

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2583 Session of
1994

INTRODUCED BY GORDNER, BLAUM, COY, SANTONI, ROONEY, STABACK,
TIGUE, MUNDY, COLAIZZO, OLASZ, TRELLO, PISTELLA, CURRY,
HENNESSEY, MANDERINO, BEBKO-JONES, KASUNIC, DeLUCA, CAWLEY,
DALEY, BAKER, VEON, MAITLAND, YEWCIC, MELIO, HASAY, FAJT,
BELFANTI, LEDERER AND THOMAS, MARCH 9, 1994

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 3, 1994

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further providing for ~~payment of costs and~~ <—
7 ~~restitution and for civil penalties.~~ PROTECTION OF BUYERS OF <—
8 DOGS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 2 of the act of December 17, 1968~~ <—
12 ~~(P.L.1224, No.387), known as the Unfair Trade Practices and~~
13 ~~Consumer Protection Law, reenacted and amended November 24, 1976~~
14 ~~(P.L.1166, No.260), is amended by adding paragraphs to read:~~

15 ~~Section 2. Definitions. As used in this act[.]:~~

16 ~~* * *~~

17 ~~(2.1) "Person with a disability" means a person who:~~

18 ~~(i) has a physical or mental impairment that substantially~~
19 ~~limits one or more of the major life activities of such~~

1 individual;

2 (ii) has a record of such an impairment; or

3 (iii) is regarded as having such an impairment.

4 (2.2) "Senior citizen" means a person 60 years of age or

5 older.

6 * * *

7 Section 2. ~~Section 4.1 of the act, repealed in part April~~

8 ~~28, 1978 (P.L.202, No.53), is amended to read:~~

9 Section 4.1. ~~Payment of Costs and Restitution. (a)~~

10 ~~Whenever any court issues a permanent injunction to restrain and~~

11 ~~prevent violations of this act as authorized in section 4 above,~~

12 ~~the court may in its discretion direct that the defendant or~~

13 ~~defendants restore to any person in interest any moneys or~~

14 ~~property, real or personal, which may have been acquired by~~

15 ~~means of any violation of this act, under terms and conditions~~

16 ~~to be established by the court.~~

17 ~~(b) Restitution ordered under this section shall be given~~

18 ~~priority over imposition of civil penalties in cases where~~

19 ~~section 8(c) is applicable.~~

20 Section 3. ~~Section 8 of the act is amended by adding a~~

21 ~~subsection to read:~~

22 Section 8. ~~Civil Penalties. * * *~~

23 ~~(c) In addition to any other civil penalty under this act, a~~

24 ~~person who engages in any conduct prohibited by this act and~~

25 ~~whose conduct is perpetrated against one or more senior citizens~~

26 ~~or persons with a disability shall forfeit and pay an additional~~

27 ~~civil penalty not to exceed five thousand dollars (\$5,000) for~~

28 ~~each violation, if one or more of the following factors are~~

29 ~~present:~~

30 ~~(1) the defendant knew or should have known that the~~

~~defendant's conduct was directed to one or more senior citizens
or persons with a disability;~~

~~(2) the defendant's conduct caused one or more senior
citizens or persons with a disability to suffer any of the
following:~~

~~(i) loss or encumbrance of a primary residence, principal
employment or source of income;~~

~~(ii) substantial loss of property set aside for retirement
or for personal or family care and maintenance;~~

~~(iii) substantial loss of payments received under a pension
or retirement plan or a government benefits program; or~~

~~(iv) assets essential to the health or welfare of the senior
citizen or person with a disability;~~

~~(3) one or more senior citizens or persons with a disability
are more vulnerable to the defendant's conduct than other
members of the public due to age, poor health or infirmity,
impaired understanding, restricted mobility or disability; or~~

~~(4) a senior citizen or person with a disability actually
suffered physical, emotional or economic damage resulting from
the defendant's conduct.~~

