

Act Number:	09-228	
Bill Number:	499	
Senate Pages:	1813-1821, 6137-6143	16
House Pages:	9421-9439	19
Committee:	Environment: 423-425, 432-433, 447-449, 457-461, 506-512, 540, 551, 553-554, 594, 621-627, 638-641, 698-701, 704-706, 709-717, 781, 909-911, 915-916, 925, 926, 928-929, 937, 947-948, 951-960, 962-964, 2852-2855	80
	Page Total:	115

S - 582

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 6
1667 - 2005**

Yes. Mr. President, thank you. If we might as this item temporarily.

THE CHAIR:

Without objection, so ordered, sir.

Mr. Clerk.

THE CLERK: Calendar page 25, Calendar Number 274, and File Number 353, Senate Bill Number 824, AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS AND YACHT BROKERS, favorable report of the committee on environment and finance revenue and bonding.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, if that item might be passed temporarily.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK: Calendar page 28, Calendar Number 354, File Number 467, substitute for Senate Bill 499, AN ACT CONCERNING A PET LEMON LAW AND THE RELEASE OF RABIES VACCINATION RECORDS TO ANIMAL CONTROL

rgd
SENATE

148
April 30, 2009

OFFICERS, favorable report of the Committee on Environment and Judiciary. Clerk is in possession of amendments.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, will you remark further?

SENATOR MEYER:

Yes, Mr. President. There is a strike all amendment. The Clerk is in the possession of LCO 6389. I move that amendment and to seek leave to summarize it.

THE CHAIR:

Mr. Clerk.

THE CLERK: LCO 6389, which will be designated Senate Amendment Schedule A. It is offered by Senator Meyer of the 12th District.

THE CHAIR:

Senator Meyer.

rgd
SENATE

149
April 30, 2009

SENATOR MEYER:

Thank you, Mr. President. Colleagues --

THE CHAIR:

And could you please move adoption, sir?

SENATOR MEYER:

I move for adoption, yes. Thank you.

THE CHAIR:

Please proceed.

SENATOR MEYER:

Colleagues, this is the pet lemon law coming to us because of complaints in many parts of Connecticut that there have been puppy mills exporting puppies from other states into the state of Connecticut, many with defects or diseases of various kinds.

And so what this bill seeks to do is to say that if you go to a pet store or a kennel and you purchase a pet and that pet has got a disease like kennel cough, you'll be able to return that pet to the pet shop or kennel within 20 days.

If that pet, instead of having an ordinary disease, has a congenital defect, as for examples, labradors are increasingly find -- found to have hip dysplasia, you'll actually have six months to

rgd
SENATE

150
April 30, 2009

return your pet. If you've fallen in love with your pet, on the other hand, don't want to return it, you'll be able to take the pet to the vet and the pet store or kennel will have to reimburse you vet fees up to \$500.

That's the principle -- that's the crux of this bill. There's another part of the bill that's important that will allow chief animal control officers in our towns to obtain rabies records from vets who have made a record of -- with respect to rabies vaccinations.

So that's the amendment and I urge its passage.

THE CHAIR:

Thank you, sir. Will you remark further on Senate A? Will you remark further? If not, I will try your minds. All those in favor, signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. The amendment is adopted.

Senator Meyer.

rgd
SENATE

151
April 30, 2009

SENATOR MEYER:

Mr. President, that amendment is the bill and I believe we will need to vote on the bill and I just, again, urge its passage.

THE CHAIR:

Thank you, sir. Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, I rise in support of the bill before us and thank my colleague and the cochair of the Environment Committee.

This bill actually is something that many of us in the Environment Committee have worked on in different forms. Years ago, I actually introduced a bill to prohibit the sale of dogs from pet stores because an overwhelming majority of dogs being sold at pet stores were being produced at puppy mills in other parts of the country. I think that was a, obviously, a more controversial and a difficult step to make. This is an excellent step in the right direction to hopefully give a donor's, dog and cat owners recourse when they're buying dogs from pet shops that may be produced from puppy mills.

rgd
SENATE

152
April 30, 2009

It's a bill that former State Representative Ken Bernard of Westport worked hard on. I know there's bipartisan support and I think we're making a great step in the right direction. Thank you, Mr. President.

THE CHAIR:

) Thank you, Senator McKinney. Will you remark? Will you remark further on Senate Bill 499 as amended by Senate A? Senator Meyer.

SENATOR MEYER:

And I appreciate Senator McKinney's remarks. And if there is no objection, can this bill please go on the consent calendar?

THE CHAIR:

Motion on the floor to place Senate Bill 499 as amended by A on consent. Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

Calendar Number 358, File Number 471, Senate Bill 1078, AN ACT ESTABLISHING A BISTATE LONG ISLAND SOUND COMMISSION, favorable report of the Committee on Environment and Government Administration and Elections.

THE CHAIR:

rgd
SENATE

153
April 30, 2009

Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, that item might be marked passed, retaining its place on the calendar.

THE CHAIR:

Without objection, so ordered, sir. Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, if the remaining items that we had marked earlier, Calendar page 28, Calendar 367; Calendar page 29, Calendar 415; might also be marked passed, retaining their place on the calendar. And if the Clerk might proceed to vote on the consent calendar.

THE CHAIR:

Mr. Clerk, please call consent calendar.

THE CLERK:

Roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber. Roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber.

Mr. President, before voting on the consent calendar, those items placed on the consent

rgd
SENATE

154
April 30, 2009

calendar began on calendar page 3, Calendar Number 165, substitute for Senate Bill 781; Calendar page 4, Calendar 208, substitute for Senate Bill 881; Calendar 244, House Bill 6263; Calendar page 7, Calendar 394, substitute for House Bill 5834; Calendar page 17, Calendar Number 102, substitute for Senate Bill 710; Calendar page 19, Calendar 145, Senate Bill 974; Calendar page 20, Calendar 155, substitute for Senate Bill 451; Calendar page 22, Calendar 198, Senate Bill 989; Calendar page 23, Calendar 222, substitute for Senate Bill 957; Calendar page 28, Calendar Number 354, substitute for Senate Bill 499. Mr. President, I believe that completes those items previously placed on the consent calendar.

THE CHAIR:

Okay. The Clerk, please call the consent calendar for a roll call. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber. Immediate roll call

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rgd
SENATE

155
April 30, 2009

has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber.

THE CHAIR:

Have all senators voted? If all senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, I believe the Clerk is in possession of Senate Agendas 1 and 2.

THE CHAIR:

Mr. Clerk.

THE CLERK:

S - 595

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 19
5944 - 6203**

tj
SENATE

336
June 3, 2009

also had internships.

But as far as professional supervision goes, there's a definition in section 8 of the bill, which is face-to-face consultation between a supervisor and the supervisors are described in section 7 and they are --

THE CHAIR:

Senator Looney, for what purpose do you rise, sir?
Senator Harris, excuse me. Senator Looney.

SENATOR LOONEY:

Mr. President, with apologies to Senator Harris, would ask that this bill be passed temporarily.

THE CHAIR:

Without objection, so ordered. Mr. Clerk.

THE CLERK:

Calendar page 33, Calendar number 354, file number 467, Substitute for Senate bill 499, AN ACT CONCERNING PET LEMON LAW AND THE RELEASE OF RABIES VACCINATION RECORDS TO ANIMAL CONTROL OFFICERS as amended by Senate Amendment Schedule A and House Amendment Schedule A, the House rejected Senate Amendment Schedule A and the House passed with their own Amendment A on June 2nd. Favorably Reported,

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SENATE

337
June 3, 2009

Committee on Environment.

THE CHAIR:

Senator Superman. Oh, I'm sorry, Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President. Thank you, Mr.
President, good evening.

THE CHAIR:

Good evening, sir.

SENATOR MEYER:

I move for passage of this bill in concurrence
with the House Amendment.

THE CHAIR:

Acting on acceptance and approval of the bill,
sir, would you like to remark further?

SENATOR MEYER:

Colleagues, you'll recall, about ten days ago we
passed the pet lemon law to give some security to
people who buy cats and dogs from various kinds of
animal mills. And the bill was passed by the Senate
unanimously. It went down to the House and the House
made two small Amendments and I'm asking that we
approve those Amendments tonight.

The first Amendment was that we provided

tj
SENATE

338
June 3, 2009

protection against not only pet shops, but also against kennels and the House stripped kennels.

Secondly, the House exempted from the law some cats, namely cats which have been spayed and neutered. We can deal with those issues again next year, we can Amendment it and get this law through. It's a good, sound law that protects those animals and the owners of animals and I urge we pass it.

THE CHAIR:

Will you remark further on Senate bill 499? Will you remark further? Senator Kane.

SENATOR KANE:

Thank you, Mr. President. Clerk is in possession of Senate Amendment 9338. I ask the Clerk call the Amendment and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 9338, which will be designated Senate Amendment Schedule B as offered by Senator Kane of the 32nd district.

THE CHAIR:

There is a motion on the floor for summarization,

tj
SENATE

339
June 3, 2009

without objection, please proceed, sir.

SENATOR KANE:

Thank you, Mr. President, I move adoption.

THE CHAIR:

Motion on the floor for adoption. Without objection.

SENATOR KANE:

Mr. Clerk -- I'm sorry, Mr. President. What this Amendment does is in lines 27 and 28, actually, really 28, you'll see that in the underlying bill, it said that kittens that are spayed or neutered, what this Amendment does is strike that entirely and just says that a licensee shall not be subject to the obligations imposed by this subsection for the sale of a cat.

And the reason for this, Mr. President, is many kittens are donated to these pet stores. They don't come from mills like the underlying bill with the puppies that it was geared towards. They're literally donated by individuals like you and I who have extended litters. So what this will do is allow the exemption of kittens because the kittens cannot -- well, they will succumb to anesthesia if they were

tj
SENATE

340
June 3, 2009

spayed or neutered at an early age. This will allow them to go six months before that occurs. This will exempt them from the bill because it's very dangerous and what would happen is no one would donate kittens, adopt kittens and we'd end up with a worse problem on our hands. So I believe this Amendment would protect the lives of these kittens that we're trying to protect in the underlying bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark? Will you remark further on Senate A. Senator Meyer.

SENATOR MEYER:

Yes, Mr. President, thank you. Briefly, in regretful opposition. We're in the last hour of the 2009 session and if we amend this, it's unlikely that the Amendment will get through the House below. This is a bill that many, many people are asking for if you saw my correspondence file. Many people who have bought, primarily puppies from puppy mills where the puppy has had either a congenital defect or an illness of some kind, we're protecting those people who bought those and I'm going to urge that we reject this

tj
SENATE

341
June 3, 2009

Amendment and take up Senator Kane's pursuit in the next session. And as soon as possible in the next session.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Kane, for the second time.

SENATOR KANE:

Thank you, Mr. President, I appreciate Senator Meyer's remarks and I do believe that he is willing to work with us on this and I look forward to working with him on this issue. And I will withdraw my Amendment.

THE CHAIR:

There is a motion on the floor to withdraw Senate Amendment B. without objection, so ordered. Will you remark further on Senate bill 499? Remark further on Senate Bill 499? If not, Mr. Clerk, please call for a roll call vote and the machine will be open.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate. Will all Senators please return to the

tj
SENATE

342
June 3, 2009

Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on adoption of Senate bill 499 as Amended in concurrence with the action in the House.

Total number voting	36
Those voting Yea	33
Those voting Nay	3
Those absent and not voting	0

THE CHAIR:

The bill passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives, Calendar page 33, Calendar 354, Senate bill 499.

THE CHAIR:

There's a motion on the floor to immediately transmit -- Senate will stand at ease.

H – 1065

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 29
9140 – 9490**

law
HOUSE OF REPRESENTATIVES

176
June 2, 2009

DEPUTY SPEAKER KIRKLEY-BEY:

Motion to PT the bill. Is there any objections? Is there
any objections? Hearing none, the bill is PT'd. The House will
stand at ease.

(Chamber at ease.)

Deputy Speaker Godfrey in the Chair.

DEPUTY SPEAKER GODFREY:

We'll continue with the call of the Calendar. Mr. Clerk,
would you kindly call Calendar number 591?

THE CLERK:

On page 17, Calendar 591, substitute for Senate Bill number
499, AN ACT CONCERNING A PET LEMON LAW AND THE RELEASE OF RABIES
VACCINATION RECORDS TO ANIMAL CONTROL OFFICERS favorable report
of the Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Vice Chairman of the Environment
Committee, Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. Mr. Speaker I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question's on acceptance and passage. Explain the bill please, sir.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. Mr. Speaker, the bill before us was amended by the Senate. As many of us heard from our constituents, the Senate Amendment struck the word 'commercial' and included the word 'kennel'. This overstepped the intention of the bill and the Clerk has on his desk LCO -- amendment LCO 6389. I ask that he call and urge my colleagues to reject Senate A.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO number 6389, previously designated Senate Amendment Schedule A. Will the Clerk kindly call the amendment.

THE CLERK:

LCO number 6389, Senate A offered by Senator Meyer and Representative Roy.

DEPUTY SPEAKER GODFREY:

The gentleman has moved to reject Senate Amendment Schedule A, so the motion is to reject Senate A. And as soon as we have the board catch up we'll be all set. Questions on rejection of Senate Amendment Schedule A? Will you remark on the motion to reject? Representative Camillo on the motion to reject Senate A? No. Anyone on the motion to reject Senate A?

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. I just would like to inquire of the proponent for rejection as to the specificity around purpose of rejection. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt, do you care to respond?

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. And that's a wonderful question. On line 5 of Senate A, the Senate in all of their wisdom inserted 'or kennel'. This language would open up the provisions of the bill to what we would consider backyard breeders. It was not intended to be that way. The purpose of the bill was to be directed at pet shops. And so strike it or rejecting Senate A would allow this bill to be -- to its intended purpose of pet shops only and not backyard breeders.

DEPUTY SPEAKER GODFREY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. And through you, another question to the proponent of the rejection. In discussing pet shops, kennels, and the differences in those, sir, if one were to have an animal adoption facility what umbrella does that facility come under? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. I would believe that would fall under a kennel which was one of the unintended consequences of this action in the Senate. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, then I guess I understand that there are concerns by the small breeders who have -- who may breed one litter a year or maybe two litters a year from their kind of personal stock, so to speak. They're not big kennels. I understand that they have concerns. But sir, I have a concern because I have an individual who imports stray animals from different countries, from other parts of the

United States and I -- in my community need to have a vehicle where that individual is going to have some constraints put on the way they practice their business. And -- and also some constraints and protections for those animals that they're moving from many and varied areas.

And so my concern, through you, Mr. Speaker, is that by not adopting this as it is, that that individual is not going to be caught up in what I was hoping to be some supervision. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. Mr. Speaker, we have shortly before us a House Amendment A which -- which I think this question would be better addressed to. Hence we'll be rejecting Senate A so that we could take up a House A that fixes some of the problems that -- that the current bill has before us.

DEPUTY SPEAKER GODFREY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. And I thank the gentleman for that clarification and I will wait to see. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you.

Representative Noujaim, on the rejection of Senate A.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. A point of order, if I may? Through you, I would like to request Representative Hurlburt to give us a description of the difference between Senate A and the underlying bill if he has not done that yet. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

What the -- the gentleman is asking us to reject Senate A and has already intimated that they'll be a House A that will also obviate the underlying bill.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. It's just a matter of knowing what is the difference between -- if I am in order to ask the difference between the underlying bill and Senate A? What does Senate A take out of the underlying bill? If I may, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

You certainly may. Just recall that there'll be a House A that will strike both of those things.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Will you remark further on the rejection of Senate Amendment Schedule A? Let me try your minds. All those in favor of rejection -- rejecting Senate Amendment Schedule A signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed nay.

Senate Amendment Schedule A is rejected.

Just wait for the board to catch up with us.

Representative Camillo.

REP. CAMILLO (151st):

Good morning, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon.

REP. CAMILLO (151st):

I stand corrected. Good afternoon. Mr. Speaker, the Clerk has an amendment, LCO number 8728. I would ask that the Clerk please call the amendment and that I be granted leave of the chamber to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO number 8728 which will be designated House Amendment Schedule A. Will the Clerk please call.

THE CLERK:

LCO number 8728 House A offered by Representative Camillo, Cafero, et al.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the chamber to summarize. Is there objection?

Hearing none, please proceed, Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker. This bill does three things. It helps promote healthy animals. It discourages improper, unethical breeding. And it will assure that -- for a pet owner that they will know exactly where their pets, their best friends come from. That in a fact has not come from a pet puppy mill from out of state. I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark on House Amendment Schedule A? Representative Camillo.

REP. CAMILLO (151st):

This bill here, as I said, basically will assure people that the pets that they have purchased from a pet store owner is

in fact coming from a reputable breeder from out of state. They will have to have -- could be accompanied by a certificate of origin that will have to be on the premise about ten feet away from the animal. At the time of purchase a copy of the origin - - certificate of origin will be presented to the -- the legal pet owner. And also a copy will have to be filed with the Department of Agriculture so there is a trace back to the origins of where the pet came from. Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank the gentleman from Old Greenwich.

On continuing on House Amendment Schedule A, Representative Hurlburt.

REP. HURLBURT (151st):

Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of the amendment but I have a couple of questions for the proponent that I'd like to ask if we could so indulge

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. HURLBURT (151st):

Thank you, Mr. Speaker. Representative Camillo, is it true that an animal need not be returned in order to collect the reimbursement for veterinarian bills?

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. And another question to the proponent, if a person would like to sell a puppy to a pet shop that person must be licensed, correct?

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you. One of the -- one of the things that I want to distinguish here is that if I have a litter and I try to sell a puppy from my litter to a friend, family member through the newspaper I don't need to be licensed. But I also cannot sell to a pet shop. Is that also correct?

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, that is also correct. Yes.

DEPUTY SPEAKER GODFREY:

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you very much, Mr. Speaker. Mr. Speaker, as I said earlier, I rise in strong support of the amendment before us and I ask that my colleagues join me in the bipartisan support we have for this amendment and adopting it. Thank you very much.

DEPUTY SPEAKER GODFREY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Through you, a question to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please proceed, madam.

REP. HOVEY (112th):

Thank you, sir. For legislative intent, through you, sir, I'm inquiring to find out how the term pet shop licensee fits into the scheme of someone who rescues or provides animals for adoption. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, it doesn't speak to that. This just basically is to make sure that if somebody is selling a dog or a cat from a breeder that it has to be licensed and they have to have a trace back to the -- its origins.

DEPUTY SPEAKER GODFREY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. So through you, Mr. Speaker, if an individual is importing dogs from another country, setting up a van on a corner and selling those dogs for upwards of \$400 that individual is not under the supervision of this legislation at all? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker. This is actually for -- this only speaks to if they're going to sell to a pet shop licensee.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker, a question to -- through you to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please frame your question, sir.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. You know, just for the record I just want to make sure that this does not affect -- I know you mentioned the pet store breeders but this -- I have a lot of hobby breeders within my district. Are they exempt from this law? Through you, Madam -- Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Yes, Mr. Speaker. Yes. As long as they're not selling to pet shop licensees. Yes.

DEPUTY SPEAKER GODFREY:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. And also as far as if a hobby breeder were to sell a dog and it was found to have a defect,

would they be held responsible or liable for that pet? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Mr. Speaker, no, that pertains to someone whose -- sells to a pet shop licensee.

Rep. O'CONNOR (35th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Sayers.

REP. SAYERS (60th):

Thank you, Mr. Speaker. Through you, a question to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Proceed, ma'am.

REP. SAYERS (60th):

Thank you, sir. If I were to purchase a puppy from out of the country from a breeder, would this amendment have any impact on that?

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, I believe this just deals with the United States.

DEPUTY SPEAKER GODFREY:

Representative Sayers.

REP. SAYERS (60th):

So I wouldn't have to find out if that particular breeder sells to pet shops or not.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, no, this requires that they have a certificate of origin be filed with the Department of Agriculture. So I don't know if that's going to really reach over into a foreign country.

DEPUTY SPEAKER GODFREY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker. And I did purchase a puppy that did come from out of the country. And I did have to have a certificate of health. It had to be micro-chipped and some of that was because of the country where the puppy was acquired from. These were requirements before it could leave the country

but I didn't have to report any of this to the Department of Agriculture. So I just want to be clear that this would not change that.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Through you, Mr. Speaker, no, it does not.

DEPUTY SPEAKER GODFREY:

Representative Sayers.

REP. SAYERS (60th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, ma'am.

Representative Floren.

REP. FLOREN (149th):

Thank you, Mr. Speaker. I am totally in support of this but I had one question for the proponent.

DEPUTY SPEAKER GODFREY:

Please proceed, ma'am.

REP. FLOREN (149th):

Thank you. Through you, does the inoculation schedule also have to be posted and is there a defined schedule for any such dogs?

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker. Through you, yes, prior to the sale of a pet through a licensed veterinarian there would have to be every 15 days or so an examination and it would have to be -- a record would have to be kept of that.

REP. FLOREN (149th):

And it would have to be kept. Thank you so much. And thank you for your hard work on this.

REP. CAMILLO (151st):

Thank you.

DEPUTY SPEAKER GODFREY:

Remark further on House Amendment Schedule A? If not, let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed nay.

The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to

the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call.

Members to the chamber. The House is voting by roll call.

Members to the chamber please.

Deputy Speaker Kirkley-Bey in the Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally.

THE CLERK:

Senate bill 499 as amended by House Amendment Schedule A

Total number voting 145

Necessary for passage 73

Those voting Yea 144

Those voting Nay 1

Those absent and not voting 6

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Walker, for what reason were you waving at me darling?

REP. WALKER (93rd):

Because I wanted to say hi, Representative Kirkley -- Madam Speaker. Madam Speaker, I would like to vote in the affirmative please.

DEPUTY SPEAKER KIRKLEY-BEY:

The transcript will show note -- so note.

Representative Sharkey, for what reason do you rise my dear?

REP. SHARKEY (88th):

Good afternoon, Madam Speaker. I rise for the same reason that Representative Walker rise.

DEPUTY SPEAKER KIRKLEY-BEY:

The transcript will show note.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

How did you want to vote, sir?

REP. SHARKEY (88th):

In the affirmative.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. The transcript will so note.

**JOINT
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COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
326 - 641**

2009

fact, they are selling sick puppies, puppies that are raised in these deplorable conditions, if something goes wrong, they're going to have to pay for them.

And what the bill calls for is that they pay the veterinarian bills up to a cost of twice of what the purchaser paid for the puppy. I realize you have other iterations of this kind of concept before you, and I leave it to your good judgment, as a committee, to come up with a bill that I think would be fair and satisfy all. But most importantly, I think it's high time that we treat puppies and cats the same way we treat automobiles and trucks, when it comes to what we call a lemon law.

With that, I will take any questions. I appreciate the opportunity to testify.

REP. ROY: Thank you, Representative Cafero.

Senator Meyer.

SENATOR MEYER: Good morning, Representative Cafero.

REP. CAFERO: Good morning, Senator.

SENATOR MEYER: One of the issues in this bill, and I have a comparable bill as well, is how long you give the owner the right to make a claim for veterinary fees or return the puppy or cat or whatever, we're going to have to define that. Some people, the pet shops would like it to be a very short period, you have to make your claim within two weeks. Others feel that, particularly when you're talking about congenital problems, that don't really emerge for awhile, there should be a much longer period. Do you have any wisdom on this subject?

SB 499

LARRY CAFERO: You know, I don't, and I leave that to your wisdom. We have a statute of limitations in most everything that we do in the law, and certainly with regard to products, we certainly have the same kind of thing.

I think science might be able to help. The veterinarians might be able to help, but some of these diseases that stem from the kind of breeding conditions that we have learned about that go on in these puppy mills, how long it might take for those things to come to light, and I think we should make the statute of limitations sort of fit that period of time, be that six months, a year, I don't know. Again, leave that up to the wisdom of this committee.

REP. ROY: Thank you.

Any other questions or comments for Representative Cafero?

Seeing non, thank you very much, sir.

LARRY CAFERO: Thank you very much.

REP. ROY: Commissioner Philip Prelli, followed by SB783 SB784
State Representative DebraLee Hovey.

F. PHILIP PRELLI: Good afternoon, Senator Meyer and Representative Roy, and members of the Environment Committee. We have a number of bills, that --
HB6312 HB6313
HB5493 HB5811
SB499 SB262
SB743 HB5798
SB497 (HB5801)

REP. ROY: It may seem that way but it's still morning, Phil, please.

F. PHILIP PRELLI: Good morning. Just to tell you a quick story, I wasn't sure I'd be here to

testify this morning yesterday, because I have a stomach bug that's going around and, hopefully -- I feel a lot better today.

But we have a number of bills to testify on today, and with me today are Dr. Bruce Sherman who is the Bureau Director of Regulation Inspection for the Department of Ag, and Wayne Kasacek who is the assistant bureau director, so the technical questions, I'll probably look to them to answer, but I will gladly try to do it.

