

REGULATORY ANALYSIS FORM

or use in providing information to the Independent Regulatory Review Commission pursuant to Section 5 of the Regulatory Review Act and for providing information to the Governor's Task Force on Regulatory Relief pursuant to Executive Order 1982-2 and Section 612 of the Administrative Code.

RECEIVED

PART I: IDENTIFYING INFORMATION

(1) Agency Office of Attorney General		(2) I.D. No. (Use Task Force No.) 59-06	1999 DEC - 7 PM 2:55 THIS SPACE FOR USE BY IRRRC: Date Received: McKinley INDEPENDENT REGULATORY REVIEW COMMISSION # 1993
(3) Short Title Dog Purchaser Protection			
(4) Pa. Code Cite		(5) Agency Contact & Phone Number Frank T. Donaghue (717) 787-9707	
(6) Type (check one) <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation	(7) Is a 120 day Emergency Certification Attached? <input type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor		(8) APPROVALS (Name & Date) Agency Head _____ Task Force _____ (Executive Agencies Only)

PART II: BASIC ANALYSIS MATERIAL (Required by Sec. 5(a) of the Regulatory Review Act.)

(9) Briefly explain the proposed regulation.

This regulation implements section 9.3 (g)(1) of the Act of June 25, 1997, (P.L. 287, No. 27) (the "Act"), 73 P.S. § 201-9.3 which requires the Attorney General to promulgate regulations specifying the information to be contained in the notice to prospective dog purchasers which must be conspicuously posted at seller's place of business.

(10) How does this regulation reduce costs of state and local government or private entities (business, consumers, etc.) within the Commonwealth?

N/A

(10) What is the statutory or other authority under which the regulation is proposed? (For state law cite Act and P.S. For federal law cite Act and U.S.C. For federal regulations cite C.F.R. or Federal Register. Be sure to cite court decisions, orders, or consent decrees or attach copies of unpublished documents.)

Act of June 25, 1997 (P.L. 287, No. 27) 73 P.S. § 201-9.3 (g)

(11) Why is the regulation needed?

The Act requires it.

(12) What legal, accounting or consultant procedures will be required by the proposed regulation and who must comply with these procedures?

None.

(13) What additional reporting, record keeping and other paperwork will be required by the proposed regulation? (Attach copies of any available forms or reports which will be required in implementation of the proposed regulation.)

None

(14) What is the suggested timetable for public comment, hearings, implementation, and what are various conformity deadlines (i.e. permits, licenses etc.)

(15) What types of persons, businesses and organizations will be affected by the regulation?

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 Pennsylvania Department of Agriculture or the United States Department of Agriculture.

(16) What other regulations and State agencies will be affected by the regulation?

None

PART III: REGULATORY FISCAL IMPACT (Required by Sec. 612 of the Administration Code)

(17) Generally describe the costs imposed by this regulation upon state and local government.

None

(18) Are there Revenue Losses? State [] Local [] School Districts [] (Attach statement of method used to estimate)

Fund	FY	FY	FY	FY	FY	FY
N/A						

(19) Are there increased program costs? State [] Local [] School Districts [] (Attach statement of method used to estimate)

Program	FY	FY	FY	FY	FY	FY
(a) N/A						
(b)						
(c)						
(d)						
(e)						

(20) What is the three year expenditure history for programs affected by the regulation? (Attach statement of method used to estimate)

Year / Program	(a)	(b)	(c)	(d)	(e)
N/A					

(21) Has any increased cost been included in the current budget? [] Yes [X] No

If no, how will funds be obtained?

None needed.

PART IV: COSTS AND BENEFITS (Required by Sec. 5(b) of the Regulatory Review Act.)

(22) Generally describe the costs imposed by this regulation on private entities. (e.g. consumers, business, etc.)

Specified businesses shall be required to purchase a small poster containing the required notice

(23) What is the amount of reasonably measurable private cost?

Sector	FY	FY	FY	FY	FY	FY
Unknown						

(24) Explain the types of benefits which arise from the regulation, and who receive these benefits.

Consumers will be advised of certain legal rights they may have in connection with the purchase of a dog.

(25) If any of these benefits are measurable, what are their estimated values

Benefit	FY	FY	FY	FY	FY	FY
N/A						

(26) Will the potential benefits outweigh the potential costs imposed? Explain.

Yes, providing the information to the consumers will be of sufficient value to outweigh the minimal costs.

(27) Has the regulation been drafted in a manner which maximized the difference between potential benefits and potential costs? Explain.

Yes

(28) List the alternative regulatory approaches which were considered and reasons for rejecting these alternatives.

None, as this regulation is mandated by statute.

(29) How will this regulation reduce or minimize paperwork, legal, accounting, reporting or other requirements?

N/A

(30) What provisions are included in the regulation to meet the special needs of affected groups or persons? If no such provisions are included, explain why.

N/A

(31) What plan has been developed to evaluate the effectiveness of the regulation after its implementation? What sunset date, if any, has been assigned?

No sunset date has been set for the regulations because the information required to be contained in the form of notice is fixed by statute.

PART V: OTHER INFORMATION (Required by Sec. 5(a) of the Regulatory Review Act and Executive Order 1982-2.

(32) Is there a deadline for action? Why? If there is no deadline, when should the regulation be adopted and what are the consequences of delay. (Attach copies of documents supporting the need for a deadline.)

No

(33) Is this regulation mandated by federal law or court order? (Attach copies of orders, consent decrees, settlement memos, federal regulations, letters of agreement etc.)

No

(34) Upon what information is the need for this regulation based? What studies, hearings or other research has been conducted?

Section 9.3(g)(1) of the Act requires the promulgation of the regulation

(35) What steps, if any, were taken in the development of this regulation to provide public and legislative participation?

(36) Will current litigation be affected by this regulation? Cite cases and explain.

No

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

1993

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1999 DEC -7 PM 2: 55

INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

BY: _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

Office of Attorney General
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 59 - 06

DATE OF ADOPTION: _____

BY: *Seeral Pappert*

TITLE: First Deputy Attorney General
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or Independ-
ent Agencies

Christina J. Pappert

NOV 05 1999
DATE OF APPROVAL

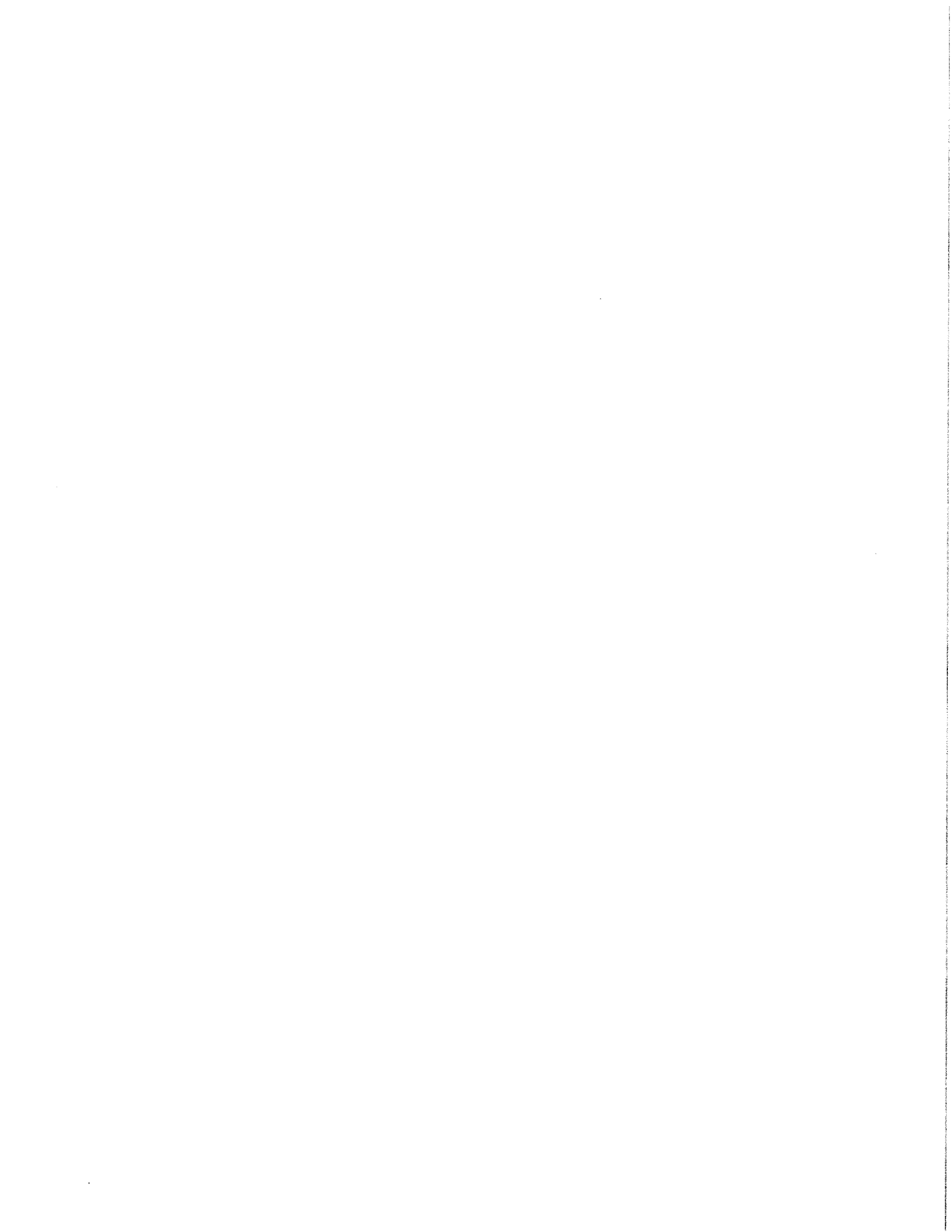
(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

