

Chapter 215

(House Bill 131)

AN ACT concerning

Retail Pet Stores – Sales of Dogs – Required Records, Health Disclosures, and Purchaser Remedies

FOR the purpose of requiring a retail pet store that sells dogs to post conspicuously on each dog's cage certain information about the dog; requiring a retail pet store to maintain a written record that contains certain information about each dog in the possession of the retail pet store; requiring a retail pet store to maintain a certain record for a certain period of time after the date of sale of a dog; requiring a retail pet store to make certain records available to certain persons and the ~~Department of Labor, Licensing, and Regulation~~ Division of Consumer Protection of the Office of the Attorney General under certain circumstances; requiring a retail pet store to provide ~~a~~ certain written ~~health disclosure information~~ information to a purchaser; providing that it is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act for a retail pet store to include any false or misleading statements in a certain certificate or record; authorizing a purchaser of a dog to seek certain remedies for certain health problems under certain circumstances; requiring a purchaser seeking a remedy under this Act to provide ~~certain notice and information to~~ a certain written statement to the owner or operator of the retail pet store ~~and to take the dog for certain examinations on request; requiring a certain statement by a veterinarian to contain certain information; establishing criteria for certain veterinary fees to be considered reasonable~~; requiring the owner or operator of a retail pet store to make a certain reimbursement within a certain period of time; providing that a purchaser is not entitled to a remedy under this Act under certain circumstances; ~~authorizing a retail pet store to contest a remedy under this Act in a certain manner; authorizing a contested remedy to be resolved in a certain manner; authorizing a court or arbiter to require a party acting in bad faith to pay reasonable attorney's fees and court costs of the adverse party; requiring a retail pet store to conspicuously post a certain notice of purchaser's rights under this Act; requiring a retail pet store to provide a written notice of purchaser's rights under this Act at a certain time in a certain manner; requiring a retail pet store that makes a certain representation related to a dog's registration to provide a certain notice to a purchaser at the time of the sale in a certain manner; prohibiting a retail pet store from making certain statements, promises, or representations related to a dog's registration unless the retail pet store provides certain documents to the purchaser within a certain period of time; authorizing a purchaser to seek a certain remedy if a retail pet store does not provide certain documents under certain circumstances; establishing civil penalties for a first or subsequent~~ that a violation of this Act is

an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing that this Act does not limit certain rights or remedies, the ability to agree to certain additional terms and conditions, or the ability of the State or a local government to prosecute a retail pet store for any other violation of laws; making certain conforming changes; providing for the application of this Act; defining certain terms; and generally relating to required records, health disclosures, and purchase remedies related to dog sales by retail pet stores.

BY adding to

Article – Business Regulation

Section 19–701 through ~~19–708~~ ~~19–709~~ 19–707 to be under the new subtitle
“Subtitle 7. Retail Pet Stores”

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13–301(14)(xxvii)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 13–301(14)(xxviii)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY adding to

Article – Commercial Law

Section 13–301(14)(xxix)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation

SUBTITLE 7. RETAIL PET STORES.

19–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BREEDER” MEANS A PERSON WHO BREEDS OR RAISES DOGS TO SELL, EXCHANGE, OR OTHERWISE TRANSFER TO THE PUBLIC.

(C) “CLINICALLY ILL” MEANS AN ILLNESS THAT IS APPARENT TO A LICENSED VETERINARIAN BASED ON OBSERVATION, EXAMINATION, OR TESTING OF THE DOG.

(D) (1) “DEALER” MEANS A PERSON WHO, FOR COMPENSATION:

(I) BUYS, SELLS, OR NEGOTIATES THE PURCHASE OF A DOG; OR

(II) DELIVERS FOR TRANSPORT OR TRANSPORTS A DOG.

(2) “DEALER” DOES NOT INCLUDE A PERSON WHO TRANSPORTS A DOG AS A CARRIER ONLY.

