

# Mitigating the Risks of Aquatic Invasive Species in Commerce

## Legal Case Study: Pet Stores



### Introduction

The introduction and spread of aquatic invasive species (AIS) pose a threat to aquatic systems. One primary pathway that allows AIS to be moved and introduced to new ecosystems is commerce: the plant and animal trade. Reducing the risks of harmful AIS in trade requires the cooperation and collaboration of each party in the supply chain, including importers, producers, retailers, buyers, consumers, and state and federal agencies. The National Sea Grant Law Center developed a case study series to explore the current legal framework governing commercial trade of aquatic species and the challenges to mitigating risks from this pathway.

### Pathway Background

Pet stores are a critical source of the supply of live aquatic plants and animals for many consumers. For the purposes of this case study, pet stores are defined as physical, brick-and-mortar stores that customers can visit.<sup>1</sup> There are almost 18,000 pet stores in the United States with a projected revenue of \$24.5 billion by 2028.<sup>2</sup> Two large national chains, PetCo and PetSmart, dominate the market, but many pet stores are small businesses. The type of animals and supplies sold varies greatly by store. Some stores may sell only fish, while others may sell a variety of fish, small mammals, reptiles, and birds.

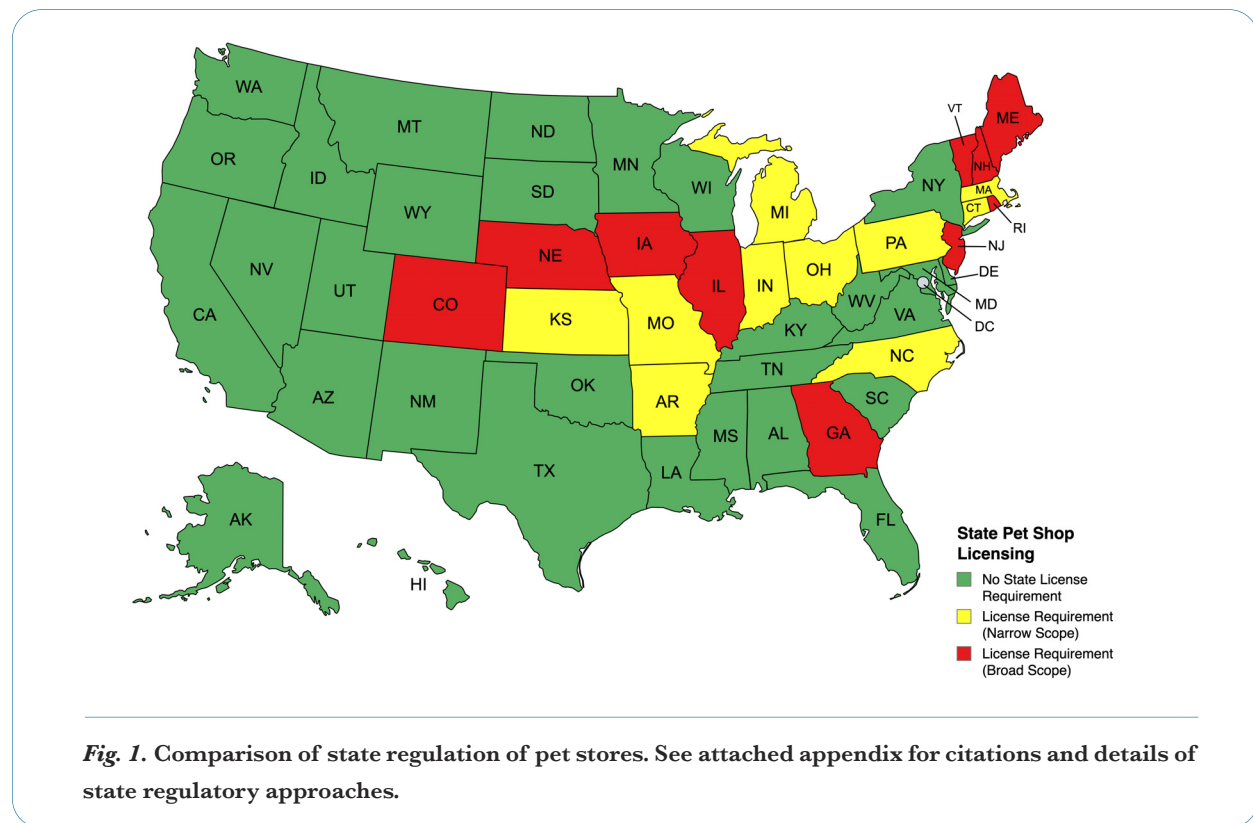
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<sup>1</sup> Pet stores, for the purposes of this case study, do not include e-commerce, or online only, retailers. It is important to note, however, that physical pet stores often have an online presence (e.g., a website) and may engage in some e-commerce sales.

