

**MEMO**



DEC 03 2010

*Senate of Pennsylvania*

December 2, 2010

**TO:** ALL SENATORS

**FROM:** Stewart J. Greenleaf

A handwritten signature in black ink, appearing to read "Stewart".

**SUBJECT:** Cosponsorship -- **Puppy Lemon Law amendments**

In cooperation with the Office of Attorney General, I am reintroducing **Senate Bill 50**, to strengthen the Puppy Lemon Law. The legislation makes the following changes to the law:

- Presently, consumers may only seek reimbursement if their dog suffers from a curable illness. Because many health problems, such as hip dysplasia, cannot be cured but can be treated, the law would now provide for reimbursement for treatment of incurable conditions.
- Currently, a hereditary or congenital condition must be certified by a veterinarian within 30 days of the purchase. Some hereditary conditions, such as hip dysplasia, typically take longer than 30 days to manifest. If the condition is certified beyond 30 days of the date of purchase, the consumer has no remedy they can pursue under the law. The bill extends the time period to 90 days.
- Presently, in order to recover any loss from the seller for a sick dog, a consumer must obtain, within ten days of purchase, certification from a veterinarian that the dog has a contagious or infectious disease. This requirement may be difficult to fulfill depending on the nature of the tests performed by the veterinarian. The legislation extends the time period to 14 days to give the veterinarian more time to reach a medical determination on the health of the dog.
- Under the law, consumers who received a certification from a veterinarian that their dog is ill must notify the seller of the certification within two days and provide the certification to the seller within five days. These requirements place unnecessary burdens upon consumers, who may be caring for a sick dog. The bill increases two days to five and five days to seven.
- The definition of "unfit for purchase" currently means any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which "severely affects" the health of the animal. "Severely" is subjective and acts to limit the consumer's right to recover. The bill replaces "severely affects" with "a significant adverse effect on" the health of the animal.

This legislation addresses issues identified by the Office of Attorney General in responding to consumer complaints under the Puppy Lemon Law (added to the Unfair Trade Practices and Consumer Protection Law by 1997 Act 27). Pennsylvania continues to have the dubious distinction of being called the nation's puppy mill capital. We need to provide consumers with adequate remedies when they have the unfortunate experience of buying a diseased or injured dog. By strengthening this existing law, we not only further protect the consumer, but we also take another important step towards stopping puppy mills.

The measure is supported by the Office of Attorney General, the Federated Humane Societies of Pennsylvania, and the Humane Society of the United States.

*If you are interested in cosponsoring this legislation, please contact Pat Snively of my office by e-mailing her at [psnively@pasen.gov](mailto:psnively@pasen.gov).*