NOTICE OF FINAL RULEMAKING

TITLE 37 - LAW
OFFICE OF ATTORNEY GENERAL
PART V. - BUREAU OF CONSUMER PROTECTION
Chapter 309

Dog Purchaser Protection



**Notice of Final Rulemaking
Office of Attorney General
(37 Pa. Code, Chapter 309)
Dog Purchaser Protection**

Preamble

The Office of Attorney General proposes to amend 37 Pa. Code by adding a new Chapter 309 (relating to dog purchaser protection), as set forth in the attached Annex A.

A. Effective Date

This final-form regulation will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Person

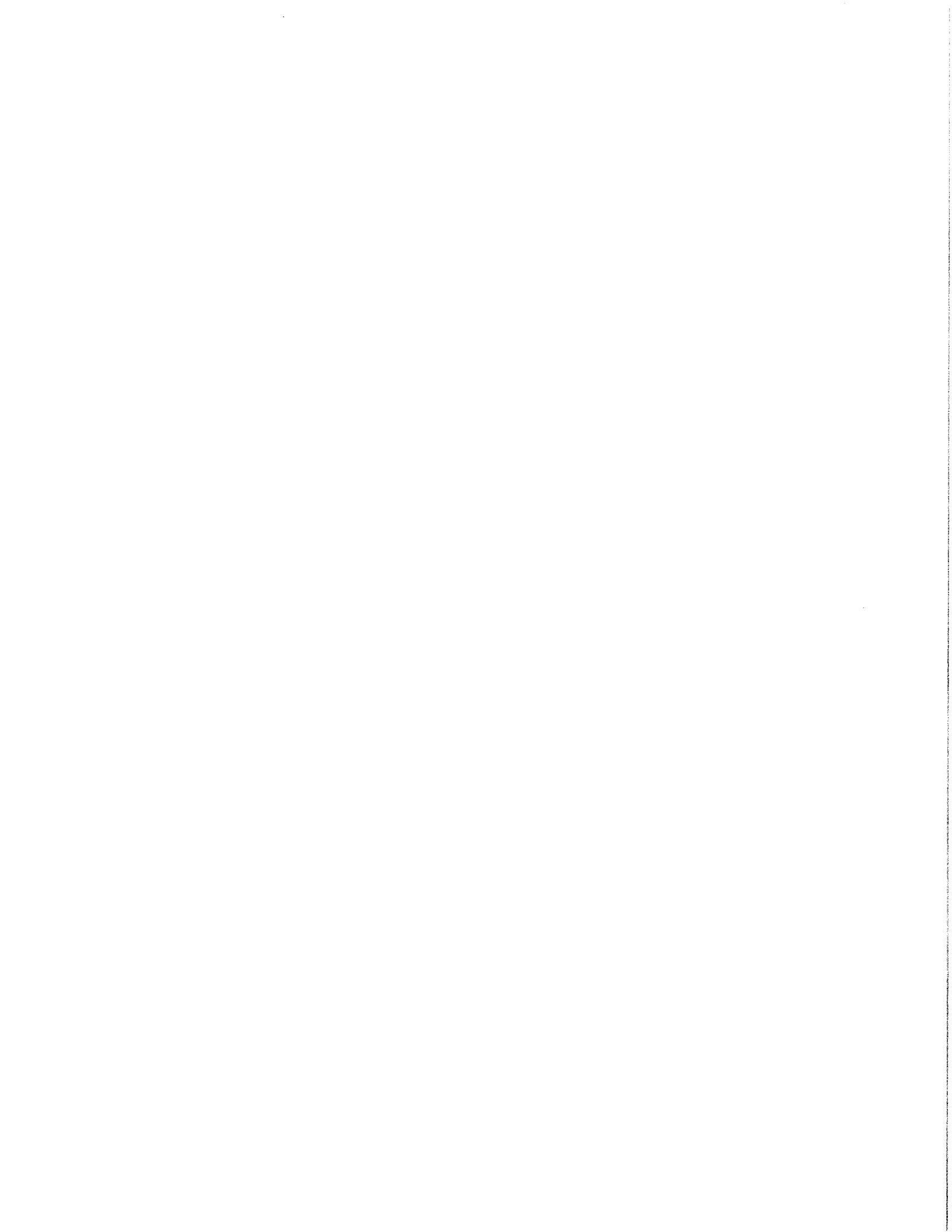
The contact person for this regulation is Frank T. Donaghue, Chief Deputy Attorney General, Bureau of Consumer Protection, 14th Floor, Strawberry Square, Harrisburg, PA 17120, (717)787-9707.

C. Statutory Authority

This regulation is made under the authority of Section 9.3(g)(1) of 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), as further amended by the Act of June 25, 1997 (P.L. 287, No. 27) (the "Act"), 73 P.S. § 201-9.3.

D. Purpose of the Rulemaking

This regulation implements Section 9.3(g)(1) of the Act which requires the Attorney General to promulgate regulations specifying the information to be contained in the notice to prospective dog purchasers which must be conspicuously posted at the seller's place of business.



E. Summary of Public Comments and Changes

Written comments, suggestions and objections regarding the proposed regulations were requested within a 30 day period following publication of proposed rulemaking.

Comments were received by Senator Stewart Greenleaf (Chairman of Senate Judiciary Committee and prime sponsor of the Act), Pet Industry Joint Advisory Council, Pennsylvania Legislative Animal Network, Pennsylvania Federation of Dog Clubs, Inc., Bucks County SPCA, Park City Pet Center, Inc., Mr. and Mrs. Charles Smith and IRRC. Following is a summary of the major comments received and the OAG's response to those comments.

Comment: IRRC and several commentators suggested that the word "breeding" be deleted from the definition of "kennel."

Response: This change was made.

Comment: IRRC suggested the inclusion of the statutory definition of "veterinarian."

Response: This change was made.

Comment: IRRC suggested that § 309.2 in Annex A be split into two sections.

Response: This change was made.

Comment: IRRC suggested that the paragraphs of the notice be numbered instead of bulleted.

