



Senate

General Assembly

File No. 467

January Session, 2009

Substitute Senate Bill No. 499

Senate, April 6, 2009

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A PET LEMON LAW AND THE RELEASE OF RABIES VACCINATION RECORDS TO ANIMAL CONTROL OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-344b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) A pet shop or commercial kennel licensee shall, prior to offering
4 a dog or cat for sale and thereafter at intervals of fifteen days until such
5 dog or cat is sold, provide for examination of such dog or cat by a
6 veterinarian licensed under chapter 384. [The] Such licensee shall
7 maintain a record of the veterinary services rendered for each dog or
8 cat offered for sale.

9 (b) If, (1) within [fifteen] thirty days of sale, any such dog or cat
10 becomes ill or dies of any illness or (2) within six months of sale, any
11 such dog or cat is diagnosed with a congenital defect which existed in
12 such dog or cat at the time of the sale, such licensee shall, at the option
13 of the consumer, replace the dog or cat or refund in full the purchase

14 price of such dog or cat: [(1)] (A) In the case of illness or congenital
15 defect, upon return of the dog or cat to the pet shop and the receipt of
16 a certificate from a veterinarian licensed under chapter 384 and
17 selected by the consumer, stating that the dog or cat is ill from a
18 condition or suffers from a congenital defect which existed at the time
19 of sale, and [(2)] (B) in the case of death, the receipt of a certificate from
20 a veterinarian licensed under [said] chapter 384 and selected by the
21 consumer, stating that the dog or cat died from an illness which
22 existed at the time of sale. [Any] In addition to any refund of the
23 purchase price of such dog or cat, the costs for services and
24 medications provided by a licensed veterinarian incurred by the
25 consumer [for such illness] shall be reimbursed to the consumer by
26 such licensee in an amount not to exceed [two] five hundred dollars.
27 The presentation of such certificate shall be sufficient proof to claim
28 reimbursement or replacement and the return of such deceased dog or
29 cat to the pet shop shall not be required. No such refund or
30 replacement shall be made if such illness or death resulted from
31 maltreatment or neglect by a person other than the licensee, his or her
32 agent or employee.

33 (c) A licensee who violates any provision of this section shall forfeit
34 to the state a sum not to exceed five hundred dollars for each animal
35 which is the subject of the violation. The Attorney General, upon
36 complaint of the commissioner, may institute a civil action in the
37 superior court for the judicial district of Hartford to recover the
38 forfeiture specified in this section.

39 Sec. 2. Section 22-354 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective July 1, 2009*):

41 (a) Any dog or cat imported into this state shall be accompanied by
42 a certificate of health issued no earlier than thirty days prior to the date
43 of importation by a licensed, graduate veterinarian stating that such
44 dog or cat is free from symptoms of any infectious, contagious or
45 communicable disease, and that such dog or cat, if three months of age
46 or older, is currently vaccinated for rabies by a licensed veterinarian. A

47 copy of such health certificate shall be forwarded promptly to the
48 commissioner from the livestock sanitary official of the state of origin.
49 Any dog or cat originating from a rabies quarantine area must have
50 permission of the State Veterinarian prior to importation into this state.
51 No person, firm or corporation shall import or export for the purposes
52 of sale or offering for sale any dog or cat under the age of eight weeks
53 unless such dog or cat is transported with its dam and no person, firm
54 or corporation shall sell within the state any dog or cat under the age
55 of eight weeks. Any person, firm or corporation violating the
56 provisions of this [section] subsection or bringing any dog or cat into
57 this state from an area under quarantine for rabies shall be fined not
58 more than one hundred dollars or imprisoned not more than thirty
59 days or both.

60 (b) Any dog or cat sold or offered for sale by a pet shop or
61 commercial kennel licensee in this state shall be accompanied by a
62 certificate of origin identifying the name, address and telephone
63 number of each person who had custody of such dog or cat at any time
64 from the date of birth of such animal until the sale of such animal in
65 this state by such licensee. Such certificate shall be posted in a
66 conspicuous manner not more than ten feet from the location where
67 such dog or cat is displayed for sale. A copy of such certificate shall be
68 provided to the purchaser of such dog or cat at the time of sale and
69 shall be filed by such licensee with the Department of Agriculture not
70 later than two days after such sale. No pet shop or commercial kennel
71 licensee shall purchase a dog or cat for resale from a breeder or other
72 person, firm or corporation located outside of this state that is not in
73 possession of a current license issued by the United States Department
74 of Agriculture and any applicable state agency. Any pet shop or
75 commercial kennel licensee violating the provisions of this subsection
76 shall be fined not more than one hundred dollars or imprisoned not
77 more than thirty days, or both, for each violation. Each day a pet shop
78 or commercial kennel is in violation of this subsection shall constitute a
79 separate offense.

80 Sec. 3. Subsection (a) of section 22-339b of the general statutes is

81 repealed and the following is substituted in lieu thereof (*Effective July*
82 *1, 2009*):

83 (a) Any owner or keeper of a dog or cat of the age of three months
84 or older shall have such dog or cat vaccinated against rabies. Any
85 animal vaccinated prior to one year of age or receiving a primary
86 rabies vaccine at any age shall be considered protected for only one
87 year and shall be given a booster vaccination one year after the initial
88 vaccination and shall be vaccinated at least every three years
89 thereafter. Those animals revaccinated after one year of age shall be
90 given booster vaccinations at least every three years thereafter. Proof
91 of vaccination shall be a certificate issued by a licensed veterinarian in
92 accordance with subsection (a) of section 22-339c. A licensed
93 veterinarian, upon request of the Chief Animal Control Officer, any
94 animal control officer, municipal animal control officer or regional
95 animal control officer shall submit to such officer a copy of such
96 certificate and any associated rabies vaccination records for such dog
97 or cat that has bitten a person or another animal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	22-344b
Sec. 2	<i>July 1, 2009</i>	22-354
Sec. 3	<i>July 1, 2009</i>	22-339b(a)

Statement of Legislative Commissioners:

In section 1(b)(1), the comma after "illness" was deleted for clarity.

