



MODEL LEGISLATION



Bill No. _____

AN ACT Regulating the Sale of Unweaned Birds

SECTION 1. Definitions

For purposes of this ACT:

- (a) “Bird” means any order of Psittaciformes bird.
- (b) “Bird mart” means an event at which two or more persons offer birds for sale or exchange and/or where a fee is charged for the privilege of offering or displaying the birds.
- (c) “Hand-feeding” means the process by which a bird is manually fed by a human through the use of hand, spoon, or oral gavage.
- (d) “Pet shop” means a retail pet shop location primarily engaged in retailing pets, pet foods, or pet supplies.
- (e) “Time of sale” means the calendar date the retail purchaser removed the bird from the premises of the pet shop following the retail sale of that bird.
- (f) “Unweaned bird” means any bird that requires hand-feeding or animal assistance to sustain at least 90 percent of its own weight for at least two weeks.
- (g) “Vendor” means any person or entity, including, but not limited to, a broker, agent, aviary, or breeder, who sells birds directly to the retail purchaser at a bird mart or at a swap meet.
- (h) “Weaned” means a bird that does not require hand-feeding or animal assistance to sustain at least 90 percent of its own weight following the time of sale, notwithstanding any illness or injury.

SECTION 2. Sale of Unweaned Birds

- (a) A pet shop may not sell a bird unless the bird is weaned.
- (b) A vendor may not sell a bird at a swap meet or bird mart, unless the bird is weaned.

(c) At the time of sale, a pet shop location or vendor shall document the weight of any hand-fed bird under one year of age, and note the weight on the sales receipt.

SECTION 3. Records

A pet shop or vendor shall maintain a written record on the health, status, disposition, age at time of acquisition and at sale of each bird for a period of not less than one year after disposition of the bird. These records shall be available to humane officers, animal control officers, and law enforcement officers for inspection during normal business hours.

SECTION 4. Exemptions

This chapter does not apply to publicly operated pounds and humane societies.

SECTION 5. Penalties

(a) Any person violating any provision of this chapter shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per violation. The action may be prosecuted in the name of the people of the State by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred.

(b) Nothing in this chapter limits or authorizes any act or omission that violates the state's anti-cruelty laws.

(c) Nothing in this chapter shall authorize the seizure of an unweaned bird by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency.