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**By: Delegate Arnick**

Requested: August 24, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Puppy Protection Act**

3 FOR the purpose of providing certain remedies for consumers who purchase unfit dogs  
4 from pet dealers or breeders; requiring a certain consumer to provide a certain  
5 notice to a pet dealer or breeder within a certain period of time; disallowing certain  
6 consumer remedies if the consumer signs a certain waiver; prohibiting a pet dealer  
7 or breeder from requiring a consumer to sign a certain waiver as a condition for a  
8 certain purchase; requiring a pet dealer or breeder to provide a consumer with a  
9 certain notice within a certain period of time and to display a certain notice in a  
10 certain manner; specifying a penalty for violation of this Act; defining certain terms;  
11 and generally relating to the rights and obligations of consumers, pet dealers, and  
12 breeders concerning the purchase of unfit dogs.

13 BY adding to

14 Article - Commercial Law  
15 Section 14-2801 through 14-2807, inclusive, to be under the new subtitle "Subtitle  
16 28. Puppy Protection Act"  
17 Annotated Code of Maryland  
18 (1990 Replacement Volume and 1995 Supplement)

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

21 **Article - Commercial Law**

22 **SUBTITLE 28. PUPPY PROTECTION ACT.**

23 14-2801.

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

26 (B) (1) "BREEDER" MEANS A PERSON WHO, IN THE ORDINARY COURSE OF  
27 BUSINESS, ENGAGES IN THE BREEDING OF DOGS FOR SALE TO THE PUBLIC FOR  
28 PROFIT.

29 (2) "BREEDER" DOES NOT INCLUDE:

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1 (I) A PERSON WHO OWNS A DOG THAT OCCASIONALLY IS BRED  
2 OR PRODUCES A LITTER FROM WHICH ANIMALS ARE SOLD; OR

3 (II) A DULY INCORPORATED HUMANE SOCIETY THAT MAKES  
4 DOGS AVAILABLE FOR ADOPTION, WHETHER OR NOT A FEE IS CHARGED FOR THE  
5 SERVICE.

6 (C) (1) "PET DEALER" MEANS A PERSON WHO, IN THE ORDINARY COURSE  
7 OF BUSINESS, ENGAGES IN THE SALE OF DOGS TO THE PUBLIC FOR PROFIT.

8 (2) "PET DEALER" DOES NOT INCLUDE A DULY INCORPORATED  
9 HUMANE SOCIETY THAT MAKES DOGS AVAILABLE FOR ADOPTION, WHETHER OR  
10 NOT A FEE IS CHARGED FOR THE SERVICE.

11 14-2802.

12 A PET DEALER OR BREEDER WHO SELLS A DOG TO A CONSUMER SHALL  
13 PROVIDE THE CONSUMER, AT THE OPTION OF THE CONSUMER, ONE OF THE  
14 REMEDIES SPECIFIED IN § 14-2803 OF THIS SUBTITLE IF, WITHIN THE 14-DAY PERIOD  
15 THAT BEGINS ON THE DATE THE PET DEALER OR BREEDER SELLS THE CONSUMER  
16 THE DOG:

17 (1) A LICENSED VETERINARIAN CERTIFIES TO THE CONSUMER THAT  
18 THE DOG HAS:

19 (I) AN ILLNESS OR DISEASE;

20 (II) A PHYSICAL AILMENT OR PHYSICAL UNSOUNDNESS WHICH  
21 DOES NOT RESULT FROM AN ACCIDENT OR INJURY SUSTAINED BY THE DOG  
22 DURING THE 14-DAY PERIOD;

23 (III) A SYMPTOM OF A CONTAGIOUS OR INFECTIOUS DISEASE;

24 (IV) AN INTERNAL OR EXTERNAL PARASITE THAT POSES A HEALTH  
25 RISK TO THE DOG; OR

26 (V) A DISTURBED, DISTRESSED, OR ANTISOCIAL BEHAVIOR THAT  
27 RESULTS FROM A CONDITION THAT EXISTED BEFORE THE CONSUMER PURCHASED  
28 THE DOG AND THAT RENDERS THE DOG UNFIT AS A PET; OR

29 (2) THE DOG DIES OF CAUSES THAT ARE NOT THE RESULT OF AN  
30 ACCIDENT OR INJURY SUSTAINED DURING THE 14-DAY PERIOD AND A LICENSED  
31 VETERINARIAN CERTIFIES THE CAUSE OF DEATH.