<sup>2</sup> Emma Bedford, [Pet stores in the U.S. - statistics and facts, statistica](#) (Dec. 18, 2023).

The pet trade is linked to a number of high-profile AIS introductions in the United States, including red-eared sliders, goldfish, and lionfish. Owners may intentionally release their pets into the environment if they grow too big or become too difficult or expensive to take care of. Pets can accidentally escape backyard ponds or enclosures. Species can also be moved unintentionally if shipments are contaminated, as occurred in 2021 when zebra mussels were found in Marimo moss ball shipments from Europe. Moss balls are an algae species popular for use as aquarium decoration. As facilitators of the pet trade, pet stores are an important element of any effort to address AIS in commerce.

## Regulating Context



While all states have passed legislation or regulations restricting the import, sale, or possession of particular species frequently sold in pet stores, few states regulate pet stores directly. Just twenty states have statewide licensing requirements for pet stores, and half of those states limit the licensing requirements to retailers selling only specific animals, primarily dogs. Thirty states do not impose any pet store licensing requirement on the state level.

Ten states have broad pet store licensing requirements: Colorado, Georgia, Illinois, Iowa, Maine, Nebraska, New Hampshire, New Jersey, Rhode Island, and Vermont. The language used by each state varies, but typically a license is required from the state department of agriculture to operate a pet shop or as a pet dealer. In general, these state legislatures define pet stores by law as places where animals

are sold to the public with the term “animal” given an expansive definition. Nebraska, for example, defines a pet animal as “an animal kept as a household pet for the purpose of companionship, which includes, but is not limited to, dogs, cats, birds, fish, rabbits, rodents, amphibians, and reptiles.”<sup>3</sup> Licenses typically have to be renewed once a year and the annual fees range from \$50 to several hundred dollars.

Native American Tribes may also require licenses for pet shops operating on their Tribal lands. The Eastern Band of Cherokee Indians in North Carolina, for example, requires any person operating a pet shop to obtain both a Tribal business license and a license from the Animal Control Department.<sup>4</sup> Pet shop is defined as a “business establishment where animals, including but not limited to, dogs, cats, fish, birds, reptiles, amphibians or rodents are kept for sale.”<sup>5</sup>

Ten additional states have a statewide licensing requirement for pet shops or pet dealers, but the licensing requirement applies only to the sale of specific animals. The states with narrower licensing requirements are: Arkansas, Connecticut, Indiana, Kansas, Massachusetts, Michigan, Missouri, North Carolina, Ohio, and Pennsylvania. In these states, a license from the state department of agriculture is required to operate a pet shop that sells animals to the public, but the term animal is often defined to include only cats and dogs. Some states, like Massachusetts and Connecticut, include mammals, birds, and reptiles in their definition of pet shop but exclude fish.<sup>6</sup> Kansas includes fish in their definition of pet store, but pet stores that sell only fish are exempt from the licensing requirements.<sup>7</sup>

Regulation of pet shops primarily occurs on the local level. Examples of city and county ordinances requiring local permits and licenses for pet shops were found in almost every state without a statewide requirement.<sup>8</sup> Sandpoint, Idaho, for example, requires all pet store owners to obtain a pet store license from the city.<sup>9</sup> The licensing requirement applies to any store or entity that offers a pet animal for sale. Pet animal is defined as “any domesticated or tamed animal sold or retained for the purpose of being kept and cared for affectionately including, but not limited to, dogs, cats, rabbits, birds, guinea pigs, hamsters, mice, ferrets, nonvenomous reptiles, amphibians, turtles, and any other vertebrate animal sold and/or retained for the purpose of being kept as a household pet.”<sup>10</sup>

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<sup>3</sup> Neb. Rev. Stat. Ann. § 54-626(20).

<sup>4</sup> Eastern Band of Cherokee Indians Code of Ordinances, Sec. 19-13.

<sup>5</sup> *Id.* at 19-3.

<sup>6</sup> Mass. Gen. Laws Ann. ch. 129, § 1; Conn. Gen. Stat. Ann. § 22-344.

