

CHAPTER 309. DOG PURCHASER PROTECTION

- Sec.
309.1. Definitions.
309.2. Notice to be posted.

Authority

The provisions of this Chapter 309 issued under section 9.3(g)(1) of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-9.3(g)(1)), unless otherwise noted.

Source

The provisions of this Chapter 309 adopted February 11, 2000, effective February 12, 2000, 30 Pa.B. 763, unless otherwise noted.

§ 309.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings:

kennel—A kennel as defined in section 102 of the Dog Law (3 P. S. § 459-101) or a dealer licensed by the United States Department of Agriculture under section 4 of the Animal Welfare Act (7 U.S.C.A. § 2134).

Pet shop—A pet shop-kennel as defined in section 102 of the Dog Law.

Seller—A kennel, pet shop operator or other individual who sells dogs to the public and who owns or operates a kennel or pet shop licensed by the Department of Agriculture or the United States Department of Agriculture. The term does not include nonprofit kennels as defined under section 102 of the Dog Law.

Veterinarian—An individual licensed under the laws of the Commonwealth or another state to practice veterinary medicine and surgery.

§ 309.2. Notice to be posted.

(a) A seller to whom this chapter applies shall keep posted at all times the following notice, in the following form:

Public Notice

This notice shall be conspicuously posted in the place of business of persons subject to this section as enforced by the Pennsylvania Office of Attorney General. This disclosure of rights is a summary of Pennsylvania law. A written notice setting forth the rights provided under Section 9.3 of the Unfair Trade Practices and Consumer Protection Law shall be provided to you at the time of the sale. A civil penalty of up to \$1,000 shall be levied for each violation in addition to any other penalty under this law.

(1) A seller shall provide you with a health record for the dog at the time of sale. The health record must contain information as required by the law (73 P. S. § 201-9.3(a)(1)).

(2) The seller shall provide a health certificate issued by a veterinarian within 21 days prior to the date of sale or a guarantee of good health issued and signed by the seller. The health certificate and the guarantee of good health must contain information as required by the law. 73 P. S. § 201-9.3(a)(2)(i); 73 P. S. § 201-9.3(a)(2)(ii).

(3) To preserve your rights under the law, you must take your newly purchased dog to a licensed veterinarian for examination within 10 days of purchase. If a veterinarian determines, within 10 days of purchase, that your dog is clinically ill or has died from an injury sustained or illness likely to have been contracted on or before the date of sale and delivery, you have the following options:

- (i) Return the dog for a complete refund;
- (ii) Return the dog for a replacement dog of equal value; or
- (iii) Retain the dog and receive reimbursement for reasonable veterinary fees, not exceeding the purchase price. These options do not apply where a seller, who has provided a health certificate issued by a veterinarian, discloses in writing at the time of sale the health problem for which the buyer later seeks to return the dog.

(4) If, within 30 days of purchase, a licensed veterinarian determines that your dog has a congenital or hereditary defect which adversely affects the animal's health or that your dog died from a congenital or hereditary defect, you have the same options as outlined in section 3 (above).

(5) Within 2 business days of a veterinarian's certification of your dog's illness, defect or death, you must notify, in writing, the seller of the name, address and telephone number of the examining veterinarian. Such notice shall be effective upon depositing the same in the United States mail or upon other service which provides the seller the required information. Failure to notify the seller within 2 business days will result in forfeiture of rights.

(6) Refunds or reimbursements shall be made no later than 14 days after the seller receives the veterinarian certification. Veterinarian certification shall be presented to the seller not later than 5 days after you receive it.

(7) Registerable Dogs—If the seller does not provide within 120 days all documentation to effect registration, you may exercise one of the following options:

- (i) Return the dog and receive a full refund of the purchase price;
- or
- (ii) Retain the dog and receive a 50% refund of the purchase price.

(8) If registerable, the seller shall provide at the time of sale: the breeder's name and address, the name and registration number of the

dam and sire, and the name and address of the pedigree registry organization where the dam and sire are registered.

For further information concerning your rights under section 9.3 of the Unfair Trade Practices and Consumer Protection Law, contact: Pennsylvania Office of Attorney General, Consumer Protection Hotline (800) 441-2555, www.attorneygeneral.gov.

(b) The notice in subsection (a) must be:

- (1) Visible where dogs for purchase are displayed or where payments are made for dog purchases at the seller's place of business.
- (2) A minimum size of 8.5 inches by 14 inches.
- (3) In plain language and legible.
- (4) A minimum 12 point typeset for the body of the notice and a minimum 48 point typeset for the title "Public Notice."

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