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dept. (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes it a violation of state law, punishable by a fine of up to \$200 and /or imprisonment for up to 30 days, for any pet shop or commercial kennel licensee to violate certain provisions of the bill. Any revenue from criminal fines or costs of probation supervision or incarceration under the bill are anticipated to be minimal on an annual basis.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 499*****AN ACT CONCERNING A PET LEMON LAW AND THE RELEASE OF RABIES VACCINATION RECORDS TO ANIMAL CONTROL OFFICERS.*****SUMMARY:**

This bill expands the protection for people who buy from a pet shop a dog or cat that is ill or dies shortly after the sale, and adds these requirements for commercial kennels.

It also requires:

1. dogs or cats that pet shops or commercial kennels sell to have certificates of origin that identify specific information on anyone who had custody of the animal before sale, among other things; and
2. a licensed veterinarian, upon request of the chief Animal Control Officer (ACO) or any ACO, to provide the officer a copy of a rabies certificate and any associated rabies vaccination records for a dog or cat that has bitten a person or another animal. Veterinarians who refuse to provide a copy commit an infraction.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2009

PET LEMON LAW***Commercial Kennels***

By law, a pet shop licensee must have a dog or cat examined by a licensed veterinarian before selling it. The licensee must do this every 15 days until he or she sells the animal, and keep a record. The bill

adds commercial kennel licensees to this requirement and others under existing law and the bill concerning animals sold that were ill.

By law, commercial kennels are those maintained for boarding or grooming dogs or cats, and include any veterinary hospital that boards or grooms dogs or cats for nonmedical purposes.

Refund and Reimbursement

Under current law, if, 15 days after of being sold, a dog or cat becomes ill or dies of an illness that existed at the time of the sale, the pet shop, at the consumer’s option, must refund the animal purchase price. It must do so in the case of (1) illness, when the consumer returns the dog or cat to the pet shop, and has a certificate from a licensed veterinarian stating that the dog or cat is ill from a condition that existed at the time of sale, and (2) death, when the consumer provides a death certificate from a licensed veterinarian that states the dog or cat died from an illness that existed at the time of sale.

If the dog was ill, the pet store has to reimburse services and medication costs up to \$200 when the consumer provides a certificate from a licensed veterinarian about the illness.

The bill:

1. adds “congenital defects” to any illness as triggering refund or replacement requirements and gives the consumer up to six months from the sale of a dog or cat that is diagnosed with a congenital defect to take advantage of them,
2. gives consumers 30 days instead of 15 to act when a dog or cat becomes ill or dies from an illness that existed when they bought it,
3. specifically allows the consumer to choose the veterinarian who certifies that a dog or cat died of an illness that existed when it was sold, and
4. requires pet shops or commercial kennels to reimburse

consumers up to \$500, instead of \$200, for the costs of services and medication that a licensed veterinarian provided the sick animal.

The bill maintains the current requirement that the consumer provide certification from a veterinarian that the animal was sick at the time of purchase or died from a disease it had when purchased. (Although it appears that an animal could be returned if it became sick after purchase, even if the illness did not exist when the animal was purchased.)

By law, petshops that violate these requirements are subject to a penalty of up to \$500 for each animal subject to the violation.

CERTIFICATES OF ORIGIN AND PROHIBITED PURCHASES

The bill requires any dog or cat that a pet shop or commercial kennel licensee sells, or offers for sale, to come with a certificate of origin that identifies the name, address, and telephone number of each person who had custody of the dog or cat at any time from the date of its birth until its sale here. (The law requires pet shops to display the place of a dog's birth and other information, see BACKGROUND.)

The certificate must be posted in a conspicuous manner no more than 10 feet from where the dog or cat is displayed for sale. The licensee must (1) give the consumer a copy of the certificate when it sells the animal and (2) file a copy with the Department of Agriculture (DOAG) no later than two days after the sale.

Prohibited Purchases

The bill explicitly prohibits a pet shop or commercial kennel licensee from purchasing a dog or cat for resale from a breeder or any other person, firm, or corporation located outside the state that does not possess a current license that the U.S. Department of Agriculture issues and one from any applicable state agency.

Violations

A pet shop or commercial kennel licensee who operates in violation

of these requirements may be fined up to \$100 or imprisoned up to 30 days, or both, for each violation. Each day a pet shop or commercial kennel commits a violation constitutes a separate offense.

BACKGROUND

Dogs for Sale at Pet Shops

By law, a pet shop must post on the cage of each dog it offers for sale a sign, at least 3 inches by 5 inches, which lists (1) the dog's breed, (2) the locality and state in which it was born, and (3) any individual identifying number on the veterinary inspection certificate from the state of origin.

In addition, each pet shop must prominently display a sign stating, in black lettering that is 38 point font size on a white background, that the following information is always available on all puppies the pet shop sells:

1. date and state of birth;
2. breed, sex, and color;
3. the date the pet shop received the puppy;
4. the names and registration numbers of the parents (for American Kennel Club registerable puppies);
5. records of inoculations and worming treatments; and
6. any record of veterinary treatment or medications received to date.

The sign must include a telephone number at the agriculture department where information may be obtained regarding complaints about diseased or disabled animals offered for sale (CGS § 22-344d).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 4 (03/20/2009)