<sup>7</sup> Kan. Stat. Ann. § 47-1701(t)(2)(B).

<sup>8</sup> States with statewide licensing requirements often preempt local regulation of pet shops.

<sup>9</sup> Sandpoint, ID Code of Ordinances 5-4-20(A).

<sup>10</sup> *Id.* 5-4-1.

## **Regulating Pet Stores - Key Takeaways**

Regulatory licensing is a tool for states to hold businesses accountable for their activities and ensure their operations do not endanger public health or the environment. State laws requiring the licensing or registration of pet shops help the responsible agency determine the scope of the industry in their state, enforce restrictions on the import or sale of specific species, and create a directory of business contacts. Such directories provide a mechanism by which to communicate important information about regulatory changes or high-risk species.

Less than a quarter of the states have pet store licensing requirements that apply to the full range of pet animal sales. Increased interstate consistency in pet store regulation would enhance regulatory oversight of the industry, improve record-keeping and data collection, and support federal and state enforcement efforts. However, there is a need for collaboration among state AIS managers to determine the desired interstate policy objectives to guide potential licensing frameworks.

In the meantime, local governments are an untapped resource for addressing the pet store pathway. Local governments that require pet store licensing have knowledge of the stores within their jurisdictions, mechanisms to communicate directly with licensees, and enforcement tools such as inspections and license revocation that the states can leverage to reduce AIS risks. By developing collaborative partnerships with local governments, state agencies can share resources, information, and tools to implement more effective AIS programs.

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## **Appendix**

### **Summary of State Regulation of Pet Shops**

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#### **Alabama: *No State Licensing Requirement***

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#### **Alaska: *No State Licensing Requirement***

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#### **Arizona: *No State Licensing Requirement***

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#### **Arkansas: *State License Requirement (Narrow Scope)***

Retail pet stores must register annually with the Arkansas Department of Health. The initial registration fee is \$100 and the fee for each subsequent registration is \$50. The Department is required to maintain a list of registered retail pet stores and make such list available to the public upon request. Ark. Code Ann. § 4-97-104.

By statutory definition, the registration requirement is limited to stores that sell cats and dogs. “Retail pet store” means places in the state where “any animal is sold or kept, displayed, or offered for sale, to the public.” Animal means “a dog or cat of any age.” Ark. Code Ann. § 4-97-103.

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#### **California: *No State License Requirement***

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#### **Colorado: *State License Requirement (Broad Scope)***

Colorado requires any person operating a pet animal facility to have a valid license issued by Colorado Department of Agriculture. Colo. Rev. Stat. Ann. § 35-80-104. Each applicant must pay an annual license fee not to exceed \$700 per license. Colo. Rev. Stat. Ann. § 35-80-105. License fees are set by regulation and vary by type. The fee for an aquarium only animal facility is \$450. 8 Colo. Code Regs 1202-15:4.

“Pet animal facility” means any place or premises used to keep pet animals for the purposes of, among other things, selling, trading, or otherwise transferring such animals. Colo. Rev. Stat. Ann. § 35-80-102(11).

“Pet animal” is defined very broadly and includes “dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any other species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet.” Colo. Rev. Stat. Ann. § 35-80-102(10).

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#### **Connecticut: *State License Requirement (Narrow Scope)***

A license from the Connecticut Department of Agriculture is required to maintain a pet shop. The payment of a \$400 fee is required and licenses must be renewed biennially. Conn. Gen. Stat. Ann. § 22-344. Licenses must keep records of sales of dog, cats, and certain red-eared sliders. Regs. Conn. State Agencies § 22-344-51.

Pet shop is defined as “any place at which animals not born and raised on the premises are kept for the purpose of sale to the public.” Animal is defined broadly: “any brute creature, including, but not limited to, dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds and reptiles.” Conn. Gen. Stat. Ann. § 22-344. It is unclear whether a pet shop selling only fish would need a license. The list of animals set forth in the definition is non-exclusive and therefore could be interpreted to cover fish sold as pets, but may not be considered a “brute creature.”

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**Delaware: *No State License Requirement***

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**Florida: *No State License Requirement***

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**Georgia: *State License Requirement (Broad Scope)***

Georgia law prohibits any person from acting as a “pet dealer” unless they have a valid license issued by the Georgia Department of Agriculture. Licenses must be renewed each year. The Department is authorized to establish different fees for different classes of pet dealer licenses established, but the annual fee for any such license must be at least \$50.00 but no more than \$400.00. Ga. Code Ann. § 4-11-3. The standard Pet Dealer license fee is based upon gross volume of pet sales or set fee. Ga. Comp. R. & Regs. 40-13-13-.02.