(E) “NONELECTIVE SURGICAL PROCEDURE” MEANS A SURGICAL PROCEDURE THAT IS NECESSARY TO PRESERVE OR RESTORE THE HEALTH OF AN ANIMAL OR TO CORRECT A CONDITION THAT WOULD:

(1) INTERFERE WITH THE ANIMAL’S ABILITY TO WALK, RUN, JUMP, OR OTHERWISE FUNCTION IN A NORMAL MANNER; OR

(2) CAUSE PAIN AND SUFFERING TO THE ANIMAL.

(F) “PURCHASER” MEANS ANY PERSON WHO PURCHASES A DOG FROM A RETAIL PET STORE.

(G) “RETAIL PET STORE” MEANS A FOR-PROFIT ESTABLISHMENT OPEN TO THE PUBLIC THAT SELLS OR OFFERS FOR SALE DOMESTIC ANIMALS TO BE KEPT AS HOUSEHOLD PETS.

19-702.

THIS SUBTITLE DOES NOT APPLY TO A BONA FIDE NONPROFIT ORGANIZATION OPERATING WITHIN A RETAIL PET STORE.

19-703.

(A) A RETAIL PET STORE THAT SELLS DOGS SHALL:

(1) POST CONSPICUOUSLY ON EACH DOG’S CAGE:

(I) THE BREED, AGE, AND DATE OF BIRTH OF THE DOG, IF KNOWN;

(II) THE STATE IN WHICH THE BREEDER OR DEALER OF THE DOG IS LOCATED; AND

(III) THE UNITED STATES DEPARTMENT OF AGRICULTURE LICENSE NUMBER OF THE BREEDER OR DEALER, IF REQUIRED;

(2) MAINTAIN A WRITTEN RECORD THAT INCLUDES THE FOLLOWING INFORMATION ABOUT EACH DOG IN THE POSSESSION OF THE RETAIL PET STORE:

(I) THE BREED, AGE, AND DATE OF BIRTH OF THE DOG, IF KNOWN;

(II) THE SEX, COLOR, AND ANY IDENTIFYING MARKINGS OF THE DOG;

(III) DOCUMENTATION OF ALL INOCULATIONS, WORMING TREATMENTS, AND OTHER MEDICAL TREATMENTS, IF KNOWN, INCLUDING THE DATE OF THE MEDICAL TREATMENT, THE DIAGNOSES, AND THE NAME AND TITLE OF THE TREATMENT PROVIDER;

(IV) THE NAME AND ADDRESS OF:

1. THE BREEDER OR DEALER WHO SUPPLIED THE DOG; AND

2. THE FACILITY WHERE THE DOG WAS BORN; AND

~~2.~~ 3. THE TRANSPORTER OR CARRIER OF THE DOG, IF ANY;

(V) THE UNITED STATES DEPARTMENT OF AGRICULTURE LICENSE NUMBER OF THE BREEDER OR DEALER, IF REQUIRED;

(VI) ANY IDENTIFIER INFORMATION, INCLUDING A TAG, TATTOO, COLLAR NUMBER, OR MICROCHIP; AND

(VII) IF THE DOG IS BEING SOLD AS REGISTERED OR REGISTRABLE:

1. THE NAMES AND REGISTRATION NUMBERS OF THE SIRE AND DAM; AND

2. THE LITTER NUMBER; AND

(3) FOR EACH DOG ACQUIRED BY THE RETAIL PET STORE, MAINTAIN A WRITTEN RECORD OF THE HEALTH, STATUS, AND DISPOSITION OF THE DOG, INCLUDING ANY DOCUMENTS THAT ARE REQUIRED AT THE TIME OF SALE.

(B) A RETAIL PET STORE SHALL MAINTAIN A COPY OF THE RECORDS REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION FOR AT LEAST 1 YEAR AFTER THE DATE OF SALE OF THE DOG.