Let me -- let me start with the four bills that are department bills and go over those, and you all have my written testimony and I'm not going to sit here and read it to you, but there are some points we want to make.

On the Act Concerning Importation of animals for Adoption, this is a similar issue that we brought to you in past years, and we think that we've come up with a new way, and I would hope a fairer way of doing this.

SB783

There's a large number of out-of-state animals that are brought into Connecticut for the -- and we're pretty much talking about dogs, but some cats -- for the purpose of adoption with little or no oversight. Many of these animals are being transported in large quantities by groups, by trucks, and these -- these area -- people aren't even licensed by the USDA. Adoption often requires a sizable donation, and are many times made in commuter stores or parking lots. We've had a couple lately that have been outside of PetSmart or a pet store and they -- and they do those adoptions.

What's required now is they have to -- they're supposed to come in with a health certificate and a rabies certificate. Many of these -- we

there's a big case in Canada going on right now, because Canada does not allow the retail sale of raw milk, but they've done some studies. None of these are proven scientific facts and we need to fall back on that. And if raw milk was so much better for everybody and -- and solved all these diseases, why doesn't the Pediatric Association or the Doctor's Association in the United States line up behind it. They have lined up just the opposite, stressing that it is a danger.

Let's not be dissuaded by some of the information we're going to hear today, because people bring out that there was a Salmonella outbreak in peanut butter, or there was Salmonella outbreak in lettuce, or that tomatoes or peppers might have caused the problem with E. coli. Those can't be controlled in the state of Connecticut. All of those also take some other action before you eat them. Raw milk is -- is controlled within the state of Connecticut, and is the responsibility of the state of Connecticut. We need to take the best practices and move forward.

In my legis -- in my written testimony you'll see some links to the -- the 2008 incident and the report for the 2008 incident. You'll also see some links to food safety and what other outbreaks there have been in raw milk. You'll see some of the -- there's a number of links there to do further work.

And that ends the four of those. We have about two more bills we'd like to just give you brief testimony on it and say why. We heard earlier, a little bit about the pet lemon law, and I know, Senator Meyer, you have one in. You need to be aware there already is a pet lemon law in the state of Connecticut

HB 5493
SB 499

for animals that are sold to pet stores. Most of the claims we get within the state of Connecticut for sick animals are for animals that come from a pet store or from animals that come out of state illegally adopted.

You heard my testimony about what we're trying to do -- not illegally adopt, I'm sorry -- illegally come into the state and are adopted. You've heard my testimony on that, I won't reiterate that. We believe, the Department of Agriculture believes that the minimum limit already in the lemon law which is \$200 is too low and needs to be addressed. We don't think there needs to be a new standard.

One of the bills also brings up, that you want to look at breeding kennels, we don't really have that defined in the State of Connecticut, other than kennels that are registered, but most of those are very upright kennels in the State of Connecticut, and most of them require a contract when you buy a dog from them. We bought our dog from a licensed -- or from a breeder in Connecticut, we had to sign a contract including who we would breed our dog to. Now we never did, because she was spayed. But we had -- that was in there and we also, within that contract, also had what could be done if the animal became sick.

So we agreed that the law is a little outdated, it needs to be updated. But we don't think it needs a brand new law, the lemon law is already there for pet shops and with our adoption law, we think we'll be handling that.

We have a House Bill 5811, An Act Concerning Battery Cages and Egg Laying Hens. Connecticut is home to a significant egg-producing industry and, in fact, the home

produce your -- your cartons or your bottles, you're going to have to put a different label on. Again, there's been some misreading of the bill. We're using some very standard language. All that we're asking them to do is, if you have a black label, put white or contrasting color on the -- on the printing. We're not saying, you know, that you have to put like a third color on there.

So all it's going to do is say here's a -- here's a new label to put on. You're already required to put a label on it, so I don't see -- truthfully I don't see that as a big additional cost. I guess if you have a large supply of bottles, and you're using bottles, there would be some cost to that. And so that's, again, the key here is that the key of not having retail sale in stores is the trace forward ability as well as, again, saying that this is -- that this is as good as the -- the -- it's as healthy as the pasteurized milk because you can't make that statement.

SENATOR MAYNARD: I know you have several people waiting, Mr. Chairman. I just want to clarify my comment was not on the additional cost but on the lost sales from -- from --

F. PHILIP PRELLI: Okay.

SENATOR MAYNARD: -- retail. Thank you, though.

Thank you, Mr. Chairman.

REP. ROY: Thank you. Representative Miner.

REP. MINER: Thank you Mr. Chairman. I want to switch to dogs, if I could.

F. PHILIP PRELLI: Okay.

HB 5493
SB 499
(HB 5801)

REP. MINER: I know that breaks your heart, but do we -- is there a legislative statutory definition of a puppy mill?

F. PHILIP PRELLI: Not with -- not that I'm aware of in the state of Connecticut. The only thing we do have is a definition of -- that you register if you have -- if you breed more than two litters a year.

There are, in other states, definitions of puppy mills but not in Connecticut Statute.

REP. MINER: And so, as we continue to talk about pet lemon laws and the sale of dogs from puppy mills, how would the agency go about determining whether or not someone, you know, met a definition that we don't have, I guess, my question?

F. PHILIP PRELLI: We would cover that under the nuisance and cruelty statutes. If you really look at it, and -- and remember back about two months ago, we seized a number of dogs in the state of Connecticut. We believe that there aren't a lot of quote/unquote puppy mills in the state of Connecticut, that there might be one or two. This was one of them that we pretty much closed down, there was improper breeding. Most of the breeders in the state of Connecticut are very good breeders.

REP. MINER: And in terms of our ability to effect any kind of regulations on out-of-state breeders that deliver animals into the state, in terms of our ability, can we actually control that process?

F. PHILIP PRELLI: I would think there'd be a big interstate commerce clause that wouldn't allow us to do an overly control of that, and it would also rely on other state's to be doing

the type of inspections that we would want done, and the chance of those being done would be probably minor especially in some of the states where puppy mills are. Pennsylvania just changed their law, but Missouri, Kansas and a few other states have very weak laws and we'd be expecting them to meet our standards. I'm not sure we could ever do that.

REP. MINER: And my last has to do with the adoption process. I was just here fiddling on the computer and had gone to The Hartford Courant, and I'm just amazed at how many websites there are that offer adoption for a fee. Does the agency track this sort of stuff? I mean, you mentioned that they were delivery of animals to a parking lot, I would be surprised that that is the majority of the trafficking of nonretail establishment animals. I would think that the majority of the -- I'll use the word "trafficking" the sale of adoption dogs is done through the Internet rather than out of a parking lot.

F. PHILIP PRELLI: I believe there are a number of those but, in general, those tend to have a little bit more control over the -- they tend to have the inspection records and sent in because of the interstate travel back and the way that's handled. We're -- but I think you would be surprised. Hopefully, you'd be surprised at the number of dogs that are brought in and -- and sold exactly that way through parking lots or brought into other welfare groups in the state and then -- then sold out without any -- without any checks on them.

REP. MINER: I would not be surprised. Thank you.

REP. ROY: Thank you.

REP. HORNISH: Thank you.

F. PHILIP PRELLI: Again, they will be coming up and I think you can ask them.

REP. HORNISH: Okay. Thank you.

REP. ROY: Representative Davis.

REP. DAVIS: Thank you, Mr. Chairman. Thank you, Commissioner. Back to the dogs.

F. PHILIP PRELLI: Okay.

REP. DAVIS: You indicated that you don't see, at this time, a need to extend the pet lemon law to the sale of dogs and cats from breeders. However, if the committee decided to follow this path would it create a financial burden for the department in fulfilling that type of commitment?

SB 499
HB 5493

F. PHILIP PRELLI: Again, I'm looking at a proposed bill and it's very difficult to -- to answer that. I think it would because we would then have to license breeders, and inspect breeders. We have seven animal control officers across the state that currently only go in when there's a problem with breeders that are shown in town, so there would be a tremendous cost.

I want to emphasize though, that the breeders in the state of Connecticut have a very good record, and we don't -- of all the complaints we get, we get maybe less than one-tenth of one percent of the complaints are for breeders in the state of Connecticut. They come from -- the majority of our complaints come from the sale at pet stores, and the second ones come from the importation of animals. So it's

38 February 9, 2009
ccm/gbr ENVIRONMENT COMMITTEE 10:00 A.M.

a very low number that we get on breeders.

REP. DAVIS: When we talk about complaints some of the information that I've received kind of indicates that even at the pet stores the number of complaints are extremely low. I think some of the numbers that I saw were in 2007, like either 27 or 28 complaints for the year, approximately to 10,000 pets sold in the stores, so we're talking about a low number there. If that information is correct.

My other concern --

F. PHILIP PRELLI: We'd have to get you those numbers.

REP. DAVIS: Okay.

F. PHILIP PRELLI: I don't have those right off the top of my head. I apologize.

REP. DAVIS: Do we get any complaints from adoptions from nonprofits and shelters? Is that an area that we need to look at further, also?

F. PHILIP PRELLI: We get complaints, but they tend to more of a cruelty complaint on that. And so, you know, the biggest adopter is Connecticut Humane Society in the state of Connecticut. We don't get a lot of complaints about the Connecticut Humane Society but for some of the smaller non for profits we do. And what we're finding with some of the smaller non for profits, when we get those complaints, is that we can trace those back to importation a lot, so we have to look at both sides of that. But we don't get a lot of complaints on that.

REP. DAVIS: Thank you.

F. PHILIP PRELLI: They tend to also be older animals.

REP. DAVIS: Right.

F. PHILIP PRELLI: So it's, you know, (inaudible) are less.

REP. DAVIS: Thank you.

REP. ROY: Representative Mushinsky.

REP. MUSHINSKY: Thank you, Mr. Chairman.

Commissioner, I wanted to ask, I had filed a simpler bill on the pet lemon law which was just, knowing point of origin of the animals sold in Connecticut, for example, if you buy birds, they have a little code on their leg, and some of the vets actually know what the code is, and say, Oh, yeah, X247, we know that's that horrible place in Missouri. They actually have learned how to crack the codes and know -- know where the animals were from, but the average consumer doesn't know that. So I was thinking in a tight fiscal year that even if consumers knew where the animal was from and it was required to be posted on the cage in the pet store that you could -- the consumer would learn to avoid the bad apples in the business and the dealer would then stop stocking animals from there. What's your thought about just requiring point of origin information?

F. PHILIP PRELLI: I did read your bill, but I -- we -- I really didn't think it all the way through, so it's obviously a different alternative we can look at. I think the key is that a number of animals have had illnesses coming from a pet store and people get

attached to them and the 200 -- and they're not going to return the animal, so the \$200 in vet bills doesn't cover a lot, it's antiquated. We would agree to the need to increase that amount.

Whether labeling or getting the actual information, you wonder how, when it goes through the whole scheme, where these animals come from, I'd need to look at the details on that more. I'm not opposed to that, but I'd have to look at the logistics.

REP. MUSHINSKY: Okay. This is -- it's just a -- not the -- not considering the price of the animal at this point, but just point of origin information, are you able to -- if we say, any animal sold in the state for a pet, has to have the breeder information on it, a simple requirement that you couldn't sell an animal in Connecticut unless you had the point of origin, breeder information, paperwork with the animal?

F. PHILIP PRELLI: Pet stores are required to have that. And it is available at a pet store and it has to be part of their records on where they got the animals.

REP. MUSHINSKY: Okay.

F. PHILIP PRELLI: So they are required to know --

REP. MUSHINSKY: So they have it, it's just the consumer doesn't have it?

F. PHILIP PRELLI: Right. And I'm not sure it would mean a lot to the consumer but that would -- that would be with them looking at it, but you know, the pet stores do have it and they have to keep a record of that --

REP. MUSHINSKY: Uh-huh.

F. PHILIP PRELLI: -- so when we go in and check on an animal, we know where, we can trace back to where that animal came into.

REP. MUSHINSKY: Okay. So do you know, from the Department's records, who -- which breeders are chronically sending sick animals to Connecticut?

F. PHILIP PRELLI: I don't believe we have a record of that, no.

REP. MUSHINSKY: Okay.

F. PHILIP PRELLI: We trace back each on individually.

REP. MUSHINSKY: Okay. Thank you.

F. PHILIP PRELLI: But I -- again, I -- please let me check into that and we'll get back to you on that.

REP. MUSHINSKY: Okay.

