



# House of Representatives

General Assembly

**File No. 392**

February Session, 2012

Substitute House Bill No. 5409

*House of Representatives, April 12, 2012*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES.**

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

1 Section 1. Subsection (b) of section 22-344b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2012*):

4 (b) (1) If, [(1)] (A) within twenty days of sale, any such dog or cat  
5 becomes ill or dies of any illness which existed in such dog or cat at the  
6 time of the sale, or [(2)] (B) within six months of sale, any such dog or  
7 cat is diagnosed with a congenital defect that adversely affects or will  
8 adversely affect the health of such dog or cat, such licensee shall [,]  
9 reimburse such consumer not more than five hundred dollars for  
10 services and medications provided to such dog or cat by any  
11 veterinarian licensed pursuant to chapter 384 for the treatment of such  
12 illness or congenital defect upon the presentation by such consumer to  
13 such licensee of a certificate from such veterinarian that such dog or  
14 cat suffers or suffered from such illness or congenital defect. No

15 licensee may require the consumer to return such dog or cat to such  
16 licensee to receive such reimbursement. Such licensee shall, in addition  
17 to any such reimbursement, and at the option of [the] such consumer,  
18 replace the dog or cat or refund in full the purchase price of such dog  
19 or cat: [(A)] (i) In the case of illness or such congenital defect, upon  
20 return of the dog or cat to the pet shop and the receipt of a certificate  
21 from a veterinarian licensed under chapter 384 and selected by the  
22 consumer, stating that the dog or cat is ill from a condition which  
23 existed at the time of sale, or suffers from such congenital defect, and  
24 [(B)] (ii) in the case of death, the receipt of a certificate from a  
25 veterinarian licensed under chapter 384 and selected by the consumer,  
26 stating that the dog or cat died from an illness or a congenital defect  
27 which existed at the time of sale. [Any costs for services and  
28 medications provided by a licensed veterinarian incurred by the  
29 consumer for such illness or such congenital defect shall be reimbursed  
30 to the consumer by such licensee in an amount not to exceed five  
31 hundred dollars.] The presentation of such certificate shall be sufficient  
32 proof to claim reimbursement or replacement and the return of such  
33 deceased dog or cat to the pet shop shall not be required. No such  
34 refund or replacement shall be made if such illness or death resulted  
35 from maltreatment or neglect by a person other than the licensee or  
36 such licensee's agent or employee. A licensee shall not be subject to the  
37 obligations imposed by this subsection for the sale of a cat where such  
38 cat has been spayed or neutered prior to its sale.

39 (2) The commissioner may prescribe the content, size, type size and  
40 posting location for a sign to be posted in the establishment of each  
41 licensee to inform customers of customer rights pursuant to this  
42 subsection.

43 Sec. 2. Subsection (f) of section 22-344 of the 2012 supplement to the  
44 general statutes is repealed and the following is substituted in lieu  
45 thereof (*Effective October 1, 2012*):

46 (f) The commissioner may, at any time, inspect or cause to be  
47 inspected by the commissioner's agents any such commercial kennel,