A pet dealer is “any person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this state.” Ga. Code Ann. § 4-11-2. The Department of Agriculture has further defined “pet” in the context of pet dealer licenses as “any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, equine, fish, reptile, rodent, chinchilla, rabbit, hamster, guinea pig, or miniature pig.” Ga. Comp. R. & Regs. 40-13-13-.01(23).

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**Hawaii: *No State License Requirement***

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**Idaho: *No State License Requirement***

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**Illinois: *State License Requirement (Broad Scope)***

Illinois law prohibits the operation of a pet shop without a license from the Illinois Department of Agriculture. 225 Ill. Comp. Stat. Ann. 605/3. Licenses are issued for one-year terms and must be renewed each year in June. 225 Ill. Comp. Stat. Ann. 605/9.

The definition of “pet shop operator” is broad and “means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State at retail to the public.” 225 Ill. Comp. Stat. Ann. 605/2.

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**Indiana: *State License Requirement (Narrow Scope)***

Indiana requires retail pet stores to register with the State Board of Animal Health. Ind. Code Ann. § 15-21-3-2.3.

By statutory definition, the registration requirement is limited to stores that sell cats and dogs. Retail pet store “means a commercial enterprise that sells dogs from a place of business at which the seller, buyer, and dog are physically present so the buyer may observe the dog before purchasing or taking custody of that dog after purchase.” Ind. Code Ann. § 15-21-1-6.5.

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### **Iowa: State License Requirement (Broad Scope)**

A license from the Iowa Department of Agriculture & Land Stewardship is required to operate a pet shop. Iowa Code Ann. § 162.5. The fee for the issuance or renewal of the license as set forth in statute is \$175. Iowa Code Ann. § 162.2B.

Fish are excluded from the statutory definition of “pet shop”, but are included in the department regulations implementing the program. By statute, “pet shop” is defined as “a facility where vertebrate animals, *excluding fish*, not born and reared on the facility’s premises are bought, sold, exchanged, or offered for sale or exchange to the public, at retail.” Iowa Code Ann. § 162.2(19). (emphasis added). Department regulations, however, define “pet shop” as “an establishment where a dog, cat, rabbit, rodent, nonhuman primate, *fish other than live bait*, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale. Iowa Admin. Code r. 21-67.1 (emphasis added).

Department regulations also lower the economic threshold for when a license is required. The statutory definition of pet shop excludes facilities that receive less than \$1,000 for the sale or exchange of vertebrate animals during a 12-month period or exchange less than 12 animals during a 12-month period. Iowa Code Ann. § 162.2. Department regulations, however, require licensing for pet shops that receive more than \$500 from the sale or exchange of vertebrate animals during a 12 month period, or exchange more than six animals during a twelve-month period. Iowa Admin. Code r. 21-67.1.

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### **Kansas: State License Requirement (Narrow Scope)**

Kansas law requires pet shop operators be licensed by the Kansas Department of Agriculture. Kan. Stat. Ann. § 47-1703. Licenses are issued annually and fees are set by the Department, but may not exceed \$600 for pet shop operator license. Kan. Stat. Ann. § 47-1721.

A pet shop means any premises, with some exceptions, where animals are sold, or offered or maintained for sale, by a person who resides on such premises. Kan. Stat. Ann. § 47-1701(t)(1). Animal is defined broadly to mean “any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.” Kan. Stat. Ann. § 47-1701(d)(1). However, state law excludes “any premises where only fish are sold, or offered or maintained for sale.” Kan. Stat. Ann. § 47-1701(t)(2)(B). An aquarium store selling only fish would therefore not need to obtain a license.



### **Kentucky: No State License Requirement**

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### **Louisiana: No State License Requirement**

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### **Maine: State License Requirement (Broad Scope)**

Any person maintaining a pet shop in Maine must obtain a license from the Maine Department of Agriculture, Conservation & Forestry. The fee for a pet shop license is \$150. A person maintaining a pet shop must keep a record of each animal received, except for mice and fish. Me. Rev. Stat. tit. 7, § 3933

Pet shop is defined broadly and “means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.” Me. Rev. Stat. tit. 7, § 3907(23). The Maine Department of Inland Fisheries maintains an “[Unrestricted Species List](#)” that contains a list of species of fish and wildlife, including tropical fish and invertebrates that do not require certain state permits and may be traded by commercial pet shops. Code Me. R. tit. 09-137 Ch. 7, § 7.06

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### **Maryland: No State License Requirement**

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### **Massachusetts: State License Requirement (Narrow Scope)**

Pet shop operators must obtain a license from the Massachusetts Department of Agricultural Resources. Licenses are issued annually and fees are set by the department. Mass. Gen. Laws Ann. ch. 129, § 39A.