F. PHILIP PRELLI: Because I'm just not sure of that answer. We do do pet store inspections and everything so I need to check with my people.

REP. MUSHINSKY: Thanks. Thank you, Mr. Chair.

REP. ROY: (Inaudible). Seeing none. Thank you, Commissioner for your patience and your answers.

F. PHILIP PRELLI: Thank you.

REP. ROY: Fully appreciate it.

REP. ROY: Peter Noel, followed by Casey Martinson.

PETER NOEL: Good morning. My name is Pete Noel, and I speak in opposition to expanding the puppy lemon law. I am the owner of Gentle Jungle Pet Store in Waterbury, Connecticut, and also in Meriden, Connecticut.

SB499
HB 5493
HB 5801

But I'd like to tell you a brief story. In my hometowns, they call me Puppy Pete. When I was a child, nine years old, my dad opened his first pet store and it was his dream. He grew to nine pet stores in New England out of love of animals. I was born and raised in a pet store, and I know pet stores inside and out, and I love animals very, very much.

In 1989, he sold his nine pet stores which I worked in and retired to Florida. I went to work in the insurance industry and found it very boring. When the Waterbury Mall opened in my backyard, I live in the Southbury area, I said, I'm going to open the world's cleanest, healthiest pet store right in the new Waterbury mall. So in 1997, myself and a team of animal lovers opened up the Gentle Jungle Pet Store, and we proudly sell puppies and kittens and every other pet that is legal to the community.

I go to the old guys basketball leagues, to the PTA, to my local church and I am "Puppy Pete" and people love me. I'm like a junior celebrity, and we provide a lot of joy to a lot of nice families.

Currently, we have three families who are tied for first place in purchasing puppies and kittens at my store, with eight each, that they referred business and purchased from me.

My dad had nine stores and when I

opened my one store, I took his breeder list and was able to be very, very selective in narrowing down the breeder list for my one pet store in the Brass Mill Center in the Waterbury Mall.

In May, I opened up in the Meriden mall, the mall had been after me for a long time to open up a clean and healthy pet store. Every kennel is individually reversed ventilated at a cost of \$40,000 to install so puppies don't share the same air.

The fish tanks change their own water. The habitats for birds and small animals are individually thermostat controlled with one-way glass for less stress for the animals.

I'm a good guy in this business, and I'm angry when I am attacked. I employ 35 animal lovers in my stores. I also employ Southbury Vet Hospital who comes in on a weekly basis to the tune of \$100 an hour to care for my animals. The law dictates only a vet to come in every other week.

Last year, I paid Southbury Vet Hospital over \$80,000 to be on retainer to care for my animals because I love them, and the people who work for me love animals very, very much.

The reason I object to the dog and cat lemon law, especially, is prior to the puppy arriving in the pet store, I require the breeder's vet to give a complete physical examination to every puppy. Then the puppy comes in, then Southbury Vet Hospital comes in, \$100 an hour. Right in front of the public in the store, you can come in any Wednesday to one of my stores, and independently gives a complete physical examination to the store, a double-check to

the puppy. If anything is wrong, that puppy goes right back to the breeder, and I never buy from them again. Simple economics dictate that you don't go back to people who sell you the wrong thing. You go to the same accountant, the same mechanic, the same hairdresser where things were correct, except that's what I do with puppies. And if something is not correct, I do not go back.

I also provide a terrific warranty to the customer, which I have submitted to you all, which says, "Although the breeder's vet says the puppy is perfect, Southbury Vet Hospital says the puppy is perfect," the first line of the warranty says "you're supposed to go to any vet you want within two weeks for an independent triple check. Anything wrong, full refund."

Now, I will contend not much gets by three doctors of veterinarian medicines independently, the breeder's vet, the local vet, the customer's vet. And if something does, God forbid, it is horrible to say, but sometimes nature isn't fair.

I'm known for two things, I love animals, and I'm Puppy Pete, and I love the Red Sox. I have the most beautiful set of triplets come into my store every Saturday morning; breaks my heart, with a very nice mom, and we have hundreds of people because I'm in the mall, hundreds of people come in. And two Saturdays ago she came in, they're seven years old, and they were diagnosed with autism. And they just come in to play and enjoy the puppies. That ain't fair, but that's nature's fault. Healthy people have children who can develop illnesses, and healthy dogs can have puppies who can develop illnesses. I contend that if something gets by three vets independently in

terms of a congenital or hereditary problem, that is horrible and unfortunate, but that's nature's fault, not the pet store's fault.

In closing, you are welcome to visit any of my pet stores without calling, sight on scene. Department of Agriculture sat here earlier today; their inspectors have been in my Waterbury store once a month for 11 years. There is a 60-point check list. I've never been closed one day and I've never been fined one dollar.

And the Representative who was sitting here earlier, there is already a law requiring on the cage the last name and address of every single breeder. It already exists, and when you go in my stores in the Meriden or Waterbury Mall you will see all different last names, all different addresses, because they're all different breeders, not one giant factory.

Any questions?

REP. ROY: Thank you, Peter.

Do you think that all the operators in the state do what you do?

PETER NOEL: Not necessarily, sir. I do have a unique background.

REP. ROY: Well, the reason I say that is, if you've no problems, this law shouldn't be a problem for you.

PETER NOEL: I have had problems, because nature inherently has problems, sir, and that's why I do have the vet on retainer. And I'll be candid enough to say this in today's tough economy: I got a wife and two kids; I paid

the vet eighty grand last year, I made a lot less than that, but I love animals and nature doesn't make things perfect and legislating such still will not make them perfect.

REP. ROY: Have you ever been sued because of nature?

PETER NOEL: I was sued once on someone, believe it or not and with a sense of humor they purchased a bulldog and sued me, contending it was not a bulldog because it could jump too high. Only in America, sir.

REP. ROY: I see. Well, I don't think this law is going to affect your operation from the way you talk, but we appreciate your testimony.

Any other questions or comments from members of the committee?

Representative Miner.

REP. MINER: Thank you, Mr. Chairman.

I think the point you were trying to make is that even though you have gone through the effort of handpicking the breeder, gone through the effort of, thrice, trying to make sure that there was not a problem, if we, in fact, put in a lemon law such as we are debating, that would put a hardship on your business; is that the case?

PETER NOEL: It would be the case in the scope of the following, and that is a very good question: Number one, things do go wrong. That's why we have the independent triple check. And if anything is wrong, the puppy is treated for free at Southbury Vet Hospital and returned to the customer or refund whatever the customer may like.

I have 70 puppies and 20 kittens in each store, and you cannot find 70 children in any classroom where one child doesn't have a sniffle, a cold, diarrhea, a rash, something as such. It isn't reality. There's 120 of us in this room, and guaranteed, we're not all physically perfect if we were to stand here au natural. So the vets do have a need. You can only do your best, other than being nature, to care for them.

I do resent being obligated, if something is found later on, that three vets could not detect initially, that it's my fault. I do resent that. I contend it's a horrible shame. God bless puppies and kitties, but it's nature's fault. That is my contention.

A quick side note: If they pass it for kittens, that would be a crime.

And I know I'm over my time, but years ago, I realized the shelters are full of kittens, they turn them away, so we take in over 600 baby kittens a year. In the front windows of my pet stores where thousands of people go by, the vet comes in every week, does the complete exam, shots, wormings, blood tests for disease, no flees, zero mites, everything perfect. He charges me for that service. I recharge the customer for that service, because kitties need the shots and everything, and my greed factor is, they buy a liter box or a kitty toy or something, because they need it for their new kitty. We've placed over 600 kittens that otherwise would have been abandoned last year, and if they pass a law saying I got to pay double damages within a year or something, I'm just not going to bother.

And what's going to happen to these 600 kittens? I probably placed more kittens than most kitten rescue places last year. So the kitten aspect of it is totally absurd in the scope of: Why would I bother? I think I'm doing a good deed, and if your family came in by my front window and I had a cute little calico kitty, you'd be doing yourself a service to get it from me because it's already got all the shots, the blood tests, the blah-blah-blah. Something appears a year later, that is very unfortunate, but it ain't Pete's fault.

REP. MINER: Well, thank you, Pete.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Thank you, sir.

PETER NOEL: Thank you.

REP. ROY: Casey Martinson, followed by James Stuhler.

CASEY MARTINSON: Chairman Roy, members of the committee, my name is Casey Martinson. I am here on behalf of Farm Sanctuary, the nation's leading farm animal protection organization, representing over 200,000 members nationwide, including 4800 members here in Connecticut.

I'm here today speaking in support of House Bill 5811, legislation to ban the battery cage confinement of egg laying hens. It's estimated that approximately 95 percent of all the eggs that are produced in the United States come from hens that are confined in

REP. ROY: Joseph Zerilli, followed by Michael Maddox.

JOSEPH ZERILLI: Good afternoon, Mr. Chairman, members of the committee. My name is S. Joseph Zerilli. I'm the founder and president of United Pet Supply, Inc. Like Mr. Noel, I'm a pet lover and have been engaged in the retail pet industry for the past 32 years. My company operates pet centers in several states, including two in Connecticut, for the past 15 years.

I want to thank you for the opportunity to appear before you today to provide my testimony with regard to four of the bills currently before the committee.

[HB5493]

[SB783]

[HB5801]

As we all know, Connecticut has long maintained regulations governing the operation of pet dealers, and in particular, providing for reimbursement to consumers for healthcare cost related to treatment of illness of a dog or a cat which has been determined to have been ill at the time it was sold.

So, I guess, in concept, I can support the intent set forth in SB 499. But the question really becomes how best to achieve the intent that's stated in the statement of purpose. And I would submit that it cannot be done by punitive means.

A data available from the Department of Agriculture for 2007 confirms that Connecticut's current regulatory mechanism functions in an effective manner. For 2007, the Department recorded just 28 complaints related to our industry's estimate of over 10,000 dogs sold by dealers in the state for that year. That's approximately three-tenths

this channel, that the retail pet dealer represents a very small percentage of the total number of pets that come into the hands of consumers in Connecticut each year, and yet, it is the -- it is the only regulated channel in the state.

REP. URBAN: I would agree with you strongly on trying to work together were we not looking at this problem over and over and over again, and that's why, in that instance, I kind of like the hammer. But thank you so much for your testimony.

Thank you, Mr. Chairman.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Seeing none, thank you.

JOSEPH ZERELLI: Thank you.

Michael Maddox, followed by Sue Kautz, it looks like.

MICHAEL MADDOX: Thank you, Mr. Chairman, committee members, I represent the Pet Industry Joint Advisory Council, the world's largest pet trade association.

HB5801
HB5493
SB499

PIJAC does, in fact, support appropriate standards for breeders and pet stores in law and regulation, and, likewise, PIJAC is strongly supportive of pet warranty statutes. We have participated in the process of crafting every single pet warranty statute in the United States.

We support Senate Bill 783. The shelter

essentially the effective result.

Both H 5493 and Senate Bill 499 provide for so-called lemon laws. As already noted, PIJAC does routinely support pet warranty legislation. We endorsed the statute that Connecticut already does have. We would ask what's wrong with the current law that needs fixing? The figures quoted by Mr. Zerelli are consistent, really, with what we've seen annually in recent years. We're talking about two-tenths, three-tenths of a percent of the pet store puppies sold that have any kind of problem reported to the Department.

So, if there are ways to improve Connecticut's warranty statute, PIJAC would be happy to support that, but merely increasing the liability of pet stores to unsustainable levels is not the answer.

Some members of the committee incidentally asked about time limits. Incubation periods are going to be a maximum of between 10 and 14 days for illnesses and diseases after sale. Current Connecticut law provides for 15 days so that's actually a little bit beyond the incubation period.

PIJAC believes that in an economic climate, such as the current one where margins for retailers are already painfully small and the best -- in the best of cases, and where many pet retailers have gone out of business and continue to do so, adopting legislation that will impose unsustainable financial burdens on these businesses is imprudent, it will cause tax revenue to the state and jobs of current employees while providing precious little benefit to the public.

We thank you very much, Mr. Chairman, for your

consideration of our concerns, and be happy to answer any questions you might have.

REP. ROY: Thank you.

Any questions or comments from members of the committee?

Seeing none, thank you.

Sue Kautz? If I've I got that right, K-a-c-t-z or l-t-z, colon?

SUE KAUTZ: K-a-u-t-z, Kautz.

REP. ROY: Kautz, okay.

Followed by Anita Kopchinski.

SUE KAUTZ: Hello, Members of the Environment SB783
Committee. My name is Sue Kautz, and I've been involved with animal rescue and animal welfare for 25 years, and there's a lot of bills here today that are important to me. I'm going to speak on a few of them.