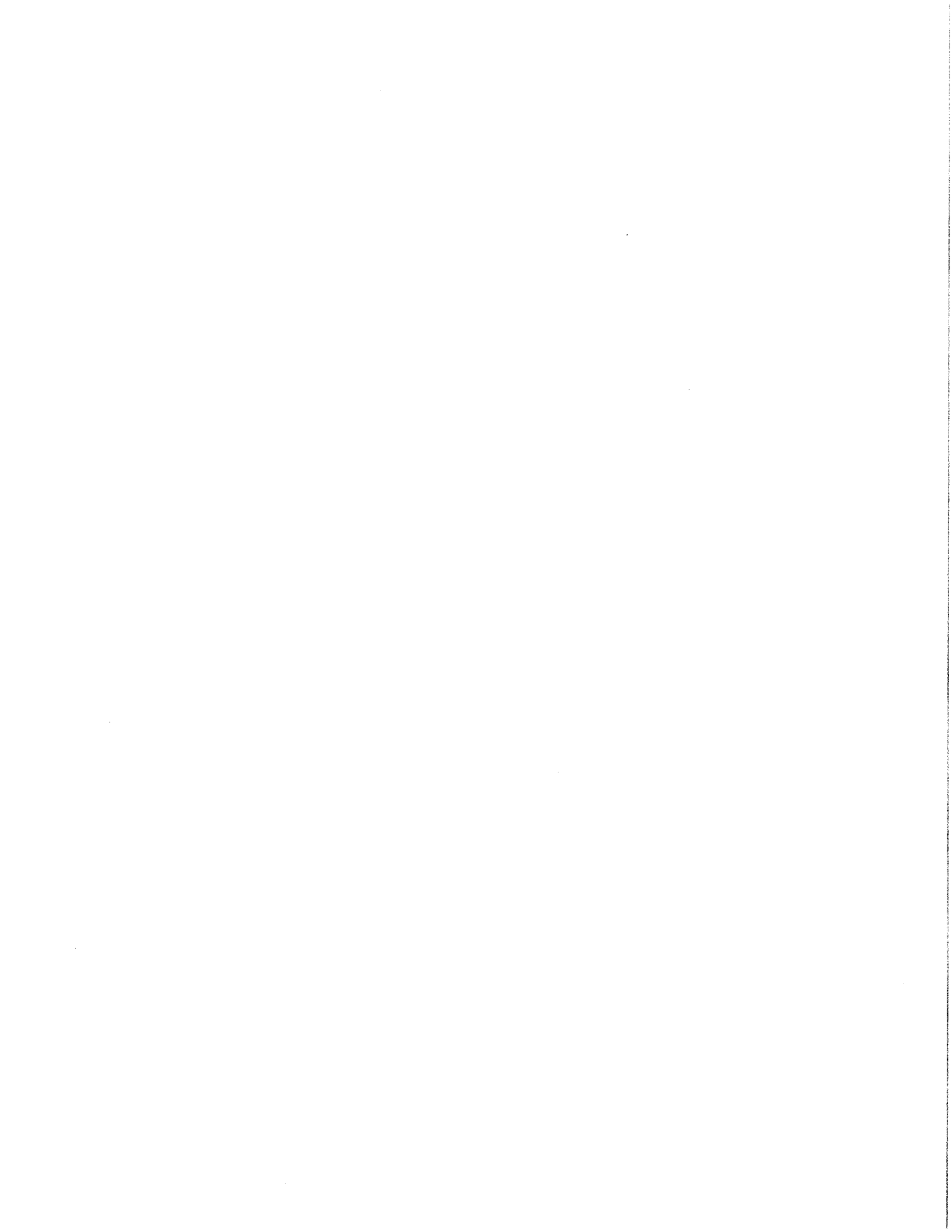
Response: This change was made.

Comment: IRRC and another commentator suggested the inclusion of language to clarify that the notice is a summary of the Law and not a complete rendition.

Response: This change was made.

Comment: IRRC and two other commentators were concerned that the language in paragraphs one and two of the notice were not consistent with the Law.

Response: IRRC suggested changes that addressed these concerns and these changes were made.



Comment: IRRC and another commentator believed that paragraph three of the notice did not clearly state the purchasers rights relative to a veterinarians examination within 10 days of purchase and the fact that a dog shall not be unfit for purchase on account of injury sustained or illness most likely contracted subsequent to the date of sale.

Response: IRRC suggested changes that addressed these concerns and these changes were made.

Comment: IRRC and another commentator suggested that paragraph four did not clearly state that the purchaser is entitled to a refund or other listed remedies for a defect only if it adversely affects the animal's health.

Response: IRRC suggested changes that addressed these concerns and these changes were made.

Comment: IRRC suggested that paragraph five should emphasize the two-business-day rule and include illness, defect or death.

Response: This change was made.

Comment: IRRC commented that § 9.3 (c) of the Law, which deals with the two-business-days notice requirement, does not provide guidance for the delivery of the notice. IRRC further stated that the OAG should insert language in this regulation to provide such guidance.

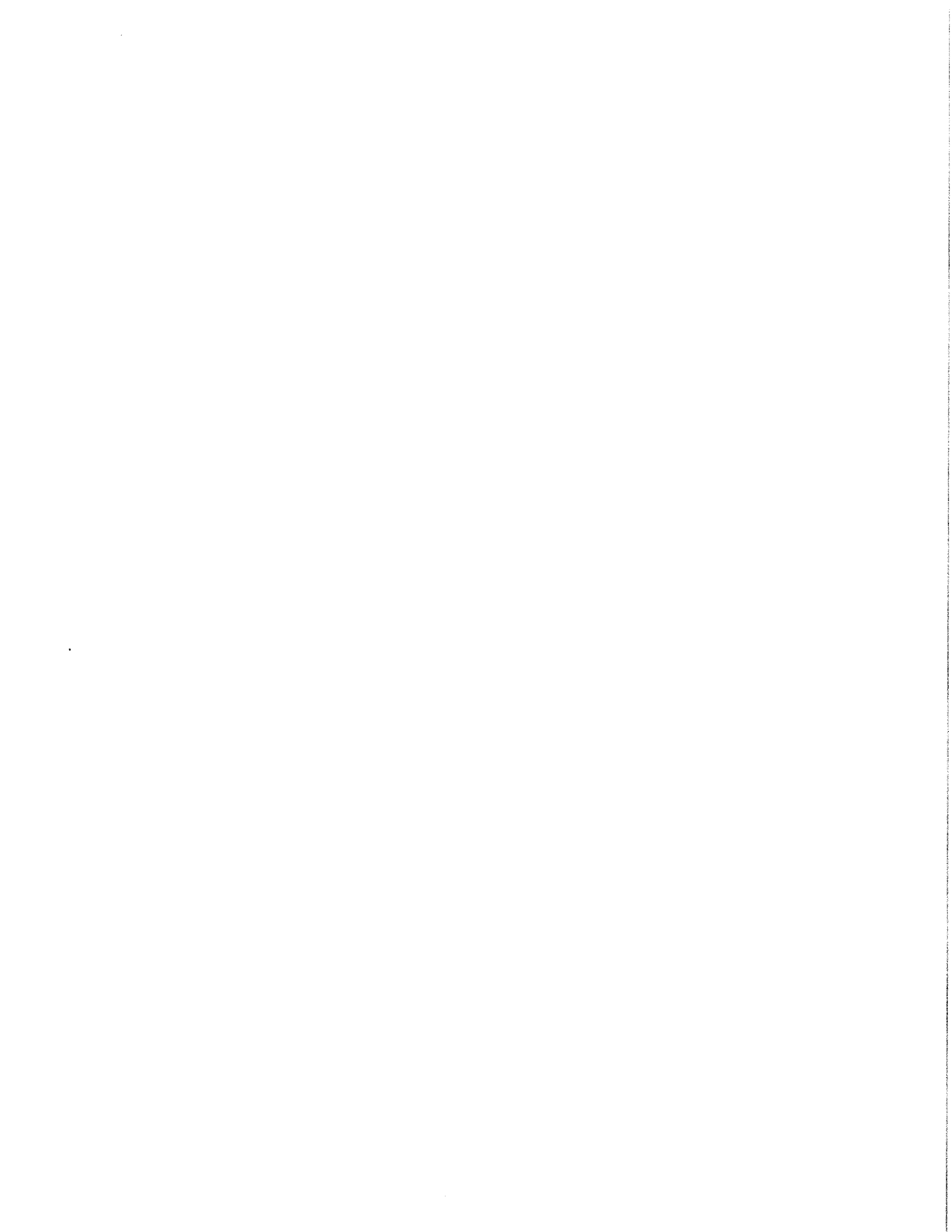
Response: The OAG has inserted language in paragraph five per IRRC's comments. The language inserted is based upon language in § 7 (a) of the Law.