(C) A RETAIL PET STORE SHALL MAKE THE RECORDS REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION AVAILABLE TO:

(1) THE DEPARTMENT DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL ON REASONABLE NOTICE;

(2) ANY BONA FIDE PROSPECTIVE PURCHASER ON REQUEST; AND

(3) THE PURCHASER AT THE TIME OF A SALE.

~~19-703.~~ 19-704.

~~A RETAIL PET STORE SHALL PROVIDE TO A PURCHASER AT THE TIME OF A SALE OF A DOG A WRITTEN DISCLOSURE THAT:~~

~~(1) IS SIGNED AND DATED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER;~~

~~(2) INCLUDES A STATEMENT BY THE RETAIL PET STORE:~~

~~(i) STATING THAT, AT THE TIME OF THE SALE, THE DOG HAS NO KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT ADVERSELY AFFECTS THE HEALTH OF THE DOG OR IS LIKELY TO ADVERSELY AFFECT THE HEALTH OF THE DOG IN THE FUTURE; OR~~

~~(ii) IDENTIFYING ANY KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT ADVERSELY AFFECTS THE HEALTH OF THE DOG OR IS LIKELY TO ADVERSELY AFFECT THE HEALTH OF THE DOG IN THE FUTURE; AND~~

~~(3) IF THE DOG HAS NOT RECEIVED A VETERINARY EXAMINATION, INCLUDES A STATEMENT THAT THE DOG HAS NOT RECEIVED A VETERINARY EXAMINATION BEFORE THE SALE.~~

(A) A RETAIL PET STORE SHALL PROVIDE TO A PURCHASER AT THE TIME OF A SALE OF A DOG:

(1) A HEALTH CERTIFICATE FROM A VETERINARIAN LICENSED IN THE STATE ISSUED WITHIN 30 DAYS BEFORE THE DATE OF SALE CERTIFYING THAT THE DOG:

(I) HAS NO KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION WHICH IS DIAGNOSABLE WITH REASONABLE ACCURACY; AND

(II) DOES NOT APPEAR TO BE CLINICALLY ILL FROM PARASITIC INFECTION AT THE TIME OF THE EXAMINATION;

(2) THE WRITTEN RECORD ABOUT THE DOG MAINTAINED BY THE RETAIL PET STORE UNDER § 19-703(A)(2) OF THIS SUBTITLE; AND

(3) A STATEMENT NOTIFYING THE PURCHASER OF THE SPECIFIC RIGHTS AVAILABLE TO THE PURCHASER UNDER THIS SUBTITLE.

(B) IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE FOR A RETAIL PET STORE TO INCLUDE ANY FALSE OR MISLEADING STATEMENTS IN THE HEALTH CERTIFICATE OR WRITTEN RECORD PROVIDED TO A PURCHASER UNDER SUBSECTION (A) OF THIS SECTION.

~~19-704.~~ 19-705.

(A) (1) A PERSON WHO PURCHASED A DOG FROM A RETAIL PET STORE IS ENTITLED TO A REMEDY UNDER THIS SECTION IF:

(I) WITHIN ~~21~~ 7 DAYS AFTER THE DATE OF THE SALE, ~~THE~~ THE PERSON HAD THE DOG EXAMINED BY A ~~LICENSED~~ LICENSED VETERINARIAN LICENSED IN THE STATE AND, WITHIN 14 DAYS AFTER THE DATE OF THE SALE, THE LICENSED VETERINARIAN STATES IN WRITING THAT THE DOG SUFFERS FROM OR HAS DIED OF A DISEASE OR ILLNESS ADVERSELY AFFECTING THE HEALTH OF THE DOG AND THAT EXISTED IN THE DOG ON OR BEFORE THE DATE OF DELIVERY TO THE PURCHASER; OR

(II) WITHIN ~~1 YEAR~~ 180 DAYS AFTER THE DATE OF THE SALE, A LICENSED VETERINARIAN STATES IN WRITING THAT THE DOG POSSESSES OR HAS DIED OF A CONGENITAL OR HEREDITARY CONDITION ADVERSELY AFFECTING THE HEALTH OF THE DOG OR THAT REQUIRES HOSPITALIZATION OR A NONELECTIVE SURGICAL PROCEDURE.