~~Section 4. This act shall take effect in 60 days.~~

SECTION 1. THE ACT OF DECEMBER 17, 1968 (P.L.1224, NO.387),
KNOWN AS THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW,
REENACTED AND AMENDED NOVEMBER 24, 1976 (P.L.1166, NO.260), IS
AMENDED BY ADDING A SECTION TO READ:

SECTION 9.3. DOG PURCHASER PROTECTION.--(A) (1) A SELLER
SHALL PROVIDE A PURCHASER OF A DOG WITH A HEALTH RECORD FOR A
DOG AT THE TIME OF SALE. IN ADDITION, THE SELLER SHALL PROVIDE
TO THE PURCHASER A HEALTH RECORD ISSUED BY A VETERINARIAN WITHIN
TWENTY-ONE DAYS PRIOR TO THE DATE OF SALE FOR THE DOG.

1 (2) THE RECORD OF HEALTH SHALL SET FORTH THE FOLLOWING:

2 (I) THE DOG'S BREED. IF THE BREED IS UNKNOWN OR MIXED, THE
3 HEALTH RECORD SHALL SO INDICATE. IF THE DOG IS ADVERTISED OR
4 REPRESENTED AS REGISTRABLE, THE NAME AND ADDRESS OF THE PEDIGREE
5 REGISTRY ORGANIZATION WHERE THE DAM AND SIRE ARE REGISTERED
6 SHALL BE INDICATED.

7 (II) THE DOG'S DATE OF BIRTH. IF THE DOG IS NOT ADVERTISED
8 AS OR SOLD AS PUREBRED, REGISTERED OR REGISTRABLE, THE DATE OF
9 BIRTH MAY BE APPROXIMATED IF NOT KNOWN BY THE SELLER.

10 (III) THE DOG'S SEX.

11 (IV) THE DOG'S COLOR AND MARKINGS.

12 (V) A LIST OF ALL VACCINATIONS ADMINISTERED TO THE DOG, THE
13 DATE OF THE VACCINATIONS AND THE NAME OF THE PERSON WHO
14 ADMINISTERED THEM, IF KNOWN, UP TO THE DATE OF SALE.

15 (VI) THE DATE AND TYPE OF ANY PARASITICAL MEDICINE THAT WAS
16 ADMINISTERED TO THE DOG.

17 (VII) THE NAME, ADDRESS AND SIGNATURE OF THE SELLER ALONG
18 WITH A STATEMENT AFFIRMING ALL OF THE INFORMATION PROVIDED IN
19 THIS PARAGRAPH IS TRUE.

20 (VIII) THE HEALTH RECORD SHALL BE SIGNED AND DATED BY BOTH
21 THE SELLER AND PURCHASER.

22 (3) A VETERINARIAN SHALL CERTIFY EACH DOG SOLD BY THE OWNER
23 TO BE APPARENTLY FREE OF ANY CONTAGIOUS OR INFECTIOUS ILLNESS,
24 DEFECT WHICH IS CONGENITAL OR HEREDITARY, OR NOT CLINICALLY ILL
25 FROM PARASITIC INFESTATION AT THE TIME OF THE PHYSICAL
26 EXAMINATION WHICH SHALL OCCUR WITHIN TWENTY-ONE DAYS PRIOR TO
27 THE DATE OF SALE. THE CERTIFICATE OF HEALTH SHALL INCLUDE THE
28 NAME, ADDRESS AND SIGNATURE OF THE VETERINARIAN, AND THE DATE
29 THE DOG WAS EXAMINED.

