
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 76

Session of
1987

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, NOVEMBER 29, 1988

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 REGISTRABLE, PARAGRAPH (2) (RELATING TO THE DOG'S AGE) MAY BE
10 APPROXIMATED, AND PARAGRAPH (5) (RELATING TO THE DOG'S DATE OF
11 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.~~ EXERCISE ANY ONE OF THE <—
22 FOLLOWING OPTIONS:

23 (1) RETURN THE DOG TO THE SELLER FOR A COMPLETE REFUND,
24 INCLUDING SALES TAX.

25 (2) RETURN THE DOG TO THE SELLER FOR A REPLACEMENT
26 ANIMAL OF EQUAL VALUE.

27 (3) RETAIN THE DOG AND BE ENTITLED TO RECEIVE
28 REIMBURSEMENT FROM THE SELLER FOR VETERINARY FEES INCURRED IN
29 CURING OR ATTEMPTING TO CURE THE AFFECTED DOG SUBJECT TO THE
30 LIMITATION THAT THE SELLER'S LIABILITY FOR REIMBURSEMENT

1 SHALL NOT EXCEED THE PURCHASE PRICE, INCLUDING SALES TAX, OF
2 THE DOG. SUCH REIMBURSEMENT SHALL NOT INCLUDE THE COSTS OF
3 THE INITIAL VETERINARY EXAMINATION FEE AND DIAGNOSTIC FEES
4 NOT DIRECTLY RELATED TO THE VETERINARIAN'S CERTIFICATION THAT
5 THE ANIMAL IS UNFIT FOR PURCHASE PURSUANT TO THIS SECTION. A
6 veterinarian's certification of illness issued by a licensed
7 veterinarian shall be necessary to return a dog OR TO RECEIVE <—
8 REIMBURSEMENT FOR VETERINARY COSTS IF THE DOG IS RETAINED BY
9 THE PURCHASER AND TREATED FOR ILLNESS AS PRESCRIBED under
10 this subsection and shall be supplied at the purchaser's
11 expense. The veterinarian's certificate shall set forth that
12 he examined the dog, that the dog has ~~a contagious or~~ <—
13 ~~disabling illness~~ OR HAD AN ILLNESS AS SET FORTH ABOVE which <—
14 renders it unfit for purchase OR RESULTED IN ITS DEATH and <—
15 the precise findings of the examination OR NECROPSY. <—
16 (d) Return of dog for poor health.--If within 30 days of
17 purchase a dog purchased from a person in the regular course of
18 ~~the seller's~~ business is determined, through physical <—
19 examination OR NECROPSY by a veterinarian, to be in poor health <—
20 OR TO HAVE DIED due to congenital malformation or dysfunction, <—
21 the purchaser may return it to the seller either for a complete
22 refund, including sales tax, or for a replacement animal of
23 equal value, as the purchaser chooses. A veterinarian's
24 certification of poor health OR DEATH due to congenital <—
25 malformation or dysfunction shall be necessary to return a ~~dog~~ <—
26 LIVING DOG OR TO RECEIVE A REFUND OR REPLACEMENT FOR A DOG WHICH <—
27 HAS DIED under this subsection. The certification shall be
28 issued by a licensed veterinarian at the purchaser's expense,
29 shall set forth the congenital malformation or dysfunction and
30 shall state that, due to the congenital malformation or

1 dysfunction, the dog DIED OR is unfit for the purpose for which <—
2 it was purchased.

3 (e) Limitation on returns.--Subsections (c) and (d) shall
4 not apply where a seller, in certifying the health of a dog in
5 accordance with subsection (a), discloses at the time of sale
6 the health problem for which the buyer later seeks to return the
7 dog and adjusts the purchase price at the time of sale to
8 reflect the dog's health problem.

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

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

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

16 (2) The name and registration number of the dam and sire
17 of the purchased dog's litter.

18 All documentation necessary to transfer the registered ownership
19 of the dog, including the dog registration application and any
20 supplemental ownership transfer papers, as well as other
21 information required by the registrar, shall be provided by the
22 seller to the owner within 120 days of the date of sale.

23 SECTION 3. POSTING. <—

24 THE PROVISIONS OF THIS ACT SHALL BE CONSPICUOUSLY POSTED IN
25 THE PLACE OF BUSINESS OF PERSONS SUBJECT TO THE PROVISIONS OF
26 THIS ACT IN SUCH FORM AND MANNER AS SHALL BE PRESCRIBED BY THE
27 ATTORNEY GENERAL BY REGULATION.

28 Section ~~3~~ 4. Penalties. <—

29 A violation of any provision of this act shall be deemed to
30 be a violation of the act of December 17, 1968 (P.L.1224,

1 No.387), known as the Unfair Trade Practices and Consumer
2 Protection Law.

3 Section 4 5. Enforcement. <—

4 The Attorney General shall enforce this act and shall
5 promulgate rules and regulations that the Attorney General deems
6 necessary for that enforcement. All fines and penalties which
7 are collected for violations of this act are hereby appropriated
8 to the Attorney General to cover the costs of enforcing the
9 provisions of this act.

10 Section 5 6. Applicability. <—

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

14 Section 6 7. Effective date. <—

15 This act shall take effect in 60 days.