(2) INTESTINAL OR EXTERNAL PARASITES MAY NOT BE CONSIDERED TO ADVERSELY AFFECT THE HEALTH OF THE DOG UNLESS THE PRESENCE OF THE PARASITES MAKES THE DOG CLINICALLY ILL.

(B) (1) A PURCHASER ENTITLED TO A REMEDY UNDER SUBSECTION (A) OF THIS SECTION MAY:

(I) RETURN THE DOG TO THE RETAIL PET STORE FOR A FULL REFUND OF THE PURCHASE PRICE;

(II) EXCHANGE THE DOG FOR ANOTHER DOG OF COMPARABLE VALUE CHOSEN BY THE PURCHASER, IF AVAILABLE; OR

(III) RETAIN THE DOG AND BE REIMBURSED BY THE RETAIL PET STORE FOR REASONABLE AND DOCUMENTED VETERINARY FEES FOR DIAGNOSIS AND TREATMENT OF THE DOG, NOT EXCEEDING ~~THREE~~ TWO TIMES THE PURCHASE PRICE OF THE DOG.

~~(2) VETERINARY FEES UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE CONSIDERED REASONABLE IF:~~

~~(I) THE SERVICES PROVIDED ARE APPROPRIATE FOR THE DIAGNOSIS AND TREATMENT OF THE DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION; AND~~

~~(II) THE COST OF THE SERVICES IS COMPARABLE TO THAT CHARGED FOR SIMILAR SERVICES BY OTHER LICENSED VETERINARIANS LOCATED IN CLOSE PROXIMITY TO THE TREATING VETERINARIAN.~~

~~(3)~~ UNLESS THE OWNER OR OPERATOR OF THE RETAIL PET STORE CONTESTS A REIMBURSEMENT REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE REIMBURSEMENT SHALL BE MADE TO THE PURCHASER NO LATER THAN 10 BUSINESS DAYS AFTER THE RETAIL PET STORE RECEIVES THE VETERINARIAN'S STATEMENT UNDER SUBSECTION ~~(C)(1)~~ (C) OF THIS SECTION.

(C) ~~(1)~~ TO OBTAIN A REMEDY UNDER THIS SECTION, A PURCHASER SHALL:

~~(I) NOTIFY THE OWNER OR OPERATOR OF THE RETAIL PET STORE WITHIN 3 BUSINESS DAYS AFTER A DIAGNOSIS BY A LICENSED VETERINARIAN OF A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION OF THE DOG FOR WHICH THE PURCHASER IS SEEKING A REMEDY;~~

~~(II) PROVIDE TO THE OWNER OR OPERATOR OF THE RETAIL PET STORE, *WITHIN 5 BUSINESS DAYS AFTER RECEIPT*, A WRITTEN STATEMENT FROM A LICENSED VETERINARIAN ~~WITHIN 5 BUSINESS DAYS AFTER A DIAGNOSIS BY THE VETERINARIAN~~ THAT THE DOG SUFFERS FROM OR HAS DIED OF A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION ADVERSELY AFFECTING THE HEALTH OF THE DOG AND THAT EXISTED IN THE DOG ON OR BEFORE THE DATE OF DELIVERY TO THE PURCHASER;~~

~~(III) ON REQUEST OF THE OWNER OR OPERATOR OF THE RETAIL PET STORE, PROMPTLY TAKE THE DOG FOR AN EXAMINATION BY A LICENSED VETERINARIAN CHOSEN BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE, AT THE EXPENSE OF THE RETAIL PET STORE;~~

~~(IV) IF THE DOG HAS DIED, ON REQUEST OF THE OWNER OR OPERATOR OF THE RETAIL PET STORE, TAKE THE DECEASED DOG FOR A NECROPSY BY A LICENSED VETERINARIAN CHOSEN BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE, AT THE EXPENSE OF THE RETAIL PET STORE; AND~~

