

SB0317/727175/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 317
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with “Ferguson” down through “Montgomery,” and substitute “Astle, Ferguson, Gladden, Glassman, Jennings, King, Kittleman, Madaleno, Manno, Middleton, Mathias, Montgomery, Muse.”; in line 10, strike “Department of Labor, Licensing, and Regulation” and substitute “Division of Consumer Protection of the Office of the Attorney General”; in lines 11 and 12, strike “health disclosure” and substitute “information”; in line 11, strike the second “a”; in line 12, after “purchaser;” insert “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;”; strike beginning with “certain” in line 14 down through the first “to” in line 15 and substitute “a certain written statement to the owner or operator of”; and strike beginning with “and” in line 15 down through “reasonable” in line 18.

On pages 1 and 2, strike beginning with “authorizing” in line 21 on page 1 down through “circumstances;” in line 4 on page 2.

On page 2, strike beginning with “civil” in line 4 down through “subsequent” in line 5 and substitute “that a”; in line 5, after “Act” insert “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”; in line 8, after “laws;” insert “making certain conforming changes; providing for the application of this Act;”; in line 13, strike “19-708” and substitute “19-707”; and after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 13-301(14)(xxvii)

Annotated Code of Maryland

(Over)

(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)”.

AMENDMENT NO. 2

On page 3, after line 14, insert:

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

19-703.”

On page 4, in line 6, after “DEALER” insert “**WHO SUPPLIED THE DOG;**”; in the same line, strike “AND” and substitute:

“2.”;

in line 8, strike “2.” and substitute “**3.**”; in line 28, strike “DEPARTMENT” and substitute “**DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL**”; and in line 29, after “ANY” insert “**BONA FIDE**”.

On page 5, in lines 2 and 19, strike “**19-703.**” and “**19-704.**”, respectively, and substitute “**19-704.**” and “**19-705.**”, respectively; strike in their entirety lines 3 through 18, inclusive, and substitute:

“(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.”;

in line 22, strike “**21**” and substitute “**7**”; in the same line, strike “**A**” and substitute “**THE PERSON HAD THE DOG EXAMINED BY A VETERINARIAN LICENSED IN THE STATE AND, WITHIN 14 DAYS AFTER THE DATE OF THE SALE, THE**”; and in line 27, strike “**1 YEAR**” and substitute “**180 DAYS**”.

On page 6, in line 9, after “**PURCHASER**” insert “**, IF AVAILABLE**”; in line 11, after “**REASONABLE**” insert “**AND DOCUMENTED**”; in line 12, strike “**THREE TIMES**”; strike beginning with “**VETERINARY**” in line 14 down through “**(3)**” in line 22; in line 26, strike “**(C)(1)**” and substitute “**(C)**”; and in line 27, strike “**(1)**”.

On pages 6 and 7, strike beginning with the colon in line 28 on page 6 down through “**(II)**” in line 1 on page 7.

On page 7, in line 2, after “**STORE**” insert “**, WITHIN 5 BUSINESS DAYS AFTER RECEIPT,**”; in line 3, strike beginning with “**WITHIN**” in line 2 down through “**VETERINARIAN**” in line 3; and in line 7, strike the semicolon and substitute a period.

On pages 7 and 8, strike in their entirety the lines beginning with line 8 on page 7 through line 2 on page 8, inclusive.

On page 8, strike beginning with the semicolon in line 14 down through “**DOG**” in line 16.

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 17 on page 8 through line 5 on page 10, inclusive.

On page 10, in lines 6 and 11, strike “**19-707.**” and “**19-708.**”, respectively, and substitute “**19-706.**” and “**19-707.**”, respectively; and strike in their entirety lines 7 through 10, inclusive, and substitute:

“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.”

AMENDMENT NO. 4

On page 10, after line 21, insert:

“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”.