



House of Representatives

File No. 643

General Assembly

February Session, 2012

(Reprint of File No. 392)

Substitute House Bill No. 5409
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 5, 2012

**AN ACT CONCERNING THE POSSESSION OF CERTAIN ANIMALS
AND 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2 repealed and the following is substituted in lieu thereof (*Effective*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: [,] (i)
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, or (ii) at the option of [the]
17 such consumer, replace the dog or cat or refund in full the purchase
18 price of such dog or cat: [(A)] (I) In the case of illness or such
19 congenital defect, upon return of the dog or cat to the pet shop and the
20 receipt of a certificate from a veterinarian licensed under chapter 384
21 and selected by the consumer, stating that the dog or cat is ill from a
22 condition which existed at the time of sale, or suffers from such
23 congenital defect, and [(B)] (II) in the case of death, the receipt of a
24 certificate from a veterinarian licensed under chapter 384 and selected
25 by the consumer, stating that the dog or cat died from an illness or a
26 congenital defect which existed at the time of sale. [Any costs for
27 services and medications provided by a licensed veterinarian incurred
28 by the consumer for such illness or such congenital defect shall be
29 reimbursed to the consumer by such licensee in an amount not to
30 exceed five hundred dollars.] The presentation of such certificate shall
31 be sufficient proof to claim reimbursement or replacement and the
32 return of such deceased dog or cat to the pet shop shall not be
33 required. No such refund or replacement shall be made if such illness
34 or death resulted from maltreatment or neglect by a person other than
35 the licensee or such licensee's agent or employee. A licensee shall not
36 be subject to the obligations imposed by this subsection for the sale of a
37 cat where such cat has been spayed or neutered prior to its sale.

38 (2) Each pet shop licensee who sells dogs or cats shall post a
39 statement of customer rights pursuant to this section in a location that
40 is readily visible to the public and also provide a copy of such
41 statement to any purchaser of a dog or cat at the time of purchase. The
42 commissioner shall prescribe the content of such statement. Any
43 statement of customer rights posted pursuant to this section shall be
44 printed in black lettering of not less than twenty point size upon a
45 white background.

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

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

79 Sec. 3. Subsections (a) and (b) of section 26-40a of the general
80 statutes are repealed and the following is substituted in lieu thereof
81 (*Effective October 1, 2012*):

82 (a) No person shall possess a potentially dangerous animal. For the

83 purposes of this section, the following wildlife, or any hybrid thereof,
84 shall be considered potentially dangerous animals:

85 (1) The felidae, including, but not limited to, the lion, leopard,
86 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat;

87 (2) The canidae, including, but not limited to, the wolf, and coyote;

88 (3) The ursidae, including, but not limited to, the black bear, grizzly
89 bear and brown bear; and

90 (4) The hominidae, including, but not limited to, the gorilla,
91 chimpanzee and orangutan.

92 (b) A primate that weighs less than thirty-five pounds at maturity
93 and that was imported or possessed by a person in this state prior to
94 October 1, [2003] 2010, shall not be considered a potentially dangerous
95 animal pursuant to this section.

96 Sec. 4. Subsection (a) of section 26-55 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2012*):

99 (a) Except as provided in subsection (c) of this section, no person
100 shall import or introduce into the state, or possess or liberate therein,
101 any live fish, wild bird, wild mammal, reptile, amphibian or
102 invertebrate unless such person has obtained a permit therefor from
103 the commissioner. Such permit may be issued at the discretion of the
104 commissioner under such regulations as the commissioner may
105 prescribe. The commissioner shall by regulation prescribe the numbers
106 of live fish, wild birds, wild mammals, reptiles, amphibians or
107 invertebrates of certain species which may be imported, possessed,
108 introduced into the state or liberated therein. The commissioner may
109 by regulation exempt certain species or groups of live fish from the
110 permit requirements. The commissioner shall by regulation determine
111 which species of wild birds, wild mammals, reptiles, amphibians or
112 invertebrates must meet permit requirements. The commissioner may

