

REPLY TO

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Senate of Pennsylvania

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- TASK FORCE ON DOMESTIC RELATIONS LAW
- TASK FORCE ON ADOPTION LAW

December 9, 1998

Douglas P. Yauger
 Chief Deputy Attorney General
 14 Floor, Strawberry Square
 Harrisburg, Pennsylvania 17120

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c.c. from A. to: D
K.C. P. Rms
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Dear Mr. Yauger:

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 INDEPENDENT JUDICIARY
 REVIEW COMMISSION

As the prime sponsor of Act 27 of 1997, the Puppy Lemon Law, I am submitting comments on the proposed regulation published in the Pennsylvania Bulletin October 24, 1998.

I am in complete agreement with the comments offered by Johnna L. Seeton of the Pennsylvania Legislative Animal Network, Dotsie Keith of the Pennsylvania Federation of Dog Clubs, and Anne Irwin of the Federated Humane Societies of Pennsylvania. These include the suggestion to delete the word "breeding" from the definition of kennel and the suggestion to delete the clause "unless a health certificate issued by a veterinarian was provided by the seller and it disclosed that health problem" from the sentence which begins "Failure to notify the seller..." In the latter suggested deletion, I would like to see the suggested wording contained in Dotsie Keith's comments utilized. I am enclosing a copy of Ms. Keith's letter, along with copies of the letters of Ms. Irwin and Ms. Seeton.

The suggestion to specify the size of the notice--specifically that it should be no less than eight and one-half by 14 inches--is appropriate since the point of the notice is that consumers will see it. Another suggestion along these lines is that the notice be posted within view in the area of an establishment where dogs are sold. It has been a concern that sellers will post the notice in some spot where dog purchasers may not easily see it. In the case of a pet store, for instance, this might mean the notice would be posted near the fish tanks or bird cages instead of in the area where the puppies are located.

I have read the comments of Michael Maddox, Esq., of the Pet Industry Joint Advisory Council, and I have concerns about Mr. Maddox's third suggestion (the one that begins "Consumers are likely to be misled...") in his letter of November 20, 1998. The problem seems to be that Mr. Maddox has excerpted only a portion of the *unfit for purchase* definition of Act 27 of 1997 on which to base his suggestion for a change in the wording of the notice. I believe his suggested change would result in a confusion of the

legislative intent and would further result in consumers not being properly notified of their rights under Act 27 of 1997. I would ask that the complete wording of the definition of *unfit for purchase* be considered in reviewing Mr. Maddux's comment. It states: " 'Unfit for purchase' 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 or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal to the consumer."

Thank you very much for attending to my comments. I appreciate your work on the regulation.

Sincerely,


Stewart J. Greenleaf

cc: Robert E. Nyce, Executive Director, and John Jewett, IRRC