30 (4) IF, WITHIN TEN DAYS AFTER THE DATE OF PURCHASE, A DOG

1 PURCHASED FROM A SELLER IS DETERMINED, THROUGH PHYSICAL
2 EXAMINATION OR NECROPSY BY A VETERINARIAN, TO HAVE DIED FROM ANY
3 CONTAGIOUS OR INFECTIOUS ILLNESS OR BECOMES CLINICALLY ILL OR
4 DIES OF ANY PARASITIC ILLNESS WHICH RENDERS IT UNFIT FOR
5 PURCHASE OR RESULTS IN ITS DEATH, THE PURCHASER MAY EXERCISE ONE
6 OF THE FOLLOWING OPTIONS:

7 (I) RETURN THE DOG TO THE SELLER FOR A COMPLETE REFUND OF <—
8 THE PURCHASE PRICE, NOT INCLUDING SALES TAX.

9 (II) RETURN THE DOG TO THE SELLER FOR A REPLACEMENT DOG OF
10 EQUAL VALUE, PROVIDING A REPLACEMENT DOG IS AVAILABLE.

11 FOR PURPOSES OF THIS SUBSECTION, VETERINARY FINDINGS OF
12 INTESTINAL AND EXTERNAL PARASITES SHALL NOT BE GROUNDS FOR
13 DECLARING THE DOG UNFIT FOR SALE UNLESS THE DOG IS CLINICALLY
14 ILL DUE TO THAT CONDITION. A DOG SHALL NOT BE FOUND UNFIT FOR
15 SALE ON ACCOUNT OF INJURY SUSTAINED OR ILLNESS CONTRACTED
16 SUBSEQUENT TO THE DATE OF SALE. REMEDIES AVAILABLE UNDER THIS
17 SECTION SHALL ALSO APPLY TO REPLACEMENT DOGS.

18 (5) IF THE PURCHASER'S VETERINARIAN DETERMINES THE DOG'S
19 ILLNESS CAN BE TREATED AND CORRECTED, THE PURCHASER MAY RETAIN
20 THE DOG AND BE ENTITLED TO RECEIVE REIMBURSEMENT FROM THE SELLER
21 FOR REASONABLE VETERINARY FEES INCURRED IN CURING OR ATTEMPTING
22 TO CURE THE AFFECTED DOG, SUBJECT TO THE LIMITATION THAT THE
23 SELLER'S LIABILITY FOR REIMBURSEMENT SHALL NOT EXCEED THE
24 PURCHASE PRICE, NOT INCLUDING SALES TAX, OF THE DOG. THE VALUE <—
25 OF THESE SERVICES IS REASONABLE IF COMPARABLE TO THE VALUE OF
26 SIMILAR SERVICES RENDERED BY OTHER LICENSED VETERINARIANS IN
27 PROXIMITY TO THE TREATING VETERINARIAN. REIMBURSEMENT SHALL NOT
28 INCLUDE THE COSTS OF THE INITIAL VETERINARY EXAMINATION FEE AND
29 DIAGNOSTIC OR TREATMENT FEES NOT DIRECTLY RELATED TO THE
30 VETERINARIAN'S CERTIFICATION THAT THE ANIMAL IS UNFIT FOR

PURCHASE PURSUANT TO THIS SECTION. IF, HOWEVER, THE PURCHASER'S
VETERINARIAN DETERMINES THE DOG'S ILLNESS IS INCURABLE, ONLY THE
OPTIONS IN PARAGRAPH (4)(I) AND (II) SHALL APPLY.

(6) IF, WITHIN THIRTY DAYS AFTER THE DATE OF PURCHASE, A DOG
PURCHASED FROM A SELLER IS CERTIFIED THROUGH PHYSICAL
EXAMINATION OR NECROPSY BY A VETERINARIAN TO BE IN POOR HEALTH,
OR TO HAVE DIED, DUE TO A DEFECT WHICH IS CONGENITAL OR
HEREDITARY, THE PURCHASER MAY EXERCISE ONE OF THE OPTIONS AS
PROVIDED IN PARAGRAPH (4) OR (5).

