

Pennsylvania's Puppy Lemon Laws

Lemon Laws are intended to protect the consumer from buying and paying to maintain a “defective product” but in Pennsylvania, as in many states, Puppy Lemon Laws are in desperate need of improvement. Currently the laws protect the commercial breeders and pet stores more than the consumers. If you follow the process of purchasing a sick puppy, through his medical treatment, requesting a refund from the breeder for reasonable medical expenses in the time allotted (your right under the Puppy Lemon Laws), contacting the Attorney General's Office when the seller fails to provide a refund, and subsequent battles in District Court, you will find that the system, as it currently stands, does not work. Anger soon turns to frustration at a system that makes it extremely difficult for people to hold bad breeders and pet stores accountable for their actions. For instance, ask your vet what a "Certificate of Illness" is, most will not know. Even though consumers are required to present such a certificate to their puppy's breeder in order to get a refund. Time constraints, placed on consumers, at a time when families are preoccupied with their sick puppy's treatment or devastated by the dog's death, are unrealistic. Many a bad breeder has sighed a sigh of relief when a family was unable to collect all the necessary paperwork within the short time given or has given up out of frustration.

The following explains your rights as a consumer and what is required by pet stores and breeders under our state's Puppy Lemon Laws. We urge you to follow these steps if you have purchased a sick dog, but keep in mind these laws are far from perfect. We also suggest you contact the Attorney General's office if the breeder or store fails to live up to their obligations. And call often for updates on your case.

Dog Purchaser Protection Act

The ASPCA (www.asPCA.org) has a comprehensive list of Puppy Lemon Laws by state. We encourage you to read and familiarize yourself of what your rights are in your state.

Pennsylvania's dog sellers and breeders must now post a visible notice that informs consumers of their rights under the state's Dog Purchaser Protection Act, also known as the "Puppy Lemon Law". Sellers and breeders must also provide a written copy of the consumer's rights at the time of the sale.

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 act.

YOU ARE ENTITLED TO A FULL REFUND WITHOUT GIVING YOUR NEW DOG BACK

*NEVER return your puppy to the commercial breeder or a pet store. Large scale commercial breeders and pet stores are not going to spend thousands of dollars on treating returned sick dog; they will most likely destroy the dog. Breeders and pet stores will urge you to return your sick dog or exchange it for another puppy. These two options benefit the breeder and pet store who have little to lose as far as their cost by giving you a new dog. But you must consider the fate of the dog you are returning and do what is best for him or her. When the breeder or the store insists you return your dog for a refund, or exchange your new puppy for another, tell them that you know the law and that you are entitled to a full refund **WITHOUT** giving your new dog back. If you cannot handle the cost or the care of the sick puppy, many rescue organizations will take the dog and accept responsibility for his veterinary care and work to find him or her a new home.*

Know Your Rights!

1. 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.
2. 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. *You can keep your new puppy and **STILL** receive a full refund. It is YOUR choice.*
 - (c) Retain the dog and receive reimbursement for reasonable veterinary fees up to the purchase price of the dog. *This is your best option. And in some cases, the only chance your sick puppy has to survive.*
3. 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).

4. Within 2 business days of a veterinarian's certification of your dog's illness, defect or death, you must notify the seller of the name, address and telephone number of the examining veterinarian. Failure to notify the seller within 2 business days will result in forfeiture of rights.
5. 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.
6. Registerable Dogs - If the seller does not provide within 120 days all documentation to effect registration (the "papers"), you may receive a 50% refund of the purchase price of your dog.
7. If the puppy can be registered with the AKC or with another purebred dog registry, 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.

If the breeder or pet store refuses to accept responsibility for your sick puppy's medical expenses and you have contacted the Attorney General's Bureau of Consumer Affairs, find out if the original breeder (this information is on the paperwork from the pet store or retailer) is licensed by the USDA to wholesale dogs in our state. The USDA maintains a list of licensed USDA breeders. A license is required by the USDA to sell dogs wholesale. If they are not licensed then they are breaking the law and your case will be a lot stronger. Retailers and brokers should only sell dogs from breeders who are licensed by the Pennsylvania's Bureau of Dog Law. This information is available from PA's Department of Agriculture. Again, if a breeder, in another state, is supplying dogs to retailers and stores in this state without a license then they are breaking the law and your case will be stronger.

Distributors or brokers, these middlemen who promise to get you anything you want, must also be licensed but very few are.