32 14-2803.

33 (A) IF A CAUSE OF ACTION SPECIFIED IN § 14-2802 OF THIS SUBTITLE EXISTS,  
34 THE REMEDIES AVAILABLE TO A CONSUMER ARE LIMITED TO:

35 (1) (I) RETURN OF THE DOG TO THE PET DEALER OR BREEDER;

36 (II) RECEIPT OF A REFUND OF THE ORIGINAL PRICE OF THE DOG,  
37 INCLUDING ANY SALES TAX IMPOSED AT THE TIME OF THE SALE; AND

38 (III) RECEIPT OF REIMBURSEMENT FOR VETERINARY COSTS THAT:

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1 1. ARE REASONABLY NECESSARY TO EXAMINE AND TREAT  
2 THE DOG FOR ANY CONDITION THAT IS RELATED TO A CAUSE OF ACTION SPECIFIED  
3 IN § 14-2802 OF THIS SUBTITLE UNDER WHICH THE CONSUMER SEEKS RECOVERY;  
4 AND

5 2. ARE INCURRED BEFORE THE RECEIPT OF ANY  
6 VETERINARIAN CERTIFICATION UNDER § 14-2802 OF THIS SUBTITLE;

7 (2) (I) RETURN OF THE DOG TO THE PET DEALER OR BREEDER;

8 (II) RECEIPT OF ANOTHER DOG THAT THE CONSUMER CHOOSES  
9 WHICH DOES NOT COST MORE THAN THE ORIGINAL PRICE OF THE DOG THAT THE  
10 CONSUMER RETURNS; AND

11 (III) RECEIPT OF REIMBURSEMENT FOR VETERINARY COSTS THAT:

12 1. ARE REASONABLY NECESSARY TO EXAMINE AND TREAT  
13 THE DOG FOR ANY CONDITION THAT IS RELATED TO A CAUSE OF ACTION SPECIFIED  
14 IN § 14-2802 OF THIS SUBTITLE UNDER WHICH THE CONSUMER SEEKS RECOVERY;  
15 AND

16 2. ARE INCURRED BEFORE THE RECEIPT OF ANY  
17 VETERINARIAN CERTIFICATION UNDER § 14-2802 OF THIS SUBTITLE; OR

18 (3) REIMBURSEMENT OF VETERINARY COSTS THAT ARE REASONABLY  
19 NECESSARY TO EXAMINE AND TREAT THE DOG FOR ANY CONDITION THAT IS  
20 RELATED TO A CAUSE OF ACTION SPECIFIED IN § 14-2802 OF THIS SUBTITLE UNDER  
21 WHICH THE CONSUMER SEEKS RECOVERY.

22 (B) THE AMOUNT OF REIMBURSEMENT FOR VETERINARY COSTS THAT A  
23 CONSUMER IS ENTITLED TO RECEIVE UNDER SUBSECTION (A) OF THIS SECTION IS  
24 LIMITED TO THE ORIGINAL PRICE OF THE DOG PURCHASED BY THE CONSUMER,  
25 INCLUDING ANY SALES TAX IMPOSED AT THE TIME OF PURCHASE.

26 14-2804.

27 (A) WITHIN 3 BUSINESS DAYS AFTER THE DATE OF A VETERINARIAN  
28 CERTIFICATION UNDER § 14-2802 OF THIS SUBTITLE, A CONSUMER WHO SEEKS TO  
29 RELY ON ANY OF THE REMEDIES AUTHORIZED BY § 14-2803 OF THIS SUBTITLE SHALL  
30 NOTIFY THE PET DEALER OR BREEDER OF THE CERTIFICATION.

31 (B) WITHIN 10 BUSINESS DAYS AFTER THE PET DEALER OR BREEDER  
32 RECEIVES THE NOTIFICATION REQUIRED BY SUBSECTION (A) OF THIS SECTION, THE  
33 PET DEALER OR BREEDER SHALL PROVIDE THE CONSUMER THE REMEDY THAT THE  
34 CONSUMER CHOOSES UNDER § 14-2803 OF THIS SUBTITLE.