~~(V) IF THE PURCHASER REQUESTS A REIMBURSEMENT OF REASONABLE VETERINARY FEES UNDER SUBSECTION (B)(1)(III) OF THIS SECTION, PROVIDE TO THE RETAIL PET STORE AN ITEMIZED BILL FOR THE DIAGNOSIS AND TREATMENT OF THE DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION OF THE DOG FOR WHICH THE PURCHASER IS SEEKING A REMEDY.~~

~~(2) A VETERINARIAN'S STATEMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL INCLUDE:~~

~~(I) THE PURCHASER'S NAME AND ADDRESS;~~

~~(II) A STATEMENT THAT THE VETERINARIAN EXAMINED THE DOG;~~

~~(III) THE DATE OR DATES ON WHICH THE DOG WAS EXAMINED;~~

~~(IV) THE BREED AND AGE OF THE DOG, IF KNOWN;~~

~~(V) A STATEMENT THAT THE DOG HAS OR HAD A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT IS SUBJECT TO A REMEDY; AND~~

~~(VI) THE FINDINGS OF THE EXAMINATION OR NECROPSY, INCLUDING LABORATORY RESULTS OR COPIES OF THE RESULTS.~~

(D) A PURCHASER IS NOT ENTITLED TO A REMEDY UNDER THIS SECTION IF:

(1) THE ILLNESS OR DEATH RESULTED FROM:

(I) MALTREATMENT OR NEGLECT BY THE PURCHASER;

(II) AN INJURY SUSTAINED AFTER THE DELIVERY OF THE DOG TO THE PURCHASER; OR

(III) AN ILLNESS OR DISEASE CONTRACTED AFTER THE DELIVERY OF THE DOG TO THE PURCHASER;

(2) THE PURCHASER DOES NOT CARRY OUT THE RECOMMENDED TREATMENT PRESCRIBED BY THE VETERINARIAN WHO MADE THE DIAGNOSIS;
OR

(3) THE ILLNESS, DISEASE, OR CONGENITAL OR HEREDITARY CONDITION WAS DISCLOSED AT THE TIME OF PURCHASE; ~~OR~~

~~(4) THE PURCHASER DOES NOT RETURN TO THE RETAIL PET STORE ALL DOCUMENTS PROVIDED TO THE PURCHASER TO REGISTER THE DOG.~~

~~(E) (1) A RETAIL PET STORE MAY CONTEST A REMEDY UNDER THIS SECTION BY HAVING THE DOG EXAMINED BY A LICENSED VETERINARIAN AT THE EXPENSE OF THE RETAIL PET STORE.~~

~~(2) IF THE PURCHASER AND THE RETAIL PET STORE HAVE NOT REACHED AN AGREEMENT WITHIN 10 BUSINESS DAYS AFTER THE EXAMINATION OF THE DOG BY THE VETERINARIAN CHOSEN BY THE RETAIL PET STORE;~~

~~(I) THE PURCHASER MAY BRING SUIT IN A COURT OF COMPETENT JURISDICTION TO RESOLVE THE DISPUTE; OR~~

~~(H) IF THE PARTIES AGREE IN WRITING, THE PARTIES MAY SUBMIT THE DISPUTE TO BINDING ARBITRATION.~~

~~(3) IF THE COURT OR ARBITER FINDS THAT EITHER PARTY ACTED IN BAD FAITH IN SEEKING OR DENYING THE REQUESTED REMEDY, THE OFFENDING PARTY MAY BE REQUIRED TO PAY REASONABLE ATTORNEY'S FEES AND COURT COSTS OF THE ADVERSE PARTY.~~

~~19 705. 19 706.~~

~~(A) A RETAIL PET STORE THAT SELLS DOGS SHALL CONSPICUOUSLY POST A NOTICE STATING THAT PURCHASERS OF DOGS HAVE SPECIFIC RIGHTS UNDER THE LAW AND THAT A WRITTEN STATEMENT OF THOSE RIGHTS IS AVAILABLE ON REQUEST.~~