Comment: IRRC and several commentators pointed out a misplaced disclosure clause in paragraph five. It was suggested this disclosure clause be included in paragraphs three and four.

Response: This change was made.

Comment: IRRC commented that § 9.3 (b)(1) of the Law states that the purchaser may receive "a complete refund of the purchase price, not including the sales tax." According to IRRC the typical practice for refunds is to include the sales tax because the sale becomes null and void. IRRC suggested that the OAG, the Department of Revenue and the General Assembly should examine § 9.3 (b)(1) of the Law for consistency with other statutes and regulations relating to sales tax refunds.

Response: The OAG has contacted the General Assembly to initiate an examination of § 9.3 (b)(1) as suggested by IRRC.



Comment: IRRC suggested that the OAG initiate a separate rulemaking to create OAG-approved forms for the certifications and other documents referred to in the Law.

Response: The OAG is considering promulgating additional regulations per IRRC's suggestion, pursuant to § 3.1 of the Unfair Trade Practices and Consumer Protection Law.

Comment: IRRC and several commentators suggested that the OAG determine a minimum size for the required notice.

Response: This change was made.

Comment: IRRC and two commentators suggested that the OAG stipulate that the notice must be readily visible in areas where dogs are displayed for sale or where payments are made for dog purchases.

Response: This change was made.

Comment: IRRC suggested that language be added stating that the notice must be legible and that the notice be posted with minimum standards for typeset size.

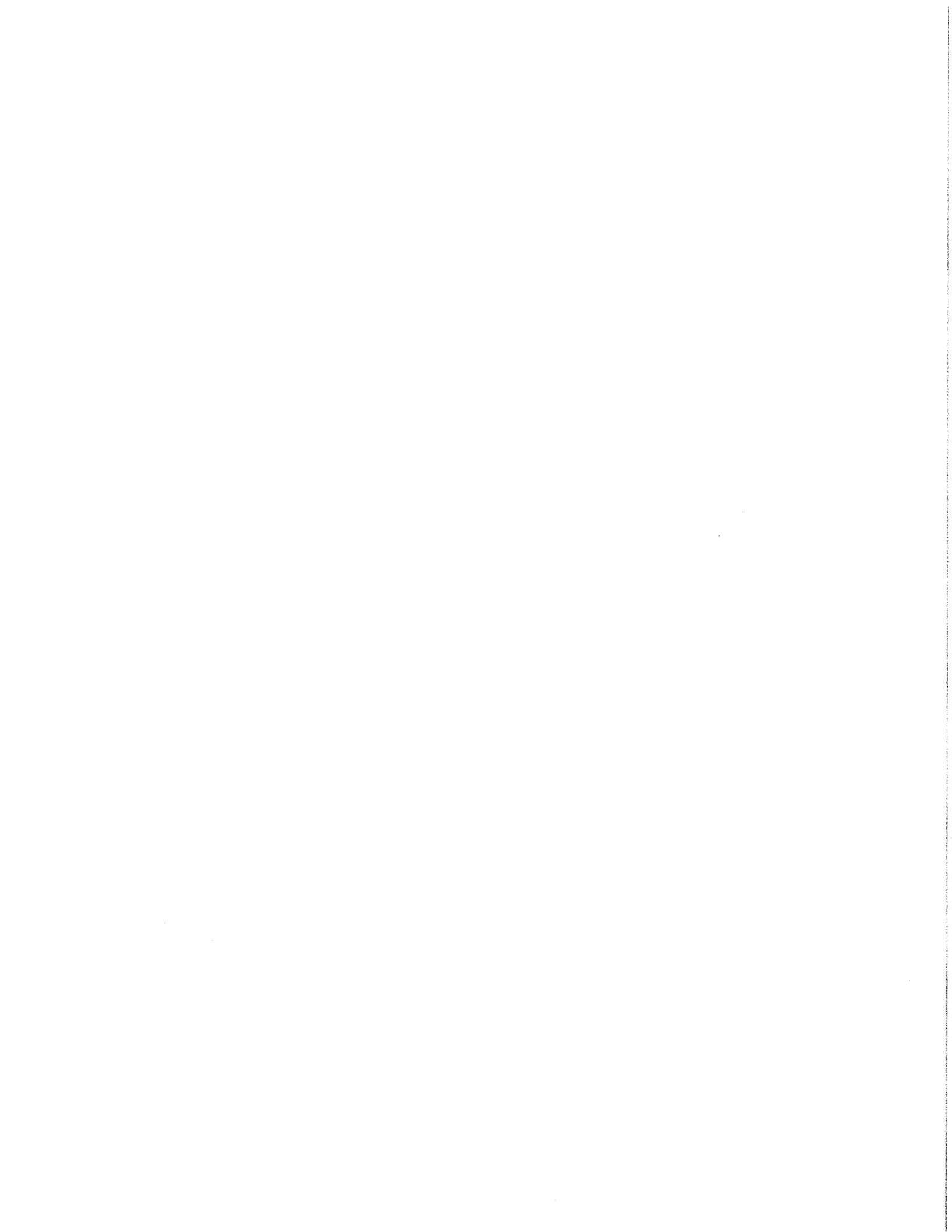
Response: This change was made.

List of Commentators

Honorable Stewart J. Greenleaf
Senate of Pennsylvania
Senate Box 203012
Harrisburg, PA 17120

Mr. Michael P. Maddox, Esq.
Pet Industry Joint Advisory Council
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036

Ms. Johnna L. Seeton
Chairperson
Pennsylvania Legislative Animal Network
P.O. Box 12085
Harrisburg, PA 17108



Ms. Dotsie Keith
Legislative Chairman
Pennsylvania Federation of Dog Clubs, Inc.
Box 67
Furlong, PA 18925

Ms. Anne Irwin
President
Bucks County SPCA
P.O. Box 277
Lahaska, PA 18931

Mr. Martin A. Besnoff
President
Park City Pet Center, Inc.
338 Park City Center
Lancaster, PA 17601

