PA 12-105—sHB 5409
Environment Committee

AN ACT CONCERNING THE POSSESSION OF CERTAIN ANIMALS AND PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES

SUMMARY: This act makes changes in the pet lemon law. It appears to allow pet shop customers to 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 act 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, and training facilities under certain circumstances. If he finds certain violations or unsanitary conditions, the act 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 act extends the exemption for such primates to those imported or possessed before October 1, 2010.

Lastly, the act exempts ferrets, hedgehogs, sugar gliders, and degus 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.

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 prior law, the pet shop had 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 act appears to allow a consumer the option of either seeking reimbursement or requesting a replacement or refund. Thus, the consumer cannot do both. The act also prohibits the pet shop from requiring the consumer to return the animal to the store in order to receive a reimbursement. Prior law was silent on whether the animal must be returned.

Consumer Rights Statement

The act 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 act 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.

OLR Tracking: JLK:KM:PF:ro