I'm a member of Connecticut Votes for Animals, HB5493
and they are speaking on the cat/dog lemon law and prohibiting the unreasonable confinement and tethering of dogs and the rabies vaccination release of the record, and I am in HB5798
support of those, so I won't speak on those. HB5808

A bill that I'm -- I would also likely support is An Act Concerning Abandoned Animals. This bill would make it much easier to identify and help those animals that are left behind for various reasons. And in this tough -- in these tough economic times the number of abandoned animals is increasing and they need our help now more than ever, so that bill would really help the animals a lot. HB5807

Seeing none, thank you.

PAT LAVIERI: Thank you. Take care.

REP. ROY: Back to Caroline Gatano. Is she here now?

Marsha Goodman.

Okay. Karen Laski, followed by Brian Piccoli, Piccioli.

KAREN LASKI: Hi, my name is Karen Laski. I support the pet lemon law bills, the dog tethering bill, rabies vaccination bill and abandoned animal bill. I also support the battery cage bill, and I don't want to repeat the testimony that was given before, quite well, by a person from Farm Sanctuary, so I've changed my speech a little bit.

SB499 HB5493
HB5798 HB5808
HB5807

HB5811

If the egg industry in Connecticut is not interested in changing its practices, then maybe we should label egg cartons from battery cage facilities. Consumers do have the right to know where their food is coming from. The battery cage has not changed over the years.

Please Google Wesleyan Battery Hens to see pictures of the largest egg farm in Connecticut, Kofkoff, owned by Land O' Lakes. There are almost 5 million lives we're not considering here. The hens that endure this horror day in and day out. They're forced to live without any concern at all for their natural behaviors or needs. Sometimes they have to live next to decomposing cage mates.

The industry knows they have osteoporosis, because that's why spent hens are shipped long distances and processed as soup or pet food because their bones break if they're made into

carry on an ancient craft, and also I hope to support the cheese-makers, the artisanal cheese-makers of the United States.

REP. MILLER: I know Vermont has done well with the cheese operations up there.

NOELLE MARCELLINO: Thank you.

REP. ROY: Thank you.

Any other questions or comments?

Sister, thank you very much.

Carlene Kulisch, followed by Laura Reid.

Carlene? I don't see her.

Laura, and you'll be followed by Kerry Bartoletti.

LAURA REID: Good afternoon, Chairman Roy and esteemed members of the Environment Committee.

My name is Laura Peach Reid. I am owner and president of Fish Mart, located in West Haven. We are -- while we don't sell puppies and kittens, we are the northeast largest regional supplier of tropical fish, small animals, birds and reptiles to pet stores, and I have dealt with thousands of pet stores through the years, and I have always been involved with protecting and promoting a responsible pet industry and have testified before this committee for over 20 years.

Without reviewing everything that has been stated before regarding pet shops and puppies and lemon laws, I just want to be clear for everybody here because it seems like there has been some confusion that in Connecticut we do

SB499
SB783
HB5493
HB5801
SB856

This is for pet shops only. But the bottom line is, this lemon law works and this is borne out by Department of Agriculture complaint statistics, which have been cited earlier, in which the complaint rate is just 0.0021 percent in 2007 and similar in prior years.

Besides all the other provisions you have heard, the lemon law for pet shops also mandates the pet stores post a visible sign stating that all information about the birth and origin of puppies is available and to call the Department of Agriculture to make complaints and the phone number for the Department of Agriculture is provided. So pet shops actually actively solicit complaints, yet the complaint rate remains infinitesimal.

When the Department of Agriculture does receive a complaint, it is mandated that they do an inspection immediately of the pet store. And earlier this morning when Department of Agriculture Commissioner Prelli was asked, he himself said that the Department -- and this is even though they have full access to all the information available about where puppies come from, and who the breeder is, and the birth date and so on, that through all these years, the Department, with all this information, has not identified a problem breeder or a substandard facility.

And I'd just like to emphasize that Senate Bill 856 before you today proposes a tracking mechanism, but, in fact, it's already in place with the current lemon law.

As we've heard today puppies and kittens are available from many other sources besides pet shops, adoption agencies, shelters, newspapers, the Internet, kennels, and private

breeders. Besides the fact that there's no sales tax to the state by many of these sources, for the sake of all companion animals and consumers everywhere, all these sources should abide by all the same standards and regulations that pet shops do, and if you're going to take any action this session, I would take the pet shop lemon law and apply it to all the other entities that sell or adopt puppies and kittens to the public.

Thank you.

REP. ROY: Thank you, Laura.

Any comments questions from members of the committee?

LAURA REED: Great, thank you.

REP. ROY: None. We even finished that in three minutes.

Kerry Bartoletti, followed by Kim Piccioli.

KERRY BARTOLETTI: My name is Kerry Bartoletti. I am cofounder of Friends of Feral Cheshire Cats and secretary for Connecticut Votes for Animals, and I would like to thank the Environment Committee for the opportunity to speak today.

HB 5798

HB 5808

First, I would like to voice support for HB 5493 and SB 499, and I think while we are referring to these as puppy lemon laws, I think the point of these bills is really to address puppy mills, but the solution has to lie with pet stores because the dogs and cats that come into the state come to the pet stores and that's the only point that it can be addressed. And the aim is not to penalize

pet stores, but to ensure that animals come from healthy sources. And while Puppy Pete might get that, there's a lot of people out there that don't. Puppy mills are cruel, unsanitary, and, unfortunately, a lot of their animals end up in pet stores.

These bills provide incentives to pet stores to purchase from reputable breeders.

I would also like to voice support for HB 5798 which addresses unreasonable confinement and tethering of dogs. I have a brief story to relate. I drove past a dog in my neighborhood for years who was tied to one spot. I contacted my ACO who investigated, but because the law was vague, he could only enforce if the dog had some sort of shelter, food, water, but could not enforce that the dog not be outside 24/7. That dog remained there for his entire life. I drove by that dog. I would see the family in one section of the yard, the poor dog unsocialized, left alone on the other side of the yard. That's a cruel way to live, and dogs are social creatures and that's a way to slowly go insane.

I would also like to voice support for HB 5808 which is the release of rabies vaccinations to ACOs. I believe that that will enable ACOs to more effectively license dog which funds the animal population control program which in turn funds the Feral Cat grants.

As founder of the Trap Neuter and Return group for Feral Cats, I believe it's critical to ensure the revenue into that program.

Thank you.

REP. ROY: Thank you, Kerry.

Any questions or comments from members of the committee.

Representative Hornish?

REP. HORNISH: Thank you, Mr. Chairman.

How are puppy mills regulated right now?

SB 499

HB 5493

KERRY BARTOLETTI: Currently the USDA is in charge of regulating puppy mills, but they're not doing it effectively, so that has spurred states to start addressing the situation. And a brief example of that is, in Pennsylvania there was a dog breeder, a puppy mill breeder, many, many of his dogs were sick, and instead of spending the money to get them veterinary care, he took 80 dogs out into the back of his breeding facility and shot them, and that spurred public outrage about puppy mills and I believe states are following suit.

REP. HORNISH: And one more question.

It's come up earlier, the nature/nurture argument, saying that sometimes the dog is just sick and that's hard to control with regard to illness with congenital defects, do you think that the conditions in puppy mills predispose an animal to disease?

KERRY BARTOLETTI: I would say, yes, puppy mills exist for one purpose, breeding for profit. Female dogs are bred and bred and bred until they can go no longer, and then they are killed. There is indiscriminate breeding so you could have congenital defects. You can have dogs breeding that might not be producing purebred dogs, and they're bred in unhealthy, unsanitary facilities that spread and breed disease.

REP. HORNISH: Thank you. Thank you Mr. Chairman.

REP. ROY: Thank you.

Any other questions or comments?

Representative Miller?

REP. MILLER: Thank you, Mr. Chairman. Good afternoon.

Regarding Feral Cats, I know we got some problems in couple communities, where I'm from, and there was going to be a program to neuter these cats. Has anything gone through or has anything been done, has PETA done anything or --

KERRY BARTOLETTI: As far as the state goes, there is the Feral Cat grant program for Trap Neuter and Return, which is funded through the animal Population Control Program and basically it's done by groups such as mine, which are nonprofit groups.

REP. MILLER: Has any other groups done anything in this area?

KERRY BARTOLETTI: Yeah, there's a lot of --

REP. MILLER: Any other, you know, like PETA group of somebody like that.

KERRY BARTOLETTI: Well, PETA doesn't really operate on the kind of the kind of the hands-on level. It's groups such as nonprofit groups, grass root supporters of Trap, Neuter And Return that are doing most of the work.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

Seeing none, thank you, Kerry.

KERRY BARTOLETTI: Thank you.

REP. ROY: Kim Piccioli, followed by Sister Telchilde Hinckley? And I'm sure you can correct that pronunciation when you come up.

KIM PICCIOLI: Good afternoon. Hi. My name is Kim Piccioli. I live in West Hartford.

I wish I had purchased my raw milk from one of the small family-run dairy farms who take meticulous care in the handling of the milk and their cows, however, not all farms are as conscientious, as you will hear in my testimony. And for this reason, I am speaking in support of House Bill 06313.

Last summer when other two-year olds were at the parks and beaches, my son was confined to a hospital bed, fighting for his life, all because of the less than responsible actions by the now defunct Town Farm Dairy in its milk-handling practice. The Department of Public Health in its most recent report genetically matched the E. Coli 051 -- 0157 strain in one of the cows to that of my son, my daughter and a friend of ours.

If raw milk is this safe enough -- is safe enough to be sold on the shelves of the local grocery store and does not need any further regulation, then how did this happen? Well, it all started when, as a loving and caring mother, I became concerned with an ailment my son was experiencing. When recommendations from his pediatrician did not work, I researched alternative treatments, as you have heard all morning and this afternoon from other people, alternative treatments that everyone is claiming can help when you drink

through the existing distribution and sale system.

We see no reason to force the retail consumer to have to make an extra trip to the farm to purchase their milk nor to place the burden of maintaining a retail sales room on the cost-conscious farmer.

Section 2 of House Bill 6313 as now written would require significant amount of testing at the cost of the farmer. This morning Commissioner Prelli testified that they are proposing changes that would shift the cost of that testing to the Department of Agriculture.

With that change, we believe the Grange would support the testing, with the only objection we have heard is the cost, not for the testing itself.

Thank you for your consideration of my testimony today.

REP. ROY: Thank you, Gordon.

Any comments or questions for members of the committee?

Seeing none, we're all set. Thank you.

GORDON GIBSON: Thank you.

REP. ROY: Steve Zerelli. Didn't think so.

Gary Carr, and he will be followed by Gary Cox.

GARY CARR: Good afternoon to committee and to Chairman Roy. Thank you for the opportunity to testify.

SB 499
HB 5493

My name is Gary Carr. I am a dog owner, breeder, exhibitor, and handler, as well as AKC-licensed judge. My wife and I have been breeding and showing dogs since 1975, and we have bred and shown some of the top Tibetan Terriers in this country, we have shown in Europe and in Canada. I am past president of the Farmington Valley Kennel Club, which is a member of the Connecticut Dog Federation.

I'm here to oppose Bill 5493 and 499 and I never thought I would be siding with a pet store owner.

First, there is a little bit of -- I am unsure how you're going to define a breeding kennel. Would it be on the number of dogs, on the number of litters per year, what? And if it's on the -- if we fall into that category -- by "we" I mean the hobby breeders in this state -- then does that mean we're going to have to be licensed, and you're going to have to expand your inspection staff to come and visit us.

We have a fourteen-dog indoor/outdoor run kennel attached to our house right off our grooming room, which is off our kitchen. We currently have seven dogs, but we have probably have four litters a year, would be a high number, so the definition of a breeding kennel is of some concern.

Also, it says "any disease, illness or other injury." I think "injury" isn't an appropriate word to be in this bill. We don't sell dogs that are injured. We would cure them first of whatever the injury was and, if not, the person buying the dog, quite obviously, would know what the injury was, and that is an accident, it's not subject to the breeder's problem.

And the problem with congenital or hereditary disease identification, many of these would not manifest themselves 'till the dogs are five or six years old, such as eye problems. Hip dysplasia, you cannot get a dog certified by the OFA for their hips until they're at least two years old because the bones have not finished growing and developing, and we -- our puppies usually sold at ten weeks old.

They are sold with a sales contract, which includes a buy-back clause. They are sold with a health certificate with a pedigree. They can see the parents usually, if we have both male and female on our property, and the pedigrees from the American Kennel Club also indicate the OFA certification of the parents.

