

REGULATORY ANALYSIS FORM

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For 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.

McGinley

PART I: IDENTIFYING INFORMATION

(1) Agency Office of Attorney General	(2) I.D. No. (Use Task Force No.) 59-06 Kld	THIS SPACE FOR USE BY IRRC: Date Received:
(3) Short Title Dog Purchaser Protection		
(4) Pa. Code Cite	(5) Agency Contact & Phone Number Douglas P. Yauger (717) 787-9707	
(6) Type (check one) <input type="checkbox"/> Proposed Rulemaking <input 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 Be sure to cite court decisions, orders, or consent decrees or attach copies of unpublished documents.)

~~revised~~
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, or 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	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	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 paperwork 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)

50 OCT -7 AM 10:26

REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><i>[Signature]</i> BY: _____ DEPUTY ATTORNEY GENERAL</p> <p>SEP 24 1998 _____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Office of Attorney General</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>59-06</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <i>[Signature]</i> _____ TITLE: <u>First Deputy Attorney General</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: _____</p> <p>_____ DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 3 days after submission.</p>
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NOTICE OF PROPOSED RULEMAKING

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

Dog Purchaser Protection

**Notice of Proposed 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 proposed amendment will go into effect upon publication in the Pennsylvania Bulletin as final rulemaking.

B. Contact Person

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

C. Statutory Authority

This amendment is made under the authority of Section 9.3(g)(1) of the Act of 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. 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.

F. 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.

G. Regulatory Review

Under Section 5(a) of the regulatory Review Act, Act of June 30, 1989 , P.L. 73, No. 19, 71 P.S. §745.5(a), the Office of Attorney General (OAG) submitted a copy of the proposed rulemaking on _____, 1998, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Judiciary Committees. In addition to submitting the proposed amendment, the OAG has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the OAG. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the OAG within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the OAG, the Governor, and the General Assembly before publication of the regulation.

H. Sunset Date

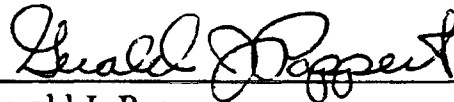
The information required to be contained in the form of notice as set forth in Annex A is fixed by statute. Therefore, no sunset date is proposed for these regulations.

I. Public Comments

Written comments may be submitted by interested persons to the Bureau of Consumer Protection, 14th Floor, Strawberry Square, Harrisburg, PA 17120. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections regarding the proposed regulation must be received by the OAG by (30 days after publication in the Pa. Bulletin), 1998.

Comments may also be submitted by electronic mail at consumers@attorneygeneral.gov. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the OAG by (30 days after publication in the Pa. Bulletin), 1998.

BY:



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. 397), 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), 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), 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."

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

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

RECEIVED
OCT 7 1998
REGULATORY REVIEW COMMISSION

I.D. NUMBER: 59-06

SUBJECT: Dog Purchaser Protection

AGENCY: Office of Attorney General
Bureau of Consumer Protection

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
10/7/98	<u>Judy Sedesse</u>	<u>HOUSE COMMITTEE</u> <i>judiciary</i>
10-7-98	<u>Sherry Warner</u>	<u>SENATE COMMITTEE</u> <i>Judiciary</i>
10/6/98	<u>Kim C. Gorman</u>	<u>INDEPENDENT REGULATORY REVIEW COMMISSION</u>
10-7-98	<u>Mary Mummert</u>	<u>ATTORNEY GENERAL</u>
10/7/98	<u>Mary G. Gorman</u>	<u>LEGISLATIVE REFERENCE BUREAU</u>