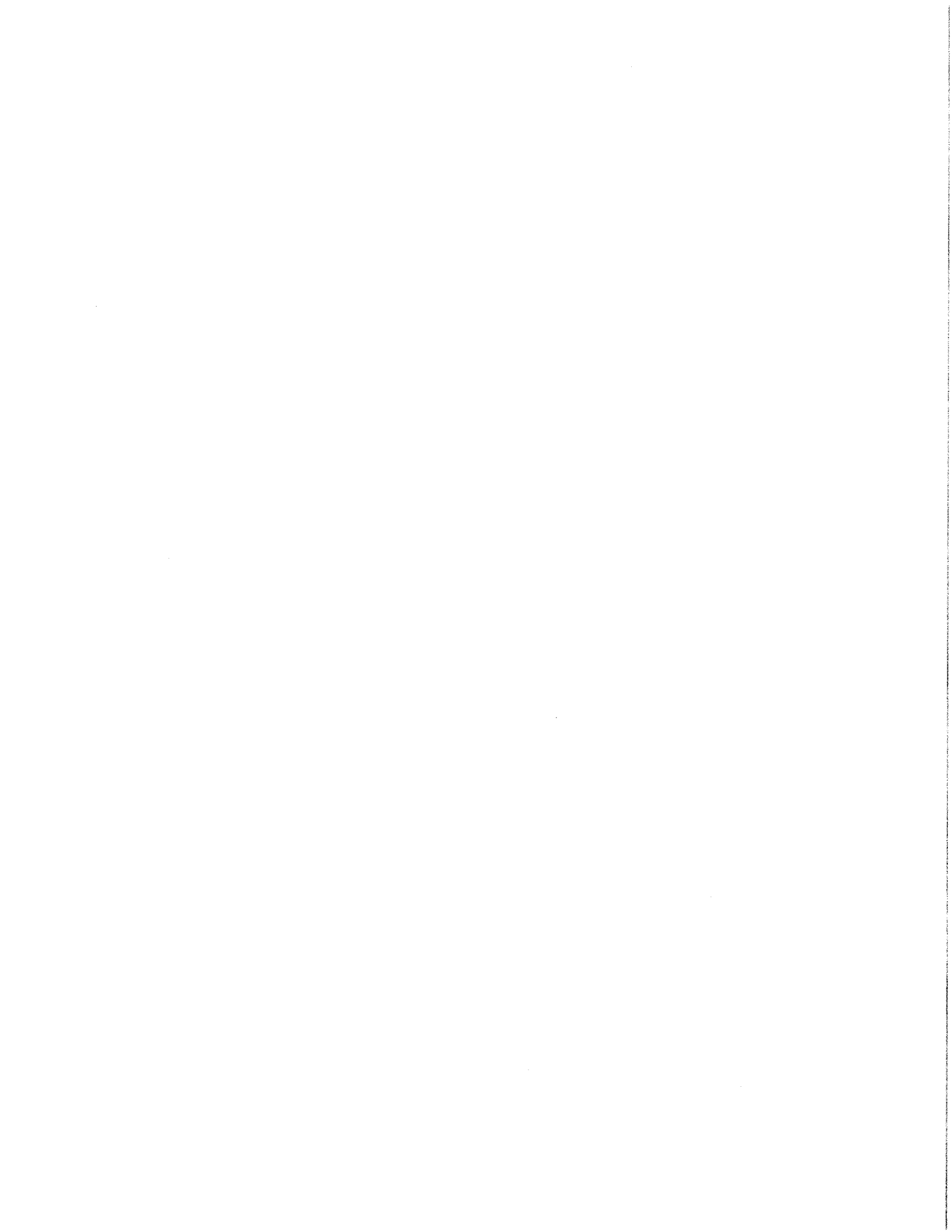
Mr. and Mrs. Charles Smith
102 Mendenhall Drive
Glen Mills, PA 19342

F. Benefits, Costs and Compliance

1. **Benefits** - The citizens of this Commonwealth will benefit from this regulation because it protects purchasers of dogs from unfair trade practices of dog sellers.
2. **Compliance Costs** - Affected sellers who advertise or represent that a dog is registered or registerable are required to post a public notice as set forth in Annex A, at their place of business. Costs of posting the notice are negligible and are to be borne by the seller.

G. Paperwork Requirements

The regulatory provisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions. The private sector will have minimal paperwork in the form of posting of a public notice.



H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), as amended, (71 P.S. § 745.5(a)), on February 8, 1999, the Office of Attorney General (OAG) submitted a copy of this notice of proposed regulation to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the OAG also provided IRRC and the Committees with copies of all comments received. In preparing these final-form regulations, the OAG has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act, these final-form regulations were [deemed] approved by the House and Senate Committees on _____. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, and approved the final-form regulations.

I. Sunset Date

The information required to be contained in the form of notice as set forth in Annex A is fixed by statute. Therefore, no sunset date is proposed for these regulations.

J. Findings

The Office of Attorney General finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa.Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.



K. Order

The Office of Attorney General, acting under the authorizing statutes, orders that:

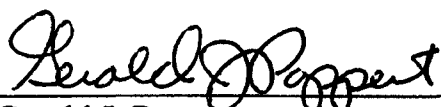
(1) The regulations of the Office of Attorney General, 37 Pa. Code, are amended by adopting Chapter 309, to read as set forth in Annex A.

(2) The Office of Attorney General has reviewed the regulations for approval as to form and legality as required by law.

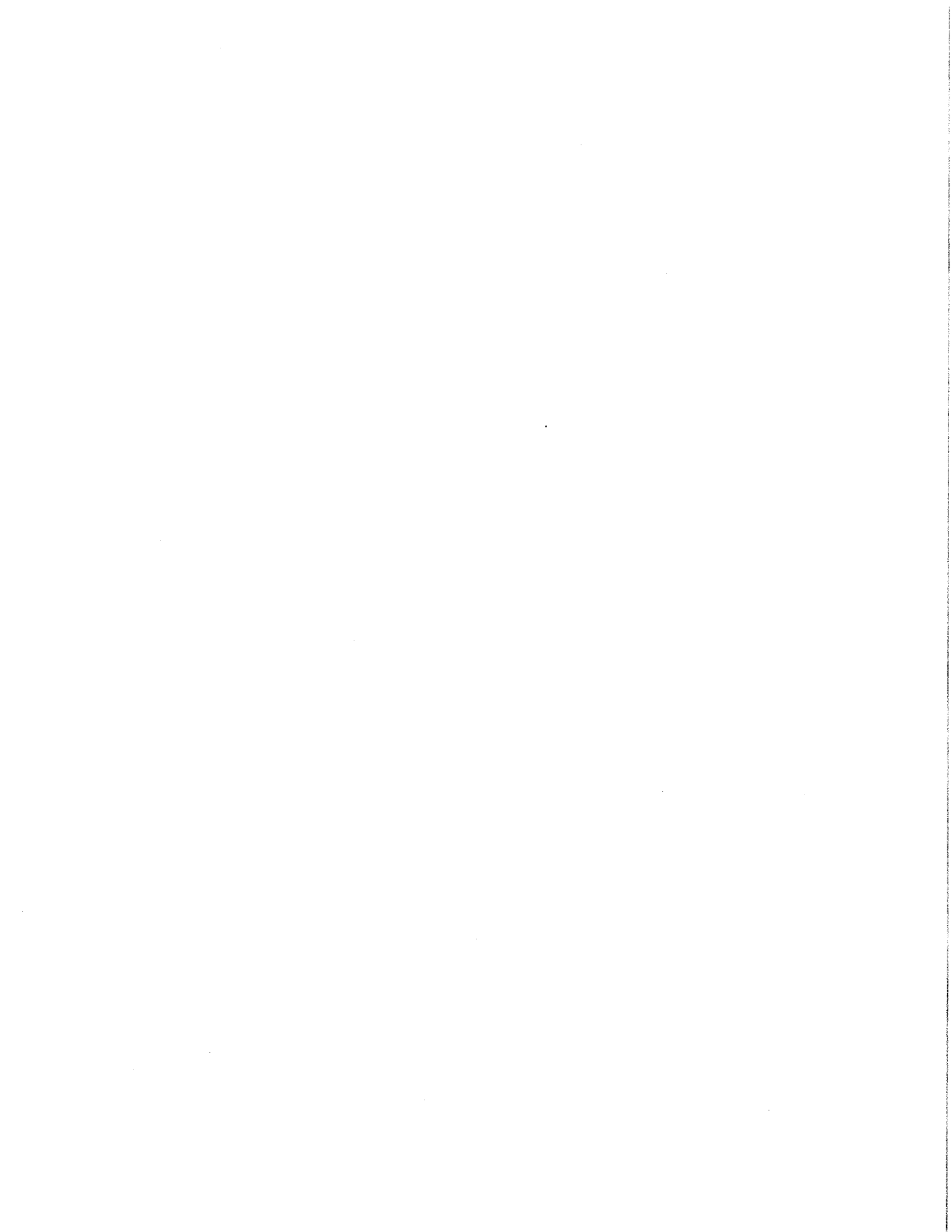
(3) The Office of Attorney General shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(4) The regulations adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

BY:

 11/1/99

Gerald J. Pappert
First Deputy Attorney General



ANNEX A

TITLE 37. LAW PART V. BUREAU OF CONSUMER PROTECTION

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 of the Act of December 17, 1968 (P.L. 1224, No. 387), as amended, 73 P.S. § 201-9.3, unless otherwise noted.

