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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 76

Session of  
1987

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INTRODUCED BY BOOK, MORRIS, McVERRY, LANGTRY, FARMER, SEMMEL,  
LLOYD, BOYES, GRUPPO, FOX, BURD, MARKOSEK, DAVIES, CIVERA,  
TRELLO, ITKIN, FARGO, CARLSON, GANNON, BELFANTI, OLASZ,  
HECKLER AND REBER, JANUARY 28, 1987

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SENATOR HELFRICK, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS  
AMENDED, JUNE 20, 1988

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AN ACT

1 Imposing duties on persons who sell dogs in the regular course  
2 of business; providing a ~~summary offense~~ for <—  
3 misrepresentation of pedigree and health of dogs bred for  
4 sale; and providing for the enforcement of this act by the  
5 Attorney General.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Certification of purchased dog's health.

9 (a) General rule.--A kennel, pet shop operator or other  
10 individual who sells dogs to the public in the regular course of  
11 business shall provide a purchaser of a dog with a health  
12 certificate for the dog at the time of its sale.

13 (b) Contents of health certificate.--The certificate of  
14 health shall set forth the following:

- 15 (1) The dog's breed.  
16 (2) The dog's age.  
17 (3) The dog's sex.

1 (4) The dog's color.

2 (5) The dog's date of birth.

3 (6) A list of vaccinations administered to the dog, the  
4 date of vaccinations and the name of the person who  
5 administered them.

6 (7) The date and type any parasitocidal medicine was  
7 administered to the dog.

8 AS TO A DOG THAT IS NOT ADVERTISED OR SOLD AS BEING REGISTERED <—  
9 OR REGISTERABLE, PARAGRAPH (2) (RELATING TO THE DOG'S AGE) MAY  
10 BE APPROXIMATED, AND PARAGRAPH (5) (RELATING TO THE DOG'S DATE  
11 OF BIRTH) SHALL NOT BE REQUIRED.

12 (c) Return of dog for illness.--If within ten days of its  
13 purchase a dog purchased from a person in the regular course of  
14 ~~the seller's business dies of any illness or condition existing~~ <—  
15 ~~on the date of sale or manifests a contagious or disabling~~  
16 ~~illness existing, but which was not discernible at the time of~~  
17 ~~purchase,~~ BUSINESS MANIFESTS OR DIES OF ANY CONTAGIOUS AND/OR <—  
18 INFECTIOUS ILLNESS OR DIES OF ANY PARASITIC ILLNESS, the  
19 purchaser may return it to the seller either for a complete  
20 refund, including sales tax, or for a replacement animal of  
21 equal value, as the purchaser chooses. A veterinarian's  
22 certification of illness issued by a licensed veterinarian shall  
23 be necessary to return a dog under this subsection and shall be  
24 supplied at the purchaser's expense. The veterinarian's  
25 certificate shall set forth that he examined the dog, that the  
26 dog has ~~a contagious or disabling illness~~ OR HAD AN ILLNESS AS <—  
27 SET FORTH ABOVE which renders it unfit for purchase OR RESULTED <—  
28 IN ITS DEATH and the precise findings of the examination OR <—  
29 NECROPSY.

30 (d) Return of dog for poor health.--If within 30 days of

1 purchase a dog purchased from a person in the regular course of  
2 ~~the seller's~~ business is determined, through physical <—  
3 examination OR NECROPSY by a veterinarian, to be in poor health <—  
4 OR TO HAVE DIED due to congenital malformation or dysfunction, <—  
5 the purchaser may return it to the seller either for a complete  
6 refund, including sales tax, or for a replacement animal of  
7 equal value, as the purchaser chooses. A veterinarian's  
8 certification of poor health OR DEATH due to congenital <—  
9 malformation or dysfunction shall be necessary to return a ~~dog~~ <—  
10 LIVING DOG OR TO RECEIVE A REFUND OR REPLACEMENT FOR A DOG WHICH <—  
11 HAS DIED under this subsection. The certification shall be  
12 issued by a licensed veterinarian at the purchaser's expense,  
13 shall set forth the congenital malformation or dysfunction and  
14 shall state that, due to the congenital malformation or  
15 dysfunction, the dog DIED OR is unfit for the purpose for which <—  
16 it was purchased.

17 (e) Limitation on returns.--Subsections (c) and (d) shall  
18 not apply where a seller, in certifying the health of a dog in  
19 accordance with subsection (a), discloses at the time of sale  
20 the health problem for which the buyer later seeks to return the  
21 dog and adjusts the purchase price at the time of sale to  
22 reflect the dog's health problem.

23 Section 2. Certification of purchased dog's registration.

24 If a kennel or pet shop operator or other person who sells  
25 dogs to the public in the regular course of business advertises  
26 that a dog is registered or registrable, he shall provide the  
27 purchaser of the dog with the following at the time of sale:

28 (1) The breeder's name and address ~~if the purchaser so~~ <—  
29 ~~requires.~~

30 (2) The name and registration number of the dam and sire

1 of the purchased dog's litter.

2 All documentation necessary to transfer the registered ownership  
3 of the dog, including the dog registration application and any  
4 supplemental ownership transfer papers, as well as other  
5 information required by the registrar, shall be provided by the  
6 seller to the owner within 120 days of the date of sale.

7 SECTION 3. POSTING. <—

8 THE PROVISIONS OF THIS ACT SHALL BE CONSPICUOUSLY POSTED IN  
9 THE PLACE OF BUSINESS OF PERSONS SUBJECT TO THE PROVISIONS OF  
10 THIS ACT IN SUCH FORM AND MANNER AS SHALL BE PRESCRIBED BY THE  
11 ATTORNEY GENERAL BY REGULATION.

12 Section ~~3~~ 4. Penalties. <—

13 A violation of any provision of this act shall be deemed to  
14 be a violation of the act of December 17, 1968 (P.L.1224,  
15 No.387), known as the Unfair Trade Practices and Consumer  
16 Protection Law.

17 Section ~~4~~ 5. Enforcement. <—

18 The Attorney General shall enforce this act and shall  
19 promulgate rules and regulations that the Attorney General deems  
20 necessary for that enforcement. All fines and penalties which  
21 are collected for violations of this act are hereby appropriated  
22 to the Attorney General to cover the costs of enforcing the  
23 provisions of this act.

24 Section ~~5~~ 6. Applicability. <—

25 This act shall not apply to nonprofit kennels as that term is  
26 defined under the act of December 7, 1982 (P.L.784, No.225),  
27 known as the Dog Law.

28 Section ~~6~~ 7. Effective date. <—

29 This act shall take effect in 60 days.