(7) A VETERINARIAN'S CERTIFICATION OF ILLNESS, POOR HEALTH
OR DEATH ISSUED BY A LICENSED VETERINARIAN SHALL BE NECESSARY TO
RETURN A DOG FOR A REFUND OR REPLACEMENT OR TO RECEIVE
REIMBURSEMENT FOR VETERINARY COSTS IF THE DOG IS RETAINED BY THE
PURCHASER AND TREATED FOR ILLNESS AS PROVIDED IN THIS SECTION.
THE VETERINARIAN'S CERTIFICATION SHALL BE SUPPLIED AT THE
PURCHASER'S EXPENSE.

(8) THE VETERINARIAN'S CERTIFICATION SHALL STATE THE
FOLLOWING INFORMATION:

(I) THE PURCHASER'S NAME AND ADDRESS.

(II) THE DATE THE DOG WAS EXAMINED.

(III) THE BREED AND AGE OF THE DOG.

(IV) (A) THAT HE EXAMINED THE DOG.

(B) THAT THE DOG HAS OR HAD AN ILLNESS AS DESCRIBED IN
PARAGRAPH (4), OR IS IN POOR HEALTH AS DESCRIBED IN PARAGRAPH
(6), WHICH RENDERS IT UNFIT FOR PURCHASE OR WHICH RESULTED IN
ITS DEATH.

(C) THE PRECISE FINDINGS OF THE EXAMINATION OR NECROPSY.

(V) THE TREATMENT RECOMMENDED, IF ANY, AND AN ESTIMATE OF OR
THE ACTUAL COST OF THE TREATMENT, SHOULD THE PURCHASER CHOOSE TO
RETAIN THE DOG AND SEEK REIMBURSEMENT FOR VETERINARY FEES TO

1 CURE OR ATTEMPT TO CURE THE DOG.

2 (VI) THE VETERINARIAN'S NAME, ADDRESS, TELEPHONE NUMBER AND
3 SIGNATURE.

4 (9) WITHIN FORTY-EIGHT HOURS OF A VETERINARY EXAMINATION
5 WHICH CERTIFIES ILLNESS, POOR HEALTH OR DEATH AS OUTLINED IN
6 PARAGRAPHS (4), (5) AND (6), THE PURCHASER SHALL NOTIFY THE
7 SELLER OF THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE
8 EXAMINING VETERINARIAN. FAILURE TO NOTIFY THE SELLER OR TO CARRY
9 OUT THE RECOMMENDED TREATMENT PRESCRIBED BY THE EXAMINING
10 VETERINARIAN WHO MADE THE INITIAL DIAGNOSIS UNTIL A REMEDY AS
11 PROVIDED FOR IN PARAGRAPH (4), (5) OR (6) IS AGREED UPON SHALL
12 RESULT IN THE PURCHASER'S FORFEITURE OF RIGHTS UNDER THIS
13 SECTION.

14 (10) PARAGRAPHS (4), (5), (6) AND (7) SHALL NOT APPLY WHERE
15 A SELLER, IN CERTIFYING THE HEALTH OF A DOG IN ACCORDANCE WITH
16 PARAGRAPH (1), DISCLOSES IN WRITING AT THE TIME OF SALE THE
17 HEALTH PROBLEM FOR WHICH THE BUYER LATER SEEKS TO RETURN THE
18 DOG. SUCH DISCLOSURES SHALL BE SIGNED BY BOTH SELLER AND
19 PURCHASER.

20 (11) THE REFUND, REPLACEMENT OR REIMBURSEMENT REQUIRED BY
21 THIS SECTION SHALL BE MADE BY THE SELLER NOT LATER THAN FOURTEEN
22 DAYS FOLLOWING RECEIPT OF THE VETERINARIAN'S CERTIFICATION THAT
23 THE DOG IS UNFIT FOR PURCHASE OR HAS DIED FROM A CONDITION
24 DEFINED AS UNFIT FOR PURCHASE IN THIS SECTION. THE CERTIFICATION
25 SHALL BE PRESENTED TO THE SELLER NOT LATER THAN FIVE DAYS
26 FOLLOWING RECEIPT THEREOF BY THE PURCHASER.