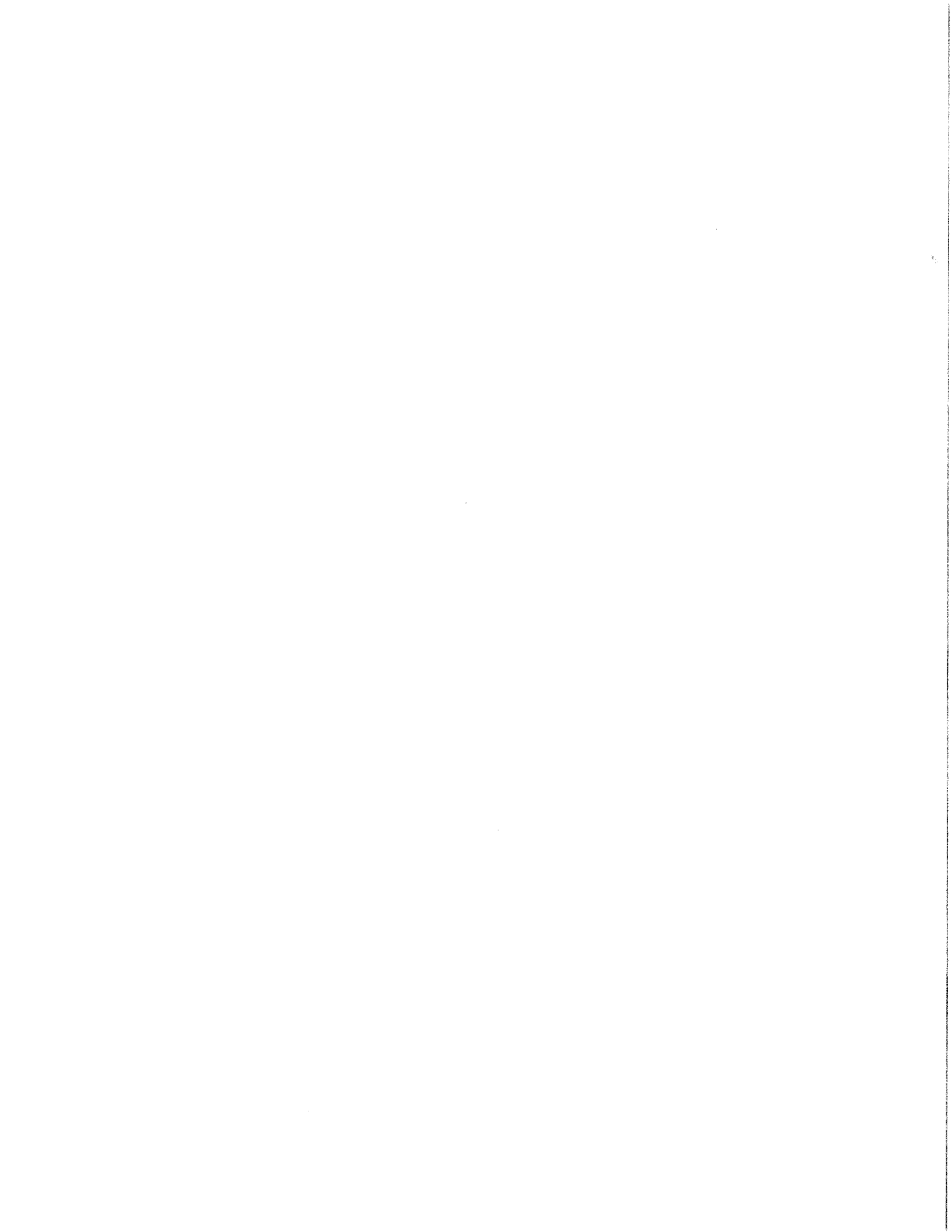
§ 309.1 Definitions

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

Kennel - A breeding kennel as defined in section 102 of the Act of December 7, 1982 (P.L. 784, No. 225), 3 P.S. § 459-101, *et seq.*, known as the "Dog Law," or a dealer licensed by the United States Department of Agriculture pursuant to 7 U.S.C.A. §2134.

Pet Shop - A pet shop-kennel as defined in section 102 of the Act of December 7, 1982 (P.L. 784, No. 225), 3 P.S. § 459-101, *et seq.*, known as 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 Pennsylvania Department of Agriculture or the United States Department of Agriculture. The term shall not include nonprofit kennels as defined under the act of December 7, 1982 (P.L. 784, No. 225), 3 P.S. § 459-101, *et seq.*, known as the "Dog Law."



VETERINARIAN - AN INDIVIDUAL LICENSED UNDER THE LAWS OF THE COMMONWEALTH OR ANY OTHER STATE TO PRACTICE VETERINARY MEDICINE AND SURGERY.

§ 309.2 Notice to be Posted

A seller to whom this chapter applies must keep posted at all times the following notice, in the following form ~~at the seller's place of business in a place easily visible to any purchaser:~~

{The following is the corrected text of the Public Notice.
In addition, the Public Notice form is attached.}

(A) 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 of Pennsylvania. 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 act LAW.

- 1. A seller shall provide you with a health record for the dog at the time of sale. The health record ~~shall include the dog's breed, date of birth, sex, color and markings, vaccinations with who administered them, any parasitological medicine administered to the dog with the date, dosage and type stated, and a statement by the seller that all the information provided is true with the name, address and signature of the seller~~ 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 ~~shall certify the dog is free from illness and defects, and does not appear clinically ill from parasitic infestations. The health certificate shall include the name, address, signature of veterinarian and date of examination. The guarantee of good health is issued by the seller, dated and signed by the seller and you. The guarantee of good health shall state the dog is free of disease, defects and does not appear to be clinically ill~~



~~from parasitic infestation~~ 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. ~~If the dog dies or is determined by a veterinarian to have a contagious, infectious, parasitic illness or becomes clinically ill within 10 days, you may exercise one of~~ 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: ~~(1)~~ (A) Return the dog for a complete refund; ~~(2)~~ (B) Return the dog for a replacement dog of equal value; OR ~~(3)~~ (C) 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 the dog has or dies from a congenital or hereditary defect or is certified through physical examination to have a defect which adversely affects the animal within 30 days, you may exercise one of the following options: (1) Return the dog for a complete refund; (2) Return the dog for a replacement dog of equal value; OR (3) Retain the dog and receive reimbursement for reasonable veterinary fees, not exceeding the purchase price.~~ 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. ~~Failure to notify the seller within 2 business days of veterinarian's certification of illness will result in forfeiture of rights, unless a health certificate issued by a veterinarian was provided by the seller and it disclosed that health problem.~~ 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.