Pet shop is defined as “every place or premise where birds, mammals or reptiles are kept for the purpose of sale at either wholesale or retail, import, export, barter, exchange or gift.” Mass. Gen. Laws Ann. ch. 129, § 1. Fish are not listed; a store selling only fish would therefore not be required to obtain a license.

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### **Michigan: State License Requirement (Narrow Scope)**

Individuals operating pet shops must obtain a license from the Michigan Department of Agriculture and Rural Development. Mich. Comp. Laws Ann. § 287.333. Although pet shop is defined broadly as a “place where animals are sold or offered for sale, exchange, or transfer,” animal is defined very narrowly to mean “mammal except livestock . . . and rodents.” Mich. Comp. Laws Ann. § 287.331(a) and (d). Therefore, only pet shops selling mammals that are not livestock or rodents are required to obtain a license.

Pet shops selling live, non-native aquatic organisms in Michigan are required to annually register and report to the Michigan Department of Natural Resources. Mich. Comp. Laws Ann. § 324.41329. “Aquatic” organisms include an amphibian, crustacean, fish, mollusk, reptile, wiggler, or aquatic plant. Mich. Comp. Laws Ann. § 324.41301(b).



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**Minnesota: No State License Requirement**

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**Mississippi: No State License Requirement**

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**Missouri: State License Requirement (Narrow Scope)**

An annual license from the Missouri Department of Agriculture is required to operate a pet shop. Mo. Ann. Stat. § 273.327. The annual license fee for a pet shop is \$100, plus the annual pet shop per capita fee for every animal sold, traded, bartered, brokered, or given away, up to a maximum of \$2,500. Mo. Code Regs. Ann. tit. 2, § 30-9.020.

Pet shop is defined broadly as “any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public.” Mo. Ann. Stat. § 273.325 (16). Animal, however, is defined very narrowly and includes only dogs and cats. Mo. Ann. Stat. § 273.325(4). Pet shops selling other types of animals, such as reptiles and fish, do not need a license.

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**Montana: No State License Requirement**

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**Nebraska: State License Requirement (Broad Scope)**

To operate as a commercial dog or cat pet shop, a license is required. A pet shop shall only be subject to the Commercial Dog and Cat Operator Inspection Act. Neb. Rev. Stat. Ann. § 54-627 (West)

Pet shop operators must obtain a license from the Nebraska Department of Agriculture. There is an initial application fee of \$125 and annual fees must be paid each year. There is an annual fee schedule based on the number of cats and dogs harbored by the license over the previous year. The annual fee for a licensee not housing cats and dogs is \$150. Neb. Rev. Stat. Ann. § 54-627.

Pet shop is defined broadly as “a retail establishment which sells pet animals and related supplies.” Neb. Rev. Stat. Ann. § 54-626(21). Pet animal “means an animal kept as a household pet for the purpose of companionship, which includes, but is not limited to, dogs, cats, birds, fish, rabbits, rodents, amphibians, and reptiles. Neb. Rev. Stat. Ann. § 54-626(20).

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**Nevada: No State License Requirement**

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**New Hampshire: State License Requirement (Broad Scope)**

No pet vendor shall transfer animals or birds without a license from the New Hampshire Department of Agriculture, Markets & Food. Applications must be renewed annually and there is a \$200 annual fee. N.H. Rev. Stat. Ann. § 437:3.

“Pet vendor” is defined broadly and means anyone who transfers dogs, cats, ferrets, birds, amphibians, reptiles, fish, or small mammals customarily used as household pets over certain quantities. N.H. Rev. Stat. Ann. § 437:1. The annual thresholds for fish, reptiles, and amphibians that trigger licensing are as follows: 350 or more fish, 200 or more reptiles, and 200 or more amphibians.

N.H. Code Admin. R. Agr 1701.02. Fish and rodents that are typically sold for the purposes of being used to feed other species are not included in calculating the total numbers. N.H. Code Admin. R. Agr 1701.03.