27 (12) IN THE EVENT THAT A SELLER WISHES TO CONTEST A DEMAND
28 FOR REFUND, REPLACEMENT OR REIMBURSEMENT MADE BY A PURCHASER
29 PURSUANT TO THIS SECTION, THE SELLER SHALL HAVE THE RIGHT,
30 WITHIN TWENTY-FOUR HOURS OF NOTIFICATION BY PURCHASER OF A

1 CONDITION WHICH RENDERES THE DOG UNFIT FOR PURCHASE AS REQUIRED
2 IN PARAGRAPH (9), TO REQUIRE THE PURCHASER TO PRODUCE THE DOG
3 FOR EXAMINATION BY A LICENSED VETERINARIAN DESIGNATED BY THE
4 SELLER. THE COSTS ASSOCIATED WITH THIS EXAMINATION, INCLUDING
5 THE VETERINARIAN'S FEES, SHALL BE PAID BY THE SELLER. IF THE DOG
6 IS INCAPABLE OF BEING TRANSPORTED BECAUSE OF BEING HOSPITALIZED,
7 THE PURCHASER'S ATTENDING VETERINARIAN SHALL PROVIDE ALL
8 RELEVANT INFORMATION REGARDING THE CASE AS REQUESTED BY THE
9 SELLER'S VETERINARIAN. UNLESS THE DOG IS HOSPITALIZED, FAILURE
10 TO PRODUCE THE DOG WITHIN FORTY-EIGHT HOURS FOR EXAMINATION BY
11 THE PURCHASER WILL NULLIFY ANY OBLIGATION TO REPLACE, REFUND OR
12 REIMBURSE BY THE SELLER. UPON EXAMINATION, IF THE PURCHASER AND
13 THE SELLER ARE UNABLE TO REACH AN AGREEMENT WHICH CONSTITUTES
14 ONE OF THE OPTIONS SET FORTH IN THIS SECTION WITHIN FOURTEEN
15 DAYS FOLLOWING RECEIPT OF THE DOG FOR THE EXAMINATION, EITHER
16 PARTY MAY INITIATE AN ACTION IN A COURT OF COMPETENT
17 JURISDICTION.

18 (B) (1) ANY SELLER WHO ADVERTISES OR OTHERWISE REPRESENTS
19 THAT A DOG IS REGISTERED OR REGISTRABLE SHALL PROVIDE THE
20 PURCHASER OF THE DOG WITH THE FOLLOWING INFORMATION AT THE TIME
21 OF SALE:

22 (I) THE BREEDER'S NAME AND ADDRESS.

23 (II) THE NAME AND REGISTRATION NUMBER OF THE DAM AND SIRE OF
24 THE PURCHASED DOG'S LITTER.

25 (III) THE NAME AND ADDRESS OF THE PEDIGREE REGISTRY
26 ORGANIZATION WHERE THE DAM AND SIRE ARE REGISTERED.

27 (2) ALL DOCUMENTATION NECESSARY TO EFFECT THE REGISTRATION
28 OF THE DOG SHALL BE PROVIDED BY THE SELLER TO THE OWNER WITHIN
29 ONE HUNDRED TWENTY DAYS OF THE DATE OF SALE. THE ONE HUNDRED
30 TWENTY-DAY PERIOD MAY BE EXTENDED BY THE SELLER IF THE DOG IS

1 BEING IMPORTED FROM OUTSIDE THE UNITED STATES BY NOTIFYING THE
2 PURCHASER IN WRITING OF THE REASON FOR THE EXTENSION AND A
3 REASONABLE ESTIMATE OF THE ARRIVAL DATE OF THE REGISTRATION
4 DOCUMENTS.