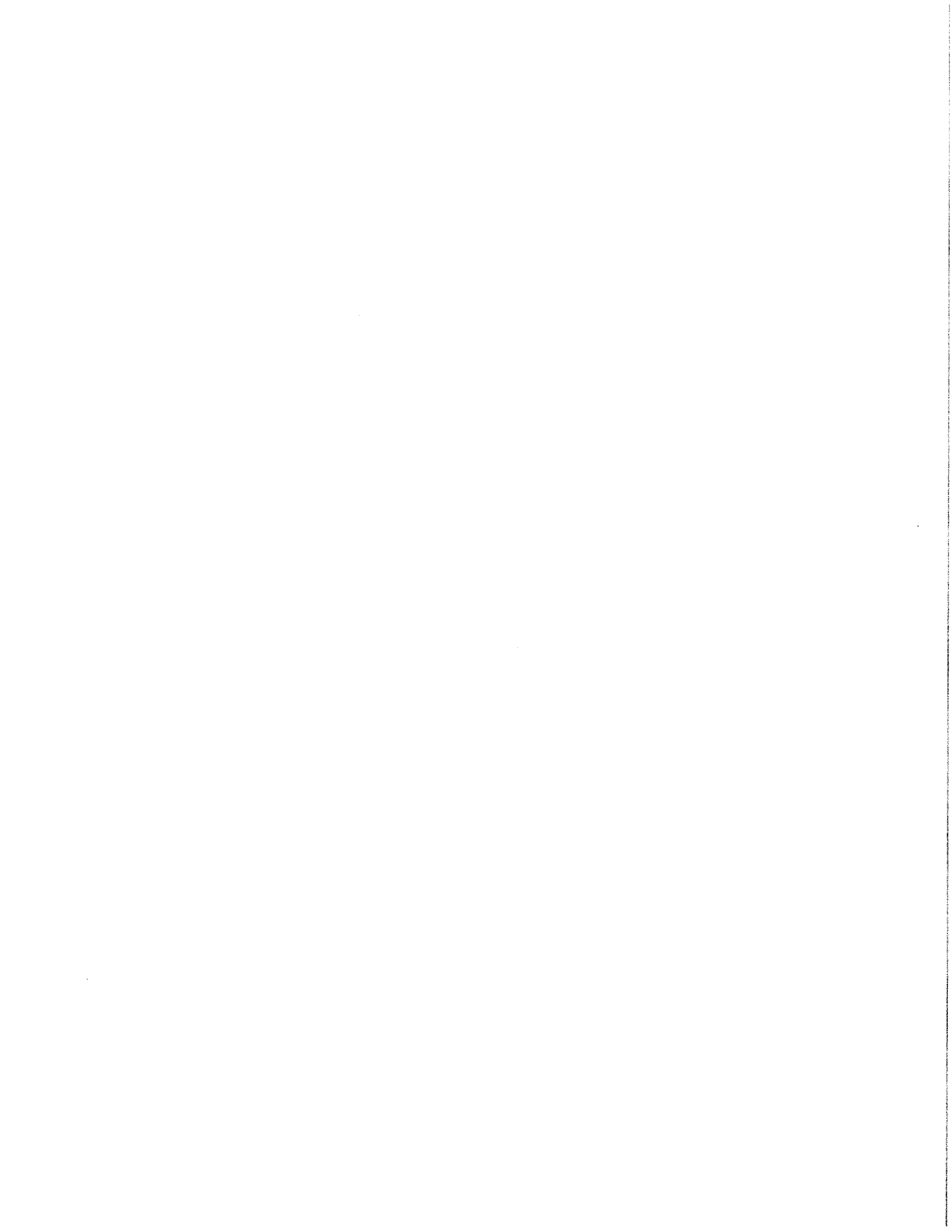
- 6. Refunds or reimbursements shall be made no later than 14 days after the seller receives the veterinarian certification. Veterinarian certification shall be presented to the seller not later than 5 days after you receive it.
- 7. Registerable Dogs — If the seller does not provide within 120 days all documentation to effect registration, you may exercise one of the following options: (1) (A) Return the dog and receive a full refund of the purchase price; OR (2) (B) 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:

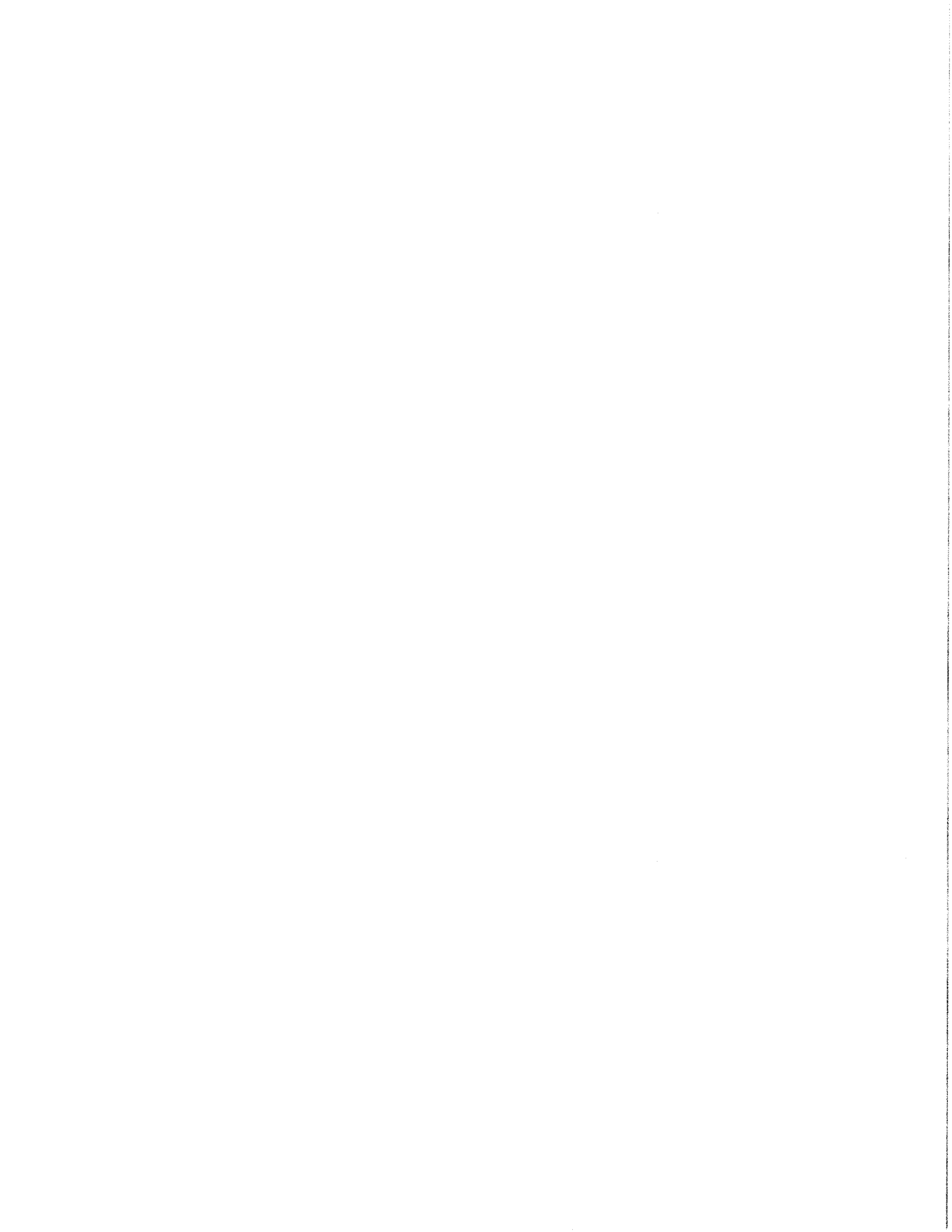
PENNSYLVANIA OFFICE OF Attorney General
Mike Fisher
Consumer Protection Hotline 1-800-441-2555
www.attorneygeneral.gov

(B) THE NOTICE IN § 309.2(A) MUST BE:

- (I) VISIBLE WHERE DOGS FOR PURCHASE ARE DISPLAYED OR WHERE PAYMENTS ARE MADE FOR DOG PURCHASES AT THE SELLER'S PLACE OF BUSINESS.



- (II) A MINIMUM SIZE OF 8.5 INCHES BY 14 INCHES.
- (III) IN PLAIN LANGUAGE AND LEGIBLE.
- (IV) A MINIMUM 12 POINT TYPESET FOR THE BODY OF THE NOTICE AND A MINIMUM 48 POINT TYPESET FOR THE TITLE "PUBLIC NOTICE."