We test the parents. No dog that cannot have its eyes and hip certified, and their eyes are done annually, is in our breeding program. The hips have to be either good or excellent certification. And once the puppy is out of our control, once it's sold, as far as an illness goes, if they walk it across a yard when they get home that's just been treated by the lawn doctor, they could get anything, and it would be totally out of our control.

So part of it is the wording of the bill as far as including injury, and the congenital and hereditary problems.

REP. ROY: Thank you.

Gary, with all your safeguards, have you run into any problems from customers, I mean, if you --

GARY CARR: In 33 years we had one hereditary eye problem, and that was on an out-cross, not to

one of our own females, but to a dog out in Oklahoma. Where it came from, we have no idea because after breeding, this was after breeding for about 28 years to have it show up all of a sudden. You know, we are at odds with some of the canine ophthalmologist who say that this particular eye problem was a simple recessive gene, because if it was a simple recessive gene, I'm sure we would have seen it 25 years ago.

(Inaudible.)

GARY CARR: It wouldn't be, except it's a problem in that, now do we have to be licensed as a kennel? Do we have to pay a licensing fee? Have another inspection besides AKC come in and look at this? Are we going to be subject to certain, you know, laws as far as how much -- our -- personally, mine, no, we have, as I said, 14 dog kennels with four-by-four indoor runs, four-by-eight outdoor runs, and then we also have three exercise areas, the largest being about 5,000 square feet. So that is not a problem for us, but there are other breeders with smaller breeds.

The other problem with this bill is it doesn't differentiate between very small breeds and very large breeds.

REP. ROY: Okay. Thank you.

Any other questions or comments from members of the committee?

Seeing none, thank you.

GARY CARR: Thank you.

REP. ROY: Gary Cox, followed by Douglas Schwartz.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 3
642 - 964**

2009

DEBRA BRESCH: Yes.

REP. ROY: Good.

DEB BRESCH: But I -- well, you have it on the record that I represent thousand of ASPCA members and a growing membership in Connecticut Votes for Animals.

Thanks for this opportunity to speak. We are -- I'm here to discuss a few bills, three of which we support, two of which we oppose, unless they're amended.

The first concerns the puppy mill issue. We hope that Connecticut will acknowledge the problematic nature of puppy mills. The problem is that most of the puppies that come from these puppy mills that are sold in Connecticut are coming from out-of-state. And so the solution has to be through, at least, in part, pet stores.

We would also like to see greater regulation of in-state kennels in Connecticut as well. I don't know if you heard about kennels on the news not so long ago that was raided, and it was a puppy mill, although not on the scale you might see in Pennsylvania and Missouri.

The -- the conditions at these out-of-state puppy mills are pretty squalid. It is -- Pennsylvania is now the first state to institute some stringent regulations and, hopefully, we will see some changes there. I think that incident that Kerry Bartoletti spoke to of the kennel owner shooting their 80 dogs was, in part, a product of that. They did not want to institute some of these new regulations.

SB499

HB5493

HB5798

SB783

SB784

Because we believe the pet stores are, in part, the solution to the puppy mill problem within Connecticut, we do support and enhanced lemon law.

I would like to speak to Representative Miner's comment regarding, you know, nature versus nurture. You know, we do not believe that it is an accident. It's not simply that we are here to, sort of, you know, au natural, so to speak. I think someone else used that terminology. We are a product of, very much a product of our environment. And so a puppy who comes from the squalid conditions of a puppy mill is probably going to evince some characteristics, some health conditions that reflect those squalid conditions. And to that end we would like to see enhanced lemon law.

Here, the only way in Connecticut you can be made a -- a consumer can be made whole is if the puppy dies or if you return the dog. And \$200 is the cap on vet fees. We would like to see significantly more in vet fees in the event, so that -- you know, because people become attached to these animals and they don't want to return them. And they should be able to go to their own vet with that -- with that animal.

In addition, we would like to see a fine schedule. Some accountability on the part of the kennels and pet stores in Connecticut, that is what we have in New York State. Right now the only thing that can happen is a license can be suspended or revoked. It doesn't happen. So basically the self-regulating community, pet stores and kennels.

Well, there's a lot in my written testimony in terms of, we have some additional

recommendations for a puppy mill bill. You'll see recommended additions to the proposal in italics.

We support the tethering and confinement proposal. I've included language actually that I drafted. I think it's a good bill, not too -- not too rigid or stringent, but I think it addresses the tethering, confinement issue well.

HB5798

And we support the rabies vaccination certificate proposal that would enhance spay/neuter funding.

You know, again, you have everything in front of you. If you have some questions for me, I'll be happy to answer them.

REP. ROY: Thank you, Debra.

Representative Hornish.

REP. HORNISH: Thank you, Mr. Chair.

What does the -- we've heard some concerns from pet store owners about the lemon law, the puppy lemon law. What does this require of the pet stores themselves?

HB5493
SB499

DEBRA BRÉSCH: Well, the -- you know, again, the current lemon law that's on the books doesn't require much. It would only -- it caps veterinarian expenses that would have to be reimbursed at \$200. Anyone who has an animal knows that vet fees can well exceed that. I think you said that yourself, Representative Miner. And, you know, one night of boarding can be extremely -- medical boarding can be extremely expensive, so that really doesn't scratch the surface.

The only way a consumer can be made whole is by returning the animal, and, you know, again, given the nature -- this is an industry, given the nature of the industry, the puppy, most likely is going to be destroyed. People don't want to do that. But the only way to be made whole is to return the puppy or if the puppy dies.

So we would like to see, you know, a system where a person can hold on to the puppy, cure the puppy and whether it's -- and, again, anything that's wrong with the puppy that would be reimbursable in terms of vet expenses would have to have existed at the time the animal was sold.

So if it's not a congenital or hereditary problem, it would have to be something that, let's say, identified within the first two weeks of sale. If it's a congenital or hereditary problem, it would be identifiable presumably, you know, would be worth probably consulting with a veterinarians in Connecticut. The New Jersey law allows for a six-month window to identify something like luxating patella, where, you know, the knees are popping out, or cherry eye.

So that's what we would -- and, again, by making this statutory, the veterinary expenses could be reimbursed, let's say, up to twice the purchase price of the -- of the puppy. It would statutorily allow the individual, the consumer, to go to their own vet.

Right now I've heard of stories where pet stores insist that individuals go to their vet, often the animal is not cured and then they ultimately have to go to their vet anyway because, again, they want to return the animal. You get attached very quickly. This

hope -- we would -- I would like to offer my services in terms of looking at this language. I would love to work with the Department of Agriculture and with legislators, with you guys, to ensure that the language would not chill importation excessively.

REP. HORNISH: Thank you.

Thank you, Mr. Chair.

REP. ROY: Thank you.

Representative Urban?

REP. URBAN: Thank you, Mr. Chairman.

Hi, Debra.

DEBRA BRESCH: Hi.

REP. URBAN: We had somebody in here testifying earlier today on the puppy mill or puppy lemon law, or whatever you want to call it, and he said that there was Connecticut statute already that we had to verify where puppies came from --

SB 499
HB 5493

DEBRA BRESCH: Right.

REP. URBAN: And it's not exactly Connecticut statute, or is that just me thinking it is?

DEBRA BRESCH: No, that was an incorrect statement.

REP. URBAN: Excuse me?

DEBRA BRESCH: That was an incorrect statement that was made.

REP. URBAN: Would you give us the correct statement then?

DEBRA BRESCH: Sure. The regs, Pet Shop Regulation, Section 22-344-25(c) actually stipulates what they do have to produce. In fact, that's part of our additional recommendations. We would like to see that specific and verifiable information on the origin of the cat or dog be part of any -- any bill that this committee produces.

And, specifically, we want to make sure that anyone who has had that dog in their possession through the stream of commerce has to be kept on file and reported by the -- by the pet store.

Currently, it can be that they can tell -- it could only be the dealer that they -- that they have on file as having had that dog in their possession. And the dealer -- so if you look at pet store records, you'll see that the Hunt Corporation, which is one of the largest dealers in dogs, is one of the chief names that pops up in these records, but you can't actually trace the dog back to the original breeder. And if we're really looking to protect the consumer, I mean, this is something that Connecticut can really do without much detriment to the pet store, is simply to allow the consumer to make an educated decision by knowing where this dog came from.

I know that -- well, I -- this is through, you know, this is hearsay, but I understand that there was a conversation between the owner of a pet store in Westport with a customer, and they said that the owner said that they got the puppy from a small breeder in Missouri. That sounds specious to me. But there would be no way to know necessarily unless they were required to keep the name of the breeder on

file and available to the public.

REP. URBAN: Deb, I had one other question, too.

I went down on your testimony where you're talking about permitting impounded horses to be sold for slaughter.

DEBRA BRESCH: Right. Well, we're concerned again --

REP. URBAN: I must have missed that somewhere along the line. Could you expound on that one?

DEBRA BRESCH: Sure. Yeah. I know that would be meaningful to you.

Well, we're concerned about the roaming livestock bill, which is SB 783. We understand that -- I know the Horse Council takes a different position on this. I believe it takes a different position on this. You know, to the extent that there is a problem with roaming livestock, we don't want to -- the Animal Advocacy Community doesn't want to create an impediment to doing something with those large animals. We're concerned about the disposition of the animals, and we don't believe that Animal Control should be in the business of commercially brokering animals, and right now the bill, as drafted, would allow, after a fourteen-day period Animal Control to sell the animal for commercial -- sell the livestock for commercial use.

SB784

Livestock includes horses, and right now it is not against the law for horses to be transported to slaughter in Mexico and Canada, and so we've, you know, we have grave reservations about Animal Control being in that business. We think that any animal,

when I got elected senator Williams, who's the Senate president here said, What can I do for you? And I said, I'd like a district office. And he said, we don't do district offices. I had been a state Legislator in New York where I had a fancy district office and we don't do it in Connecticut so --

DEBRA BRESCH: Well, perhaps you can tell him about this, so he can rectify it.

REP. ROY: New York has fancy district offices and a bigger deficit.

DEBRA BRESCH: That's true.

REP. ROY: Deb, I'm pleased to say that nobody called me at two o'clock in the morning; but maybe they've heard about my reputation.

Representative Miner?

REP. MINER: Thank you, Mr. Chairman.

Just to go back to the notification, you talked about the chain of custody so that a commercial transfer of an animal would require that there would be some chain of custody for that animal; is that what you were saying?

SB499
HB5493

DEBRA BRESCH: Well, yes. I mean, in general what happens is the dog comes from a breeder, is sold to a broker who then, in turn, sells the animal down the line.

REP. MINER: Is there a dollar amount at which you think someone should qualify for having to have that responsibility?

DEBRA BRESCH: I'm sorry. Have what responsibility?

REP. MINER: The chain of custody responsibility. For instance, if someone sold a dog for \$100, should they be liable to produce that documentation?

DEBRA BRESCH: Our position is that it should be an issue of consumer notice and education and choice that they know the origin of the dog that they're purchasing here in Connecticut. So we're not putting any dollar figure on it that, you know, whether, you know, however much that animal was originally sold for because, know, it's sold at wholesale, and however much that animal is ultimately sold for at retail, it is simply an issue of whether the consumer knowing where that animal comes from.

REP. MINER: And would it be your position that that should occur with private sale as well?

DEBRA BRESCH: Well, the problem is one of regulation, so it's our position, at this juncture, that this should apply to pet stores, pet shops which are licensed and would actually include entities in Connecticut. I believe it would include entities in Connecticut that do not produce the dogs themselves.

So they don't necessarily have to have a store front to be a pet shop in Connecticut, but they do have to be licensed, and a licensed breeding facility. But, again, if they're the breeding facility, then you know the origin. So really this would affect licensed pet shops, this particular requirement.

REP. MINER: And so if it was a private individual, it did not raise the animal, but merely brokered the animal in the State of Connecticut, you don't feel they have an

obligation in the "Buyer Beware" arena?

DEBRA BRESCH: My understanding, I would have to go back to the definition, is that that individual, notwithstanding the fact that they don't have a store front, would be considered a pet shop. I don't know if there's a threshold for the number of animals that they actually have to sell.

REP. MINER: But I just want to be clear, as this gets drafted, if you're going to help draft it?

DEBRA BRESCH: Yes.

REP. MINER: Are we going to exempt everyone in the state of Connecticut other than pet shops?