5 (3) IF THE SELLER FAILS TO PROVIDE THIS DOCUMENTATION WITHIN
6 ONE HUNDRED TWENTY DAYS OF THE DATE OF SALE OR FAILS TO NOTIFY
7 THE PURCHASER OF AN EXTENSION UNDER PARAGRAPH (2), THE PURCHASER
8 MAY ELECT ONE OF THE FOLLOWING REMEDIES:

9 (I) RETURN THE DOG AND RECEIVE A FULL REFUND OF THE PURCHASE <—
10 PRICE, NOT INCLUDING SALES TAX.

11 (II) RETAIN THE DOG AND RECEIVE A REFUND FROM THE SELLER IN
12 AN AMOUNT EQUAL TO FIFTY PERCENT OF THE PURCHASE PRICE.

13 (4) THE SELLER MAY WITHHOLD THE DOG'S REGISTRATION
14 APPLICATION UNTIL THE PURCHASER SUPPLIES THE SELLER WITH A
15 SIGNED VETERINARIAN'S CERTIFICATE, STATING THAT THE DOG HAS BEEN
16 SPAYED OR NEUTERED, PROVIDED THAT WITHHOLDING OF THE APPLICATION
17 WAS AGREED TO, IN WRITING, BY THE PURCHASER AT THE TIME OF SALE.
18 THE SELLER SHALL PROVIDE THE REGISTRATION APPLICATION WITHIN TEN
19 DAYS OF RECEIVING THE VETERINARIAN'S CERTIFICATE IF THE
20 CERTIFICATE IS SUPPLIED BEYOND THE ONE HUNDRED TWENTY-DAY PERIOD
21 PROVIDED FOR IN PARAGRAPH (2).

22 (C) THE PROVISIONS OF THIS SECTION SHALL BE CONSPICUOUSLY
23 POSTED IN THE PLACE OF BUSINESS OF PERSONS SUBJECT TO THE
24 PROVISIONS OF THIS SECTION. AT THE TIME OF SALE, THE SELLER
25 SHALL PROVIDE THE PURCHASER WITH A WRITTEN NOTICE SETTING FORTH
26 THE RIGHTS PROVIDED UNDER THIS SECTION IN A FORM AND MANNER AS
27 SHALL BE PRESCRIBED BY THE ATTORNEY GENERAL BY REGULATION. A <—
28 SUMMARY OF THE PROVISIONS OF THIS SECTION SHALL BE CONSPICUOUSLY
29 POSTED IN THE PLACE OF BUSINESS OF THE SELLER IN A FORM AND
30 MANNER AS SHALL BE PRESCRIBED BY THE ATTORNEY GENERAL BY

1 REGULATION SET OUT IN SECTION 9.3. IN ADDITION, THE POSTED <—
2 NOTICE SHALL STATE THAT HEALTH RECORD INFORMATION IS AVAILABLE
3 ON REQUEST.

4 (D) A VIOLATION OF ANY PROVISION OF THIS SECTION SHALL BE
5 DEEMED TO BE A VIOLATION OF THIS ACT.

6 ~~(E) THE ATTORNEY GENERAL SHALL ENFORCE THIS SECTION AND~~ <—
7 ~~SHALL PROMULGATE RULES AND REGULATIONS THAT THE ATTORNEY GENERAL~~
8 ~~DEEMS NECESSARY FOR THAT ENFORCEMENT. ALL PENALTIES WHICH ARE~~
9 ~~COLLECTED FOR VIOLATIONS OF THIS SECTION ARE HEREBY APPROPRIATED~~
10 ~~TO THE ATTORNEY GENERAL TO COVER THE COSTS OF ENFORCING THIS~~
11 ~~SECTION.~~

12 ~~(F) THE ATTORNEY GENERAL MAY RECOMMEND TO THE SECRETARY OF~~
13 ~~AGRICULTURE THAT THE LICENSE OF A KENNEL OR PET SHOP BE~~
14 ~~TEMPORARILY SUSPENDED OR REVOKED FOR VIOLATIONS OF OR FOR~~
15 ~~NONCOMPLIANCE WITH THIS SECTION.~~