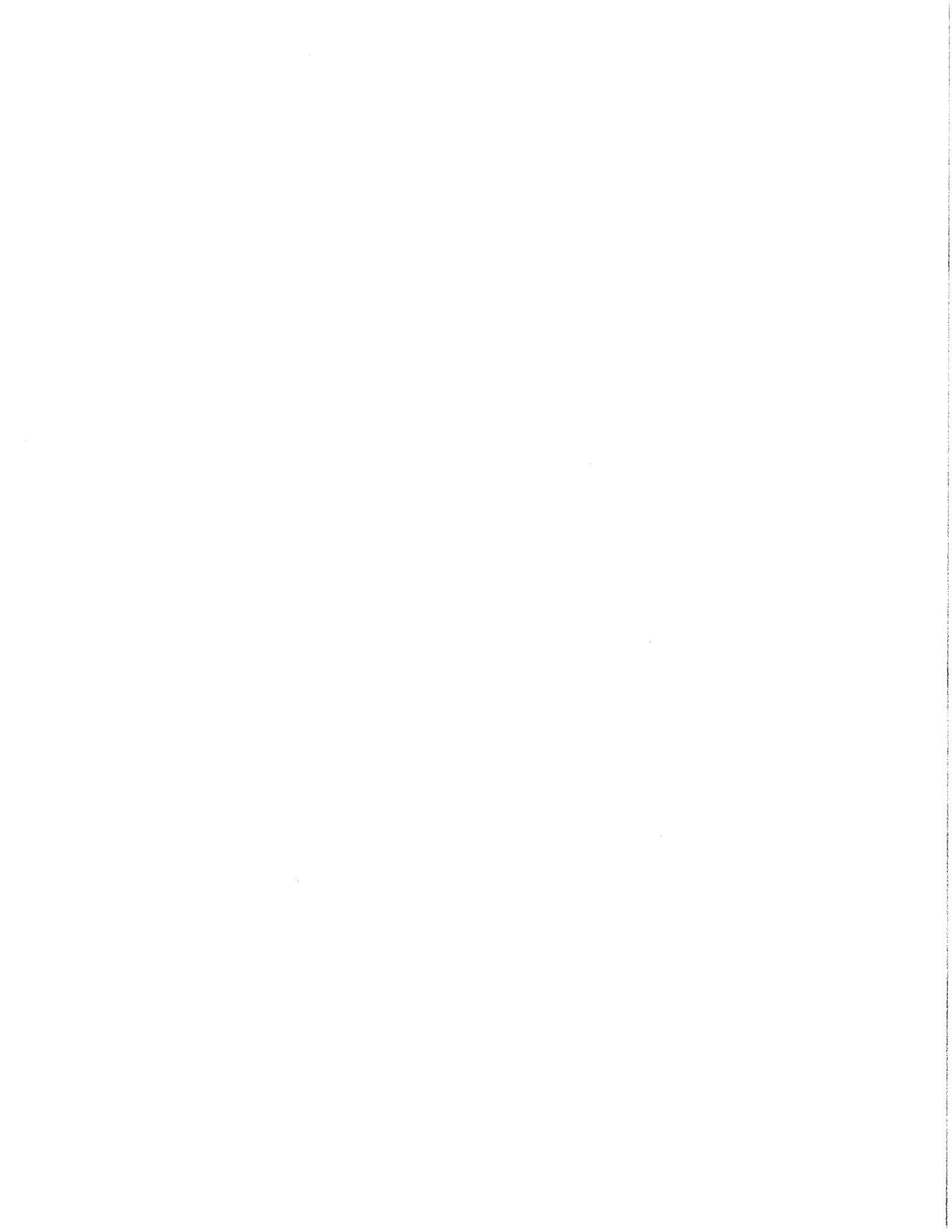


PUBLIC NOTICE

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:**
 - (a) Return the dog for a complete refund; (b) Return the dog for a replacement dog of equal value; OR (c) 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:**
 - (a) Return the dog and receive a full refund of the purchase price; OR (b) 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**

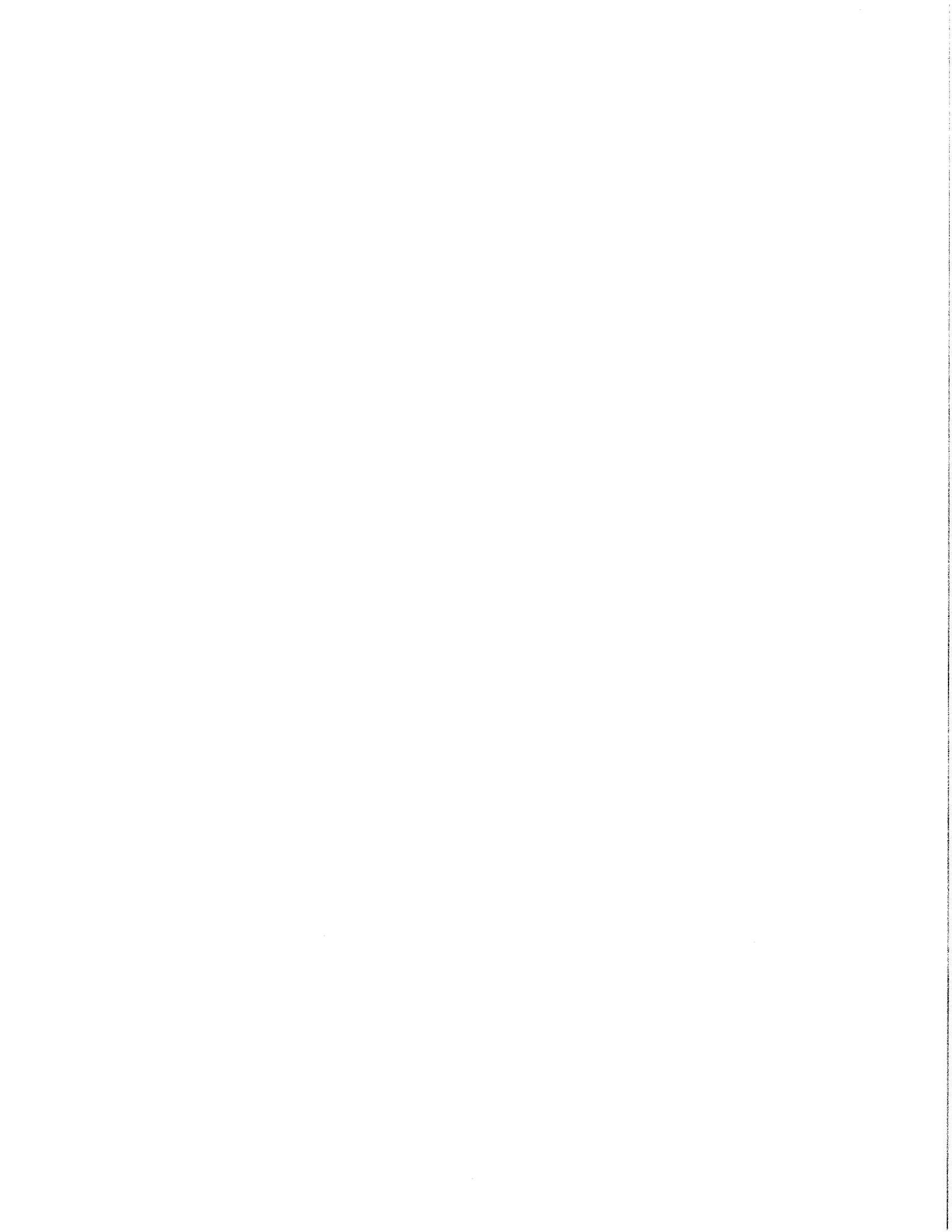
For further information concerning your rights under
Section 9.3 of the Unfair Trade Practices and Consumer Protection Law, contact:
Pennsylvania Office of Attorney General
Mike Fisher
Consumer Protection Hotline 1-800-441-2555
www.attorneygeneral.gov



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:**
 - (a) Return the dog for a complete refund; (b) Return the dog for a replacement dog of equal value; OR (c) 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:**
 - (a) Return the dog and receive a full refund of the purchase price; OR (b) Retain the dog and receive a 50% refund of the purchase price.



TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 59-06

SUBJECT: Dog Purchaser Protection

AGENCY: Office of Attorney General

TYPE OF REGULATION

Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b. Without Revisions

INDEPENDENT REGULATORY
REVIEW COMMISSION

1999 DEC -7 PM 2:55

RECEIVED

AD

FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

12/7/99

Judy Sidesse

HOUSE COMMITTEE ON
Judiciary

12/7/99

AS

SENATE COMMITTEE ON
Judiciary

10/6/99

J. Melnick

INDEPENDENT REGULATORY REVIEW
COMMISSION

ATTORNEY GENERAL

LEGISLATIVE REFERENCE BUREAU