48 pet shop, grooming facility or training facility, and if, (1) in the  
 49 commissioner's judgment such kennel, pet shop, grooming facility or  
 50 training facility is not being maintained in a sanitary and humane  
 51 manner or in a manner that protects the public safety, (2) the  
 52 commissioner finds that contagious, infectious or communicable  
 53 disease or other unsatisfactory conditions exist, or (3) in the case of a  
 54 pet shop, the commissioner finds any violation of the provisions of  
 55 section 22a-381d, the commissioner [may] shall impose a civil penalty  
 56 on such commercial kennel, pet shop, grooming facility or training  
 57 facility of not less than two hundred fifty dollars and not more than  
 58 five hundred dollars for each animal that is the subject of such  
 59 violation, shall issue such orders as the commissioner deems necessary  
 60 for the correction of such conditions and may quarantine the premises  
 61 and animals. If the owner or keeper of such kennel, pet shop,  
 62 grooming facility or training facility fails to comply with the  
 63 regulations or orders of the commissioner, or fails to comply with any  
 64 provision of the statutes or regulations relating to dogs or other  
 65 animals, the commissioner may revoke or suspend such license. Any  
 66 person aggrieved by any order issued under the provisions of this  
 67 section may appeal therefrom in accordance with the provisions of  
 68 section 4-183. Any person maintaining any commercial kennel, pet  
 69 shop, grooming facility or training facility without having obtained a  
 70 license for the same or after any such license has been revoked or  
 71 suspended as provided herein shall [be fined] pay a civil penalty of not  
 72 more than two hundred dollars. The provisions of this section shall not  
 73 apply to veterinary hospitals, except those boarding or grooming dogs  
 74 for nonmedical purposes, and other establishments where all the dogs  
 75 or animals were born and raised on the premises where they are kept  
 76 for sale.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	22-344b(b)
Sec. 2	October 1, 2012	22-344(f)

**ENV**      *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill makes changes to provisions regarding various privately-run pet service providers and their consumers. There is no fiscal impact to the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 5409**

***AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES.***

**SUMMARY:**

By law, pet shops must reimburse certain veterinarian expenses to consumers who buy a dog or cat that suffers from an illness or congenital defect shortly after the sale. This bill prohibits pet shops from requiring the consumer to return the animal in order to receive the reimbursement. It authorizes the agriculture commissioner to prescribe the content, size, type size, and location for a sign to be posted in each licensed pet shop informing customers of their rights under the pet lemon law.

By law, the commissioner may inspect licensed commercial kennels, pet shops, grooming facilities, or training facilities under certain circumstances. Under current law, if he finds certain violations or unsanitary conditions, he may issue orders as he deems necessary to correct the conditions. The bill instead requires that he issue such orders and also impose a civil penalty of between \$250 and \$500 for each animal that is subject to the violation.

Lastly, the bill specifies that anyone operating a commercial kennel, pet shop, or grooming or training facility without a license is subject to a civil penalty, instead of a fine, of up to \$200.

EFFECTIVE DATE: October 1, 2012

**PET LEMON LAW**

By law, licensed pet shops must, at a dog or cat owner's option, replace or refund the purchase price of a dog or cat that (1) within 20 days after the sale, becomes ill or dies of an illness that existed at the

time of sale or (2) within six months after the sale, is diagnosed with a congenital defect that adversely affects, or will adversely affect, its health. In the case of illness or congenital defect, the consumer must present a licensed veterinarian's certificate stating that the animal is ill from a condition that existed at the time of sale or suffers from a congenital defect. If the animal has died, the consumer must present a licensed veterinarian's certificate stating that an illness that existed at the time of sale caused the death.

Under current law, the pet shop has to reimburse the consumer for any costs, up to \$500, associated with veterinarian services related to the animal's illness or congenital defect, upon presentation of the veterinarian's certificate.

The bill specifies that these reimbursement provisions are in addition to the consumer's option of a replacement or refund. It also prohibits the pet shop from requiring the consumer to return the animal to the store in order to receive the reimbursement. Current law is silent on whether the animal must be returned.

### **PENALTIES FOR CERTAIN VIOLATIONS**

If upon inspection of a licensed commercial kennel, pet shop, or grooming or training facility, the commissioner determines that any of the following exist, the bill requires him to issue orders he deems necessary to correct the conditions and impose a civil penalty of between \$250 and \$500 for each animal that is subject to the violation:

1. the premises are not being maintained in a sanitary and humane manner or in a way that protects public safety;
2. contagious, infectious, or communicable disease or other unsatisfactory conditions exist; or
3. in the case of a pet shop, the shop violates the invasive plant laws.

Currently, he can issue these orders but is not authorized to impose

a penalty. By law, he may quarantine the premises and the animals.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/23/2012)