

---

---

## **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)