DEBRA BRESCH: I don't see -- I don't see how that would be regulated if it's not a licensed facility. If it's not -- if it's not, I'm not sure what's the mechanism, so I think it's a matter of what's practical. I just don't see how -- you know, if we're talking about, you know, just some -- if there is no threshold, and again, I do have to go back to the definition of what constitutes a pet shop in terms of how many animals one would have to broker in order to become a pet shop.

But if we're talking about, you know, just Joe Schmo bringing a dog in from somewhere who doesn't have a license, I'm not sure how to -- how to address that -- that situation.

REP. MINER: Well, I guess my concern is that if Joe Schmo consistently brings in a dog and then, under the guise of adoption, sells that dog and that dog's puppy for \$350 apiece, that we have an obligation in establishing regulations and law to give the person who

bought those dogs the same protection they would have in the case of going to a pet shop.

I don't understand why we would treat that classification of buyer -- if the theory under which we are going about this is to afford some protection to both the purchaser, because they've established this loving relationship with the animal that they've bought home that is now found to have some defect that, in theory, may have been caused in a puppy mill, may not have, but we want to hold someone accountable, why -- I guess I don't understand why we would say to the individual that bought the dog on the Internet, or bought the dog through The Hartford Courant, or bought the dog any other way, if you didn't buy it in a pet shop, you know, we don't have a regulation or a law to protect you.

DEBRA BRESCH: Well, I feel like there are two questions there: One, in the first instance concerns adoption versus sale, and --

REP. MINER: Well, I throw that out just because you and I have been around here long enough to know that the animal people have become very creative and so instead of it calling it a sale we call it an adoption for a fee and yet it looks like a sale and so, you know, if we're going to fix this, let's just fix it, that's my position.

DEB BRESCH: Right. Well, I would agree with you, and I want to be absolutely clear about that, that in terms of regulating the importation of cats and dogs, whether we believe that those regulations should apply to adoption and to sale, we do not actually have an objection that these regulations were promulgated -- the importation bill was promulgated vis-a-vis the adoption situation, or the rescue situation.

We have an objection to the fact that it doesn't also encompass, you know, the sale. So I think we're in agreement on that. My concern is, and, in fact, this is why I actually, we did not support, I believe it's 5801 which says that, I believe, prohibits the sale of puppy mill dogs in Connecticut. It's a practical issue for us. It seems that -- I don't really see -- I don't see how Connecticut possibly --

REP. MINER: Could import --

DEBRA BRESCH: -- do something like that because we're not regulating these entities outside the state --

REP. MINER: Right.

DEBRA BRESCH: -- we can only regulate the entities in the state. So, we're -- basically, we would support, in terms of the truth in labeling issue, we would support any truth in labeling vis-a-vis any animals that could be reached by the Department of Ag. There's simply a concern as to what would be practicable.

REP. MINER: But, I mean, and I don't want to belabor this, but if someone made a claim about a defective dog --

DEBRA BRESCH: Okay.

REP. MINER: -- under this law and it wasn't, in fact, a Pets-R-Us, it was to Craig Miner who imported golden retrievers, then why would that be so hard for the Department of Agriculture to figure out?

DEBRA BRESCH: Well, no, that's true. And, again,

I really -- and I regret that I did not check, you know, on the definition of "pet shop" before speaking, that was my mistake. I should have confirmed it for myself.

Again, I do believe it encompasses any entity or individual that is selling an animal, who has not produced the animal themselves.

REP. MINER: Was not there.

DEBRA BRESCH: So I believe that would come under the -- under the rubric of pet shop, and we would agree with something like that.

REP. MINER: Okay.

DEBRA BRESCH: What I will say is that we don't necessarily agree with the notion that -- this is where it does get a little bit tricky -- but the issue of the vet expenses, as to whether -- who would be responsible for those vet expenses.

However, you know, if we had a trace-back provision, which actually allowed us to know where these dogs are coming from, that they are coming from a, you know, a puppy mill in Missouri or wherever, versus, you know, a shelter in Georgia, you know, I think one -- I think one is an industry and one is an effort to move dogs from, you know, from being unwanted to wanted. And I think there is a -- some distinction, I think, should be made in terms of what that means to the social good potentially.

REP. MINER: Okay. Thank you.

Thank you, Mr. Chairman.

REP. ROY: Thank you.

Representative Lambert?

REP. LAMBERT: Thank you, Mr. Chairman.

Representative Urban asked you before for a clarification that we had -- actually, two gentlemen had made testimony that the point of origin where the dog is from would be labeled on the actual crate, that they're if in a -- I don't want to say puppy mills, not a puppy mill, but the pet shop --

DEBRA BRESCH: Right.

REP LAMBERT: -- and that that label would be on there. Is that a law or is that not a law?

DEBRA BRESCH: Oh, you mean like in the cage where the animal is being sold in the pet store?

REP LAMBERT: Yes.

DEBRA BRESCH: Well, in fact, it is not current law that the pet store has to provide the initial -- that the point of origin, vis-a-vis who bred the animal.

Well, the regs, actually, what the regs say, in terms of what the information that they have to have, is the name, Section 22-344-25(c), the name and address of a person from, or corporation from whom the animal was obtained, the date thereof, and the United States Department of Agriculture dealer license number, if applicable.

If the pet store obtained that animal from a dealer, that would be presumably sufficient, and it could be, often my understanding, and this is a common problem, that only the dealer name is available to many consumers.

REP. LAMBERT: So the traceability of the origin does not have to be on there at this point?

DEBRA BRESCH: Not present law. The breeder's name does not have to be on there.

REP. LAMBERT: I didn't know if I misunderstood what they had said before or --

DEBRA BRESCH: That's my -- that's my understanding, and it had me trace back, the ASPCA actually is engaged in a --

REP. LAMBERT: I mean, I have my notes that two gentlemen had, in fact, testified to that, so I just wanted to clarify that.

DEBRA BRESCH: Okay.

REP. LAMBERT: Thank you.

REP. ROY: Thank you.

Representative Mushinsky?

REP. MUSHINSKY: Thank you, Mr. Chairman.

I just want to follow up on that because it is -- it is -- we are getting conflicting testimony.

I had done a Bill 5151, asking for the point of origin of the animals to be shown to the consumer --

DEBRA BRESCH: Right.

REP. MUSHINSKY: -- and, you know, ideally displayed right on the cage, the point of origin, so the original point where the animal was bred and then shipped out.

DEBRA BRESCH: Right.

REP. MUSHINSKY: So that's what you're looking for as well?

DEBRA BRESCH: That is exactly what we're looking for.

REP. MUSHINSKY: Okay. Because I don't -- because if you just -- if you just have the middle man's posting, that doesn't help you, that doesn't track it back to where we need to track it back to.

DEBRA BRESCH: And I know it's been a problem at the -- at the A where we are engaged in something sort of equivalent to Car Facts, what we call Puppy Facts where we can provide consumers with information. We've done, you know, FOIA requests and we've only been able to get the dealer.

REP. MUSHINSKY: Could we pass this point of origin language without running into any interstate commerce issues?

DEBRA BRESCH: I don't see why if it's just an identification issue, I don't see why it would be a problem.

REP. MUSHINSKY: Okay. Good. Thank you.

REP. ROY: Thank you.

Any other questions or comments?

Debra, thank you. Thank you for your patience with us.

Susan Giacalone?

**CONNECTICUT VETERINARY MEDICAL ASSOCIATION
TESTIMONY TO CGA ENVIRONMENT COMMITTEE REGARDING SB 499
AN ACT CONCERNING A PET LEMON LAW**

February 9, 2009

Messr's Chairmen and Members of the Environment Committee:

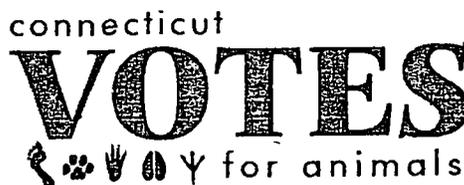
The Connecticut Veterinary Medical Association, which represents 95% of Connecticut licensed veterinarians, strongly supports Senate Bill 499. This bill will serve to protect the public from establishments which sell unhealthy cats and dogs.

Too frequently individuals and families purchase pets that are sold to them in poor health. Some of these pets are ill with diseases that can be transmitted to their new families, especially to children and immune suppressed individuals. This results in the new pet owners and their families being burdened with personal health concerns, high expenses, and emotional heartbreak. The current pet lemon law does little to deter the sale of these pets with illnesses or disabilities because of the low monetary fine. We feel that if the liability of those who sell these animals were more in line with the medical expenses incurred by new owners then strict quarantine procedures and sanitary practices would be adhered to, as well as encouraging pet stores to buy their pets from sources that are of higher standard.

We strongly feel that SB 499 would benefit the citizens of Connecticut and the animals being sold with regards to public health, expense to new owners, and emotional turmoil for their families. We strongly urge you to support SB 499.

Sincerely,

Eva Ceranowicz DVM
Chair, Government Affairs Committee
Connecticut Veterinary Medical Association



Joint Environment Committee Hearing
February 9, 2008

Testimony of

Debora M. Bresch, Esq.
Legislative Liaison, American Society for the Prevention of Cruelty to Animals
President, Connecticut Votes for Animals

SUPPORT

- SB 499, HB 5493—Improved “Puppy Lemon Law;” Fines for Pet Stores and Breeding Kennels
 - recommended additions: “truth in labeling;” licensing requirements
- HB 5798—Enforceable Dog Tethering and Confinement Law
- HB 5808—Authorizing ACOs to Obtain Rabies Vaccination Certificates (to increase spay/neuter funding)
 - recommended additions: authorization for stand-alone S/N clinics – not only mobile clinics – to participate in APCP program; authorization for two sterilizations (instead of one) per APCP voucher

OPPOSE UNLESS REVISED

- SB 783 – Authorizing ACOs to Impound and Commercially Broker Large Animals SB 784
- SB 784 – Regulating the Importation of Animals for Adoption SB 783

Introduction

Senator Meyer, Representative Roy, fellow Environment Committee members – thank you for this opportunity to address the committee. I represent the thousands of Connecticut supporters of the American Society for the Prevention of Cruelty to Animals (ASPCA) and the growing membership of Connecticut Votes for Animals (CVA), who are deeply concerned about many of the issues before the committee today. Among these many issues, however, are three identified as priorities by the ASPCA and CVA.

Specifically, the ASPCA and CVA support current proposals to:

1. improve the welfare of dogs in pet stores and the “puppy mills” – or commercial dog breeders that place profit before the welfare of the dogs they breed – from which pet stores purchase puppies (*see SB 499 and HB 5493, in particular*);
2. revise state law concerning the excessive tethering – or chaining – and confinement of dogs (*see HB 5798*); and
3. authorize animal control officers to obtain rabies vaccination certificates in order to increase dog licensing and thereby increase spay/neuter funding (*see HB 5808*)

States and localities across the country are steadily recognizing the importance of these endeavors, such as Pennsylvania, which last year enacted stringent puppy mill regulations; and California and Texas, which in 2006 and 2007, respectively, enacted anti-chaining prohibitions; and New Hampshire and Philadelphia, which have both required veterinarians to provide the government with rabies vaccination information in order to augment the dog licensing rolls and, in turn, spay/neuter funding.

Ultimately, the ASPCA and CVA believe that by enlarging the circle of compassion to encompass both people and animals, we can normalize empathy, stem the cycle of violence, and create the humane communities to which we aspire.

SUPPORT

Puppy Mills – SB 499, HB 5493

The ASPCA and CVA believe that Connecticut – like other states – should acknowledge the impact of large-scale commercial animal breeding on the health and well-being of the animals and the consumers who purchase them. Measures should be taken to enhance animal welfare and improve the remedies and information available to consumers.

As mentioned above, a puppy mill, in particular, is a large-scale commercial dog breeding operation where profit is given priority over the well-being of dogs, both the breeding dogs and

their progeny often kept in squalid conditions and plagued with injuries, illnesses, and congenital and hereditary defects. These animals may be sold directly to the public by breeding kennels or by pet shops (either in-store or over the internet).

In particular, per HB 5493 and SB 499, we would like to see the following provisions incorporated into any puppy mill bill released by the Environment Committee: (1) as in New York, which authorizes fines of \$50 to \$1000, a schedule of fines to be levied on Connecticut breeding kennels and pet shops maintained in an unsanitary or inhumane manner; and (2) a significantly enhanced “puppy lemon law” that like the New Jersey statute, (a) provides for reimbursement of veterinary costs, up to twice the purchase price of the cat or dog, for congenital/hereditary problems or other illness/injury in existence at the time of purchase, as well as (b) a requirement that such reimbursement policy be clearly displayed and each purchaser specifically advised of the seller’s obligations.