113 totally prohibit the importation, possession, introduction into the state
 114 or liberation therein of certain species which the commissioner has
 115 determined may be a potential threat to humans, agricultural crops or
 116 established species of plants, fish, birds, mammals, reptiles,
 117 amphibians or invertebrates. The commissioner shall by regulation
 118 exempt from permit requirements organizations or institutions such as
 119 municipal parks, zoos, laboratories and research facilities maintained
 120 by scientific or educational institutions, museums, public nonprofit
 121 aquaria or nature centers where live fish, wild birds, wild mammals,
 122 reptiles, amphibians or invertebrates are held in strict confinement. For
 123 the purpose of this subsection and any regulation adopted pursuant to
 124 this subsection, ferrets (*Mustela putorius*), hedgehogs of the family
 125 *Erinaceidae*, genera *Atelerix*, sugar gliders (*Petaurus breviceps*) and
 126 degu (*Octodon degus*) shall not be deemed to be wild mammals.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	22-344b(b)
Sec. 2	<i>October 1, 2012</i>	22-344(f)
Sec. 3	<i>October 1, 2012</i>	26-40a(a) and (b)
Sec. 4	<i>October 1, 2012</i>	26-55(a)

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.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to privately-run pet service providers and their consumers and provisions surrounding conditions of certain pet service providers. Additionally, the bill specifies that certain animals are not considered wild mammals. These provisions are not anticipated to result in a fiscal impact to the state or municipalities.

House "A" replaces the underlying file with similar provisions also not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5409 (as amended by House "A")*****AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES.****SUMMARY:**

This bill makes changes in the pet lemon law. It specifies that pet shop customers may either seek reimbursement for certain veterinarian expenses for a dog or cat that suffers from an illness or congenital defect shortly after the sale, or request a replacement or refund for the animal. The bill prohibits pet shops from requiring the consumer to return the animal in order to receive a reimbursement. It requires certain pet shops to (1) post a statement informing customers of their rights under the pet lemon law and (2) give customers a copy of the statement when they buy a dog or cat.

By law, the agriculture commissioner may inspect licensed commercial kennels, pet shops, grooming facilities, or training facilities under certain circumstances. If he finds certain violations or unsanitary conditions, the bill authorizes him to impose a fine of up to \$500 for each animal subject to the violation.

The law bans potentially dangerous animals, including species of the *hominidae* family (e.g., gorilla, chimpanzee, and orangutan), but exempts primates weighing less than 35 pounds at maturity and imported into the state or owned before October 1, 2003. The bill extends the exemption for such primates to those imported or possessed before October 1, 2010.

The bill exempts ferrets, hedgehogs, sugar gliders, and degu from the law and regulations requiring permits for importing, introducing,

possessing, or liberating any live fish, wild bird, wild mammal, reptile, amphibian, or invertebrate into the state. The law requires the energy and environmental protection commissioner to adopt regulations specifying the species that must meet permit requirements.

*House Amendment "A" (1) requires pet shops to post a statement informing customers of their rights under the pet lemon law; (2) specifies that reimbursement of certain veterinary expenses is an option under the pet lemon law rather than an additional recourse, as in the underlying file; (3) authorizes, rather than requires, the agriculture commissioner to impose fines for certain violations by licensed kennels, pet shops, or grooming or training facilities; and (4) adds the provisions regarding primates and wild mammals.

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 a consumer has the option of either seeking reimbursement or requesting a replacement or refund. Thus, the

consumer cannot do both. The bill also prohibits the pet shop from requiring the consumer to return the animal to the store in order to receive a reimbursement. Current law is silent on whether the animal must be returned.

Consumer Rights Statement

The bill requires each licensed pet shop that sells dogs or cats to post a statement of consumer rights under the pet lemon law in a location readily visible to the public. It must be printed in black lettering of at least 20-point type size on a white background. The pet shop must also provide a copy of the statement to a customer when he or she buys a dog or cat. The agriculture commissioner must prescribe the content of the statement.

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 exists, the bill allows him to impose a fine of up to \$500 for each animal 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.

By law, he may quarantine the premises and animals and issue orders he deems necessary to correct the conditions.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/23/2012)