, to be kept as household pets, are sold or auctioned off for profit.

b. “Retail pet store” does not mean any of the following:

1. A premises that keeps, sells, or offers for sale domestic animals to be kept as household pets that are produced and raised on such premises and are sold, offered, or maintained for sale directly to a consumer, by a person who resides on such premises.

2. A premises that sells only a single litter of puppies or kittens or any part of a single litter during a calendar year.

3. An animal shelter or animal rescue.

§ 4002A. Retail pet stores; brokers; prohibitions.

(a) Except as provided under subsection (c) of this section, a retail pet store may not sell, lease, offer to sell, offer to lease, barter, auction, transfer ownership of, or dispose of any cats or dogs.

(b) This section does not prohibit a retail pet store from collaborating with animal shelters or animal rescues to offer space for these entities to showcase cats or dogs for adoption. If a retail pet store collaborates with an animal shelter or animal rescue, the retail pet store owner or operator shall ensure the following:

(1) No animal showcased by the animal shelter or animal rescue has been purchased by the animal shelter or animal rescue.

(2) The retail pet store owner or operator shall have no financial interest in the adoption of the animals from the animal shelter or animal rescue.

(c) Subsection (a) of this section does not apply to a retail pet store if the retail pet store sold, leased, offered for sale, offered for lease, bartered, auctioned, transferred ownership of, or disposed of dogs for at least 1 year before [the effective date of this Act] and meets all of the following:

(1) Has maintained a retail dog outlet license for at least 1 year before [the effective date of this Act].

(2) Maintains the same ownership as on [the effective date of this Act].

(3) On and after [the effective date of this Act], ensures that a breeder from which the retail pet store obtains a dog meets all of the following, even if the dog was obtained indirectly through a broker:

a. Hold a Class A United States Department of Agriculture license.

b. Has not received a direct or critical violation or 3 or more indirect nonadministrative violations from the United States Department of Agriculture within 3 years before the retail pet store obtains the dog.

(4) On and after [the effective date of this Act], ensures that a broker from which the retail pet store obtains a dog meets all of the following:

a. Hold a Class B United States Department of Agriculture license.

b. Has not received a direct or critical violation or 3 or more indirect nonadministrative violations from the United States Department of Agriculture within 3 years before the retail pet store obtains the dog.

(5) On and after [the effective date of this Act], the retail pet store discloses all of the following for each dog offered for sale by the retail pet store:

a. The United States Department of Agriculture license number of the breeder of that dog.

b. If applicable, the United States Department of Agriculture license number of the broker that facilitated the transfer of that dog from the breeder to the retail pet store.

(6) The retail pet store provides the disclosure required under paragraph (c)(5) of this section by doing all of the following:

a. Clearly and conspicuously displaying the disclosure on or near the dog's enclosure.

b. Providing the disclosure to a consumer before the completion of the sale of the dog to the consumer.

(7) The retail pet store maintains records providing proof of paragraph (c)(3) of this section and, if applicable, paragraph (c)(4) of this section for each dog for at least 3 years after each purchase and provides the records to the Office of Animal Welfare on request during inspections under § 3043F of Title 16.

(8) After [the effective date of this Act] and on or before June 1 and December 1 of each year, the retail pet store sends to the Office of Animal Welfare a list of all the breeders and brokers the retail pet store obtained a dog from in the 6 months preceding June 1 and December 1.

a. The list must include the full name, address, and United States Department of Agriculture license number of each breeder and broker.

b. The breeder of each dog must be disclosed even if the dog was obtained indirectly through a broker.

c. The Office of Animal Welfare shall post on the Office's website a list submitted under this paragraph (c)(8) within 14 calendar days of the submission of the list.

§4003A. Violations.

(a)(1) A violation of this chapter is civil offense.

(2) A retail pet store that is found in violation of this chapter is to be assessed a civil penalty of $500 for each violation of this chapter.

(3) Each sale, lease, offer for sale, offer for lease, barter, auction, transfer of ownership, or disposition of a dog or cat in violation of § 4002A(a) of this title is a separate violation of this chapter.