~~(B) (1) AT THE TIME OF A SALE OF A DOG OR ON REQUEST OF A PROSPECTIVE PURCHASER, A RETAIL PET STORE SHALL PROVIDE A WRITTEN NOTICE OF PURCHASER'S RIGHTS UNDER THIS SUBTITLE.~~

~~(2) AT THE TIME A WRITTEN NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE SHALL BE SIGNED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER.~~

~~19 706. 19 707.~~

~~(A) (1) A RETAIL PET STORE THAT REPRESENTS THAT A DOG SOLD BY THE RETAIL PET STORE IS REGISTERED OR REGISTRABLE SHALL PROVIDE THE PURCHASER WITH A WRITTEN NOTICE AT THE TIME OF THE SALE THAT STATES: "A PEDIGREE OR REGISTRATION DOES NOT ASSURE PROPER BREEDING CONDITION, HEALTH, QUALITY, OR CLAIMS TO LINEAGE."~~

~~(2) AT THE TIME A WRITTEN NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE SHALL BE SIGNED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER.~~

~~(B) (1) A RETAIL PET STORE MAY NOT STATE, PROMISE, OR REPRESENT TO A PURCHASER, DIRECTLY OR INDIRECTLY, THAT A DOG IS REGISTERED OR REGISTRABLE UNLESS THE RETAIL PET STORE PROVIDES THE PURCHASER WITH THE DOCUMENTS NECESSARY FOR REGISTRATION WITHIN 120 90 DAYS AFTER THE DATE OF SALE.~~

~~(2) IF THE RETAIL PET STORE DOES NOT PROVIDE THE DOCUMENTS AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PURCHASER MAY:~~

~~(i) PROVIDE WRITTEN NOTICE TO THE RETAIL PET STORE OF THE PURCHASER'S INTENT TO SEEK A REMEDY AUTHORIZED IN ITEM (ii) OF THIS PARAGRAPH; AND~~

~~(ii) 1. RETURN THE DOG AND ALL ACCOMPANYING DOCUMENTATION TO THE RETAIL PET STORE FOR A FULL REFUND OF THE PURCHASE PRICE; OR~~

~~2. RETAIN THE DOG AND BE REIMBURSED BY THE RETAIL PET STORE FOR 50% OF THE PURCHASE PRICE.~~

~~19-707. 19-708. 19-706.~~

~~AN OWNER OR OPERATOR OF A RETAIL PET STORE THAT VIOLATES THIS SUBTITLE IS LIABLE FOR A CIVIL PENALTY NOT EXCEEDING:~~

~~(1) \$500 FOR A FIRST OFFENSE; OR~~

~~(2) \$1,000 FOR EACH SUBSEQUENT OFFENSE.~~

A VIOLATION OF THIS SUBTITLE:

(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

~~19-708. 19-709. 19-707.~~

NOTHING IN THIS SUBTITLE LIMITS:

(1) THE RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO A PURCHASER;

(2) THE ABILITY OF THE OWNER OR OPERATOR OF A RETAIL PET STORE AND PURCHASER TO AGREE TO ADDITIONAL TERMS AND CONDITIONS THAT DO NOT IMPAIR THE RIGHTS GRANTED TO A PURCHASER UNDER THIS SUBTITLE; OR

(3) THE ABILITY OF THE STATE OR A LOCAL GOVERNMENT TO PROSECUTE THE OWNER OR OPERATOR OF A RETAIL PET STORE FOR ANY OTHER VIOLATION OF LAW.

Article – Commercial Law

13-301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxvii) Section 7-405(e)(2)(ii) of the Health Occupations Article; [or]

(xxviii) Title 12, Subtitle 10 of the Financial Institutions Article; or

(XXIX) TITLE 19, SUBTITLE 7 OF THE BUSINESS REGULATION ARTICLE; OR

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.