16 (E) THE DEPARTMENT OF AGRICULTURE SHALL HAVE AUTHORITY UNDER <—
17 THE ACT OF DECEMBER 7, 1982 (P.L.784, NO.225), KNOWN AS THE "DOG
18 LAW," TO ENFORCE THIS SECTION. THE OFFICE OF ATTORNEY GENERAL
19 SHALL HAVE AUTHORITY UNDER THE ACT OF DECEMBER 17, 1968
20 (P.L.1224, NO.387), KNOWN AS THE "UNFAIR TRADE PRACTICES AND
21 CONSUMER PROTECTION LAW," TO ENFORCE THIS SECTION. THE
22 DEPARTMENT OF AGRICULTURE AND THE OFFICE OF ATTORNEY GENERAL MAY
23 COOPERATE IN PROVIDING INFORMATION REGARDING INVESTIGATIONS. A
24 PROSECUTION OF A VIOLATION OF THIS SECTION PRECLUDES ANOTHER
25 ENFORCEMENT AGENCY FROM BRINGING AN ACTION ARISING FROM THE SAME
26 VIOLATION.

27 (F) THE ENFORCING AGENCY MAY LEVY A CIVIL PENALTY OF UP TO
28 ONE THOUSAND DOLLARS (\$1,000) ON ANY CURRENT LICENSEE WHO
29 VIOLATES ANY PROVISION OF THIS SECTION OR ANY PERSON WHO
30 CONDUCTS BUSINESS UNDER THIS SECTION WITHOUT PROPER LICENSE TO

1 DO SO. A CIVIL PENALTY SHALL BE LEVIED FOR EACH VIOLATION AND
2 SHALL BE RETAINED BY THE ENFORCING AGENCY FOR PURPOSES OF THIS
3 SECTION.

4 (G) A PURCHASER MAY FILE A COMPLAINT PURSUANT TO THIS
5 SECTION BY REPORTING IT TO EITHER THE DEPARTMENT OF AGRICULTURE
6 OR THE BUREAU OF CONSUMER PROTECTION OF THE OFFICE OF ATTORNEY
7 GENERAL.

8 ~~(G)~~ (H) AS USED IN THIS SECTION:

9 "SELLER" MEANS A KENNEL, PET SHOP OPERATOR OR OTHER
10 INDIVIDUAL WHO SELLS DOGS TO THE PUBLIC AND WHO OWNS OR OPERATES
11 A KENNEL OR PET SHOP LICENSED BY THE PENNSYLVANIA DEPARTMENT OF
12 AGRICULTURE OR THE UNITED STATES DEPARTMENT OF AGRICULTURE. THIS
13 SHALL NOT INCLUDE NONPROFIT KENNELS AS DEFINED UNDER THE ACT OF
14 DECEMBER 7, 1982 (P.L.784, NO.225), KNOWN AS THE "DOG LAW."

15 "UNFIT FOR PURCHASE" MEANS ANY DISEASE, DEFORMITY, INJURY,
16 PHYSICAL CONDITION, ILLNESS OR ANY DEFECT WHICH IS CONGENITAL OR
17 HEREDITARY AND WHICH SEVERELY AFFECTS THE HEALTH OF THE ANIMAL,
18 OR WHICH WAS MANIFEST, CAPABLE OF DIAGNOSIS OR LIKELY TO HAVE
19 BEEN CONTRACTED ON OR BEFORE THE SALE AND DELIVERY OF THE ANIMAL
20 TO THE CONSUMER.

21 "VETERINARIAN" MEANS AN INDIVIDUAL LICENSED UNDER THE LAWS OF
22 THIS COMMONWEALTH OR ANY OTHER STATE TO PRACTICE VETERINARY
23 MEDICINE AND SURGERY.

24 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

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