(4) Each day a retail pet store operating under § 4002A(c) of this title is found responsible for operating in violation of § 4002A(c) of this title is a separate violation of this chapter.

(b) The Office of Animal Welfare within the Department of Health and Social Services shall enforce the provisions of this chapter pursuant to subchapter III of Chapter 30F of Title 16.

(c) If a retail pet store operating under § 4002A(c) of this title is found responsible for operating in violation of § 4002A(c) of this title, the Secretary of the Department of Health and Social Services may suspend or revoke the authority for the retail pet store to operate under § 3042F of Title 16.

Section 2. Amend § 3031F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3031F. Powers, duties, and functions of animal welfare officers of the Department of Health and Social Services and the Department of Agriculture [Effective Oct. 9, 2025].

(a) The Office of Animal Welfare within the Department of Health and Social Services shall enforce all animal cruelty laws in the State, except in cases of domestic agricultural animals specified in § 101(8) of Title 3, where the Department of Agriculture shall have primary enforcement authority. In cases of imminent danger, the Office of Animal Welfare and the Department of Agriculture shall have concurrent jurisdiction to seize and impound an animal and take any other necessary step to alleviate the imminent danger or preserve evidence.

(b) The Office of Animal Welfare within the Department of Health and Social Services shall enforce all dog control, dog barking laws, dangerous ~~dog~~ dog, retail pet store, and animal fighting laws, and laws concerning the maintenance of a dangerous animal in the State.

(c) The Office of Animal Welfare is a "law-enforcement agency" for purposes of § 8901B of Title 11 and any other purpose relating to communication and access to criminal justice information.

(d) Animal welfare officers of the Office of Animal Welfare or Department of Agriculture shall be trained and certified pursuant to § 122(3)bb. of this title.

(e) Animal welfare officers of the Office of Animal Welfare shall have the power to investigate, search, seize, detain and arrest when investigating and enforcing animal cruelty and fighting, dog control, dog barking, retail pet store, or dangerous animal laws.

(f) The Department of Agriculture shall have the power to investigate, search, seize and issue criminal summons when investigating and enforcing animal cruelty laws.

(g) Animal welfare officers of the Office of Animal Welfare and the Department of Agriculture shall have no police powers to investigate or enforce laws other than those related to animal cruelty or fighting, dog control, dog barking, retail pet store, or dangerous animal laws.

(h) Animal welfare officers of the Office of Animal Welfare or the Department of Agriculture shall not be permitted to carry firearms while on duty as such.

Section 3. Amend § 3033F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3033F. Fines and penalties [Effective Oct. 9, 2025].

~~penalties.~~

All fines, penalties, and forfeitures ~~and forfeitures,~~ imposed and collected in the State under every act relating to or affecting cruelty to animals, animal fighting, dog control, dog barking, retail pet stores, or dangerous animals, shall be remitted to the enforcing agency.

Section 4. Amend § 3034F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3034F. Service of process.

Any warrant, subpoena, summons, or other process issued in relation to animal cruelty and fighting, dog control, retail pet store, or dangerous animal laws may be directed to and executed by any trained and certified animal welfare officer of the Office of Animal Welfare.

Section 5. Amend § 3041F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3041F. Definitions.

As used in this subchapter:

(9) "Retail dog outlet" means any premises where dogs are sold, or offered or maintained for sale, on a retail ~~basis.~~ basis that meets the requirements under § 4002A(c) of Title 6. "Retail dog outlet" does not mean any of the following:

a. Dogs which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

b. The selling of a single litter of puppies or any part thereof during a calendar year.

c. Any publicly operated or private, charitable, or nonprofit animal shelter, pound, humane society, or animal rescue organization.

Section 6. Amend § 3042F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3042F. Fees for dog licenses; terms.

(g) A retail pet store, as defined under § 4001A of Title 6, may not be granted a retail dog outlet or kennel license, and may not sell, lease, offer to sell, offer to lease, barter, auction, transfer ownership of, or dispose of any dogs if the retail pet store does not meet the requirements under § 4002A(c) of Title 6.

Section 8. This Act takes effect 6 months after its enactment into law.