35 14-2805.

36 (A) A CONSUMER DOES NOT HAVE A RIGHT TO ANY OF THE REMEDIES  
37 SPECIFIED IN § 14-2803 OF THIS SUBTITLE IF:

38 (1) AT THE TIME OF PURCHASE, THE PET DEALER OR BREEDER FROM  
39 WHOM THE CONSUMER PURCHASES A DOG:

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1 (I) NOTIFIES THE CONSUMER IN WRITING THAT THE DOG HAS AN  
2 ILLNESS, DISEASE, PHYSICAL AILMENT, PHYSICAL UNSOUNDNESS, PARASITE, OR  
3 BEHAVIOR SPECIFIED IN § 14-2802(1) OF THIS SUBTITLE; AND

4 (II) IDENTIFIES FOR THE CONSUMER IN WRITING THE FULL  
5 RAMIFICATIONS OF THE ILLNESS, DISEASE, PHYSICAL AILMENT, PHYSICAL  
6 UNSOUNDNESS, PARASITE, OR BEHAVIOR; AND

7 (2) THE CONSUMER SIGNS A WRITTEN WAIVER THAT:

8 (I) SPECIFIES THAT THE CONSUMER RECEIVED AND  
9 UNDERSTANDS THE NOTIFICATION SPECIFIED IN PARAGRAPH (1) OF THIS  
10 SUBSECTION; AND

11 (II) INFORMS THE CONSUMER THAT THE CONSUMER DOES NOT  
12 HAVE A RIGHT TO ANY OF THE REMEDIES SPECIFIED IN § 14-2803 OF THIS SUBTITLE  
13 IF THE CONSUMER SIGNS THE WAIVER.

14 (B) A PET DEALER OR BREEDER MAY NOT REQUIRE A CONSUMER TO SIGN A  
15 WRITTEN WAIVER THAT RELINQUISHES THE RIGHT OF THE CONSUMER TO ANY OF  
16 THE REMEDIES SPECIFIED IN § 14-2803 OF THIS SUBTITLE AS A CONDITION OF A  
17 PURCHASE OF A DOG FROM THE PET DEALER OR BREEDER.

18 14-2806.

19 A PET DEALER OR BREEDER SHALL:

20 (1) AT THE TIME OF PURCHASE OF A DOG BY A CONSUMER FROM THE  
21 PET DEALER OR BREEDER:

22 (I) PROVIDE WRITTEN NOTICE TO THE CONSUMER CONCERNING  
23 THE RIGHTS AND REMEDIES OF THE CONSUMER AND THE OBLIGATIONS OF THE PET  
24 DEALER OR BREEDER UNDER THIS SUBTITLE;

25 (II) EXPLAIN ORALLY TO THE CONSUMER ABOUT THE WRITTEN  
26 NOTICE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

27 (III) OBTAIN FROM THE CONSUMER:

28 1. A WRITTEN ACKNOWLEDGMENT, BY SIGNATURE OR  
29 OTHER WRITING, THAT THE CONSUMER RECEIVED AND FULLY UNDERSTANDS THE  
30 WRITTEN NOTICE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE  
31 ORAL EXPLANATION SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

32 2. THE ADDRESS OF THE CONSUMER AT THE TIME OF  
33 PURCHASE; AND

34 (2) DISPLAY CONSPICUOUSLY AT THE BUSINESS PREMISES OF THE PET  
35 DEALER OR BREEDER:

36 (I) A WRITTEN NOTICE TO THE PUBLIC CONCERNING THE RIGHTS  
37 AND REMEDIES OF A CONSUMER AND THE OBLIGATIONS OF THE PET DEALER OR  
38 BREEDER UNDER THIS SUBTITLE; AND

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1 (II) IN CLOSE PROXIMITY TO ANY DOG THAT THE PET DEALER OR  
2 BREEDER OFFERS FOR SALE, A WRITTEN NOTICE THAT IDENTIFIES THE STATE IN  
3 WHICH THE DOG WAS BRED.

4 14-2807.

5 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A  
6 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1996.