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**New Jersey: *State License Requirement (Broad Scope)***

New Jersey requires operators of a pet shop to apply for a license through the municipality where the establishment is located. N.J. Stat. Ann. § 4:19-15.8. Licenses must be renewed annually and the annual license fee for a pet shop is \$10. N.J. Stat. Ann. § 4:19-15.9.

“Pet shop” is defined broadly and means a place of business where animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are sold to individuals for personal appreciation and companionship rather than for business or research purposes. N.J. Stat. Ann. § 4:19-15.1.

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**New Mexico: *No State License Requirement***

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**New York: *No State License Requirement***

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**North Carolina: *State License Required (Narrow Scope)***

A license from the North Carolina Department of Agriculture & Consumer Services is required to operate a pet shop. Licenses must be renewed annually and the license fee is \$75 for each license period. N.C. Gen. Stat. Ann. § 19A-27.

By statutory definition, the license requirement is limited to stores that sell cats and dogs. A pet shop is defined as a person or establishment selling animals bred by others to the general public at retail or wholesale. “Animal” is defined narrowly and includes only domestic dogs and cats. N.C. Gen. Stat. Ann. § 19A-23.

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**North Dakota: *No State License Requirement***

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**Ohio: *State License Required (Narrow Scope)***

Operators of pet stores in Ohio must obtain a license from the Ohio Department of Agriculture. There is a \$500 application fee and licenses must be renewed annually. Ohio Rev. Code Ann. § 956.21.

By statutory definition, the license requirement is limited to stores that sell dogs. “Pet store” means a retail store selling forty or more puppies or adult dogs in any calendar year to the public where the salesperson, buyer, and dog for sale are all physically present during the transaction. Ohio Rev. Code Ann. § 956.01.

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**Oklahoma: *No State License Requirement***

Marbled crayfish is included on Oklahoma’s list of “restricted exotic species.” The import and possession of restricted exotic species is prohibited. Okla. Admin. Code 800:20-1-2.

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**Oregon: *No State License Requirement***

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**Pennsylvania: *State License Required (Narrow Scope)***

A license from the Pennsylvania Department of Agriculture is required to operate a pet shop kennel selling dogs. The license fee is dependent upon the number of dogs sold per year, starting at \$100 and maxing out at \$950. 3 Pa. Stat. Ann. § 459-206 (West)

By statutory definition, the license requirement is limited to pet shops that sell dogs. A “pet shop-kennel” is any kennel or person that acquires and sells dogs for the purpose of resale, whether as owner, agent or consignee, and sells or offers to sell such dogs on a retail basis. 3 Pa. Stat. Ann. § 459-102.

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**Rhode Island: *State License Required (Broad Scope)***

A license from the Rhode Island Department of Environmental Management is required to operate a pet shop in the state. Licenses must be renewed annually and there is a fee of \$100 for each license period. 4 R.I. Gen. Laws Ann. § 4-19-5.

“Pet shop” is defined broadly and means a retail establishment where animals are bought, sold, or exchanged to the public. “Animal” means any dog or cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate, amphibian, fish, or reptile but does not include livestock animals or domestic fowl. 4 R.I. Gen. Laws Ann. § 4-19-2.

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**South Carolina: *No State License Requirement***

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**South Dakota: *No State License Requirement***

Marbled crayfish is unlisted in South Dakota. South Dakota’s list of aquatic invasive species includes only rusty and red swamp crayfish. S.D. Admin. R. 41:10:04:01.

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**Tennessee: *No State License Requirement***

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**Texas: *No State License Requirement***

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**Utah: *No State License Requirement***

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**Vermont: *State License Required (Broad Scope)***

Pet shops are required to be licensed by the State of Vermont through the Agency of Agriculture, Food, and Markets. Licenses must be renewed annually and the fee is \$175 for each license period. Vt. Stat. Ann. tit. 20, § 3906.

“Pet shop” is defined broadly and “means a place of retail or wholesale business, including a flea market, that is not part of a private dwelling, where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are maintained or displayed for the purpose of sale or exchange to the general public.” Vt. Stat. Ann. tit. 20, § 3901.

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**Virginia:** *No State License Requirement*

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**Washington:** *No State License Requirement*

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**West Virginia:** *No State License Requirement*

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**Wisconsin:** *No State License Requirement*

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**Wyoming:** *No State License Requirement*

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