Recommended additions to this proposal:

- *requirement that pet shops provide specific and verifiable information on the origin of a cat or dog – in particular, the dealer, breeder, and anyone else who has kenneled that animal for 24 or more hours – to the public, any purchaser, and the Department of Agriculture; and*
- *requirement that pet shops sell cats and dogs only from breeders licensed with the USDA and any applicable state entity*

Dog Tethering and Confinement – HB 5798

As noted, the ASPCA and CVA seek to improve this state’s chaining and confinement law, which now goes unenforced because animal control officers consider it unduly vague. At the most practical level, taking dogs off their tethers is good for people and dogs: Chained dogs are 2.8 times more likely to bite. Further, an Ohio study found that communities reporting more dog bites also report more incidents of domestic violence. By rescuing chained dogs, we prevent tragic dog attacks and save families diminished by household violence. We also engender an ethic of care that seeks to make kindness and respect the norm.

As mentioned, California and Texas have followed this path in the last few years. It is also worth citing the particular experience of Lawrence, Kansas, which prohibits chaining a dog for more than an hour. According to the executive director of the Lawrence, KS Humane Society, the “anti-tethering law...has been the best thing for Lawrence.” Of chief note: in 2005, there were a little more than 800 animal cruelty complaints in Lawrence, including approximately 50 concerning dog fighting, while as of September 2006 – after enactment of the anti-chaining law – there were only about 260 similar complaints, with about 25 of them involving possible dog fighting. In Connecticut, where dog fighting is rarely prosecuted, perhaps a strong anti-chaining law offers a way to preempt such activity.¹

¹ For example, in 2005, there were no prosecutions for animal fighting under section 53-247(c) of the Connecticut General Statutes.

DNA tests show Almost Heaven kennel in Upper Milford tricked Dog Buyers-



P.O. Box 266 • Cheshire, CT 06410

Source: *The MorningCall.com*, January 27, 2009

Andy Lakatos joins fiancée Jessica Smallman, as they sit with their 8-month-old Goldendoodle Dunkin. He was sold as a golden Labradoodle, according to their contract. But a DNA test showed he is a goldendoodle; part golden retriever and part poodle. (Harry Fisher, Allentown Morning Call / January 22, 2009)

A woman who worked in a key role at the controversial Almost Heaven dog kennel for several years says she tricked hundreds of customers of owner Derbe "Skip" Eckhart by misrepresenting the parentage of the dogs they were buying.

Her claims about deceptive sales were confirmed by DNA tests arranged by The Morning Call and administered to three dogs purchased last year at the Upper Milford Township kennel. In all three cases, the dogs' actual breeds did not match what the new owners were told or what was listed on their sale documents.

Pattie Fontana, the source of information that helped spark the Oct. 1 Pennsylvania SPCA raid on Almost Heaven, began working – and even living, on occasion – in the Almost Heaven complex in 2002. She told me she routinely sold people dogs whose parentage, vaccinations and birth dates weren't accurate. "There's got to be a thousand out there," she said.

Eckhart and his lawyer declined to comment on any of this. Fontana said she was following Eckhart's orders, explicit or understood. She told me Eckhart's philosophy was: "Never give up a sale. When anybody calls up to buy something, we always have it." Even if they didn't. And, particularly in the later days of her tenure there, she said, she had an ulterior motive.

"It may be wrong on my part, but I wanted as many dogs as I could to get out of that hellhole," she said. "If you worked and lived in that place, you would do anything you could to get them out to a good home." We first met in late August 2007, after she had left Almost Heaven's employ. She told me that night that she couldn't stand the treatment of dogs there anymore, and she wanted to bring the conditions to light and get the remaining animals out of there.

But she returned for a few weeks last summer, and shortly after she quit again, she supplied me with copies of Almost Heaven contracts that in several cases, she said, misrepresented the breeds of the dogs and other information about them. Fontana acknowledged that she was responsible for many of these deceptions herself. She said she would keep a fake mother and father dog cleaned up and available – friendly dogs she had obedience-trained – to show prospective buyers. "It was always a lie," she said. "The whole thing was a lie."

The conditions Fontana described during our interviews were confirmed by the PSPCA raid that she helped spark as the confidential informant mentioned in the agency's affidavit of probable cause. It resulted in the discovery of some 800 animals living in what investigators said was hellish filth. Many of them were sick, frightened, injured, dehydrated and crammed into overcrowded cages, investigators said.

The raid resulted in the seizure of dozens of sick animals, SPCA cruelty charges and state dog law citations against Eckhart, whose kennel license was revoked. His criminal case is scheduled for a hearing in Lehigh County Court at 1:30 p.m. today. He appealed the license revocation, but Chris Ryder of the state Bureau of Dog Law Enforcement told me last month that they hope to finally shut him down under the state's new dog welfare law by denying him a 2009 license and weathering his expected appeal of that decision. The official response to his 2009 application is pending, Ryder said last week.

Animals Don't Vote. People Do.

www.CTVotesForAnimals.org • info@CTVotesForAnimals.org

As I reported last week, the kennel's Web site now says Almost Heaven has been sold and renamed T.A.S. kennels, owned by "April W.," who Dog Law has confirmed is longtime Eckhart assistant April Dotterer Welter. Dog Law investigators visited the kennel undercover Friday afternoon and then executed a search warrant for records that demonstrate who exactly owns the place and whether it is complying with dog welfare laws. The investigation still was under way Monday, Ryder said. Neither Welter nor T.A.S. has a kennel license.

Despite many columns and years of complaints about the kennel's operation, I had no way of confirming Fontana's claims about misrepresented dogs until last September — shortly before the raid — when she showed me the contracts and explained which dogs were not what the paperwork said they were. I began contacting those dog owners, and three of them agreed to have their dogs tested, at The Morning Call's expense. The WISDOM Panel MX analyses break down exactly which breeds are part of the dog's genetic makeup. I received the last of those results late last month.

The participants were: Dunkin, purchased by Andy Lakatos and fiancée Jessica Smallman of Bethlehem on Sept. 7. Dunkin was sold as a golden Labradoodle, according to their contract. That's a mix between a Labrador retriever and a poodle, chosen because Andy's family had a Labradoodle with a great personality. But the test showed he is a goldendoodle, part golden retriever and part poodle. Fontana explained that Almost Heaven didn't have any Labradoodles at the time.

Hana, sold to Tracey and Bryan O'Rourke of Lebanon, N.J., on Sept. 5. She was sold as a black and white goldendoodle, according to the contract, and turned out to be a standard poodle. Bella, sold to Kim and Matt Adams of Newtown Township, Bucks County, on Aug. 30. The contract says she's a black and white goldendoodle. Her test confirmed she's a miniature poodle.

The owners of these dogs weren't happy about the results — Lakatos had assured me before the test, "We are very certain ourselves that Dunkin, our puppy, is a Labradoodle" — but they're all much too attached to their pets to consider returning them.

The Adamses, who found Almost Heaven on the Internet and called specifically about purchasing a goldendoodle, went ahead with the purchase even though they were appalled by what they saw of the kennel. Kim Adams noted how vulnerable people are when they're presented with a puppy, and in their case, it persuaded them to ignore the warning signs they were seeing and smelling at the kennel. "[Bella] was a doll baby," Adams said.

And now? "We wanted a goldendoodle, but we got her," she said. "What are you going to do?" I asked Tracey O'Rourke what their reaction was to the DNA results. "We laughed," she said. "We were like, 'Oh, we were such idiots to go along with these people.'"

Lakatos responded, "We're quite upset for being deceived, because we really wanted a Labradoodle. But we love him so much, we could never give him up especially because of how horrible his original living conditions were."

The dogs weren't cheap, either. The O'Rourkes paid \$1,200, plus tax, for Hana. Lakatos paid \$900, and the Adamses paid \$800. Kim Adams said, "We feel like we donated \$800 just to get her out of there."

The DNA tests involve a blood sample drawn by the vet and submitted for the WISDOM Panel mixed breed analysis. The report offers information about the dog's genetic history and the characteristics, history and appearance of dogs of those breeds.

Fontana said the breed isn't all that's misrepresented on the contracts. For example, she said, "All the shot records are a lie."

Here's how it would work, she said. If she had a 12-week-old puppy — which might well be older, since she routinely knocked three to six weeks off the ages of older dogs to make them more attractive — she would count back 12 weeks and invent a birth date. Then she would count six weeks, record a worming and set of shots, then do the same at eight weeks and 12 weeks. There often were no actual records of those veterinary procedures, she said.

Fontana recognizes how incriminating all this sounds. And she concedes that once she understood Eckhart's instructions, she operated in many cases on her own. "Did I know what I was doing? Yeah, we both knew what I was doing.

"But I got to put a lot of dogs in homes."

SB 262 SB 783 HB 5801 HB 5807

Mr. Chairman and committee I appreciate you allowing me to address this committee. I am not use to speaking in front of such an important assemblage, so please pardon my nervousness. My name is Peggy Wampold and I reside in Tolland, CT.

First I want to preface my remarks, by telling you I am not a breeder, I have never bred a litter, nor do I intend to do so in the future. I cleaned enough puppy papers when I was a child to last me a lifetime and I exhausted all my maternal instincts raising three sons. I have had Irish Setters all of my life as did my father before me. I am the President of South Windsor Kennel Club a member club of the American Kennel Club and the Connecticut Dog Federation. I am also a member of the Irish Setter Club of Central Connecticut, the Irish Setter Club of New England, the Irish Setter Club of America and I am Vice President the New England Sporting Group Ass. I want to address Bill HBO 5798, SBNO 499, and HB 5493.

HBO 5798 What is considered unreasonable? What is considered confinement and tethering? I have a fenced yard in which my dogs are confined in, Is this considered unreasonable confinement? When I travel with my dogs, I travel with them in crates for their safety. Should I have an accident they will not be tossed around or worse be thrown out of the vehicle. When I am not home, I crate my young dogs for their safety when I cannot watch them. Many dogs have died from chewing on electric cords, eating poisonous substances etc, not to mention destroying a house. This could Bill (subject to interpretation) could put veterinarians out of business if they cannot confine sick animals in their hospitals, boarding kennels out of business if they can not confine their charges to name only two tax paying industries in the state. What do people do who live where they cannot have a fence? With all of the ice we have had this Winter people can not walk dogs, if they can not put them out on a line to take care of nature, what are they supposed to do? If this is to prevent people from tying out a dog all day, who is going to enforce this law? Are we going to turn into a state where neighbors tattle on neighbors, are we going to use the government to settle neighbor disputes? Clearly when our State is in such economic difficulty, our law makers should be more concerned with other issues instead of trying to write laws that will be difficult to enforce, accomplish very little and will be a greater burden on towns to enforce. Are local officials going to have to set outside someone's yard and time how long a dog is tied out? It is my understanding from Law and Order and CSI New York (I have never a read law book so my education is from the TV) that the police and dog officers cannot come into my house with out a search

warrant. How are they to determine if my dogs are confined, what are the conditions of their confinement and for how long they are confined? Animals need to be confined for their own safety in fenced yards, or runs, and if this is not an option, what are people to do. If they find they cannot keep their pet, then they are going to bring it to the local shelter and then it will be the responsibility of the town or state to take care of the animal. This is happening all over the country where such laws are being passed. Why would you consider a bill that will put an additional burden on the taxpayers? Think of the whole picture and not the single instance. Think of the ramifications of this bill and different interpretations that can be applied. It is open to a wide range of Interpretation.

SBNO 499 I agree that we should be responsible for damages caused by our animals, BUT what if I am walking down the street with my dog on a leash and under control and he is attacked by another dog not on a leash or under any control and he kills or hurts the other dog. My dog did not cause the fight, but he did hurt the other dog? OR, my dogs are out in their fenced yard and the neighbor's cat jumps the fence and comes into the yard and my dogs attack it. They are in their yard. I question how you are going to determine who is the owner of a loose dog, if it is not known or seen by the other dog's owner. What are damages to include? I love my animals and feel that they are part of my family. Are these damages going to include my pain and suffering, the losses of economic gain they may bring for what ever reason I can dream up etc.

We need to enforce the laws in existence and not create more. We have leash laws. Animals allowed to roam at will generally cause the problems. Irresponsible owners are not going to come forward and say my dog did this.

The nebulous language of these bills leave too much open to interpretation and potential abuse. Damages are subjective and usually decided by a court, or we going to create more court cases on an already over loaded court calendar?

HB5493 I would like clarification on the word existing. If it is genetic or hereditary it is in existence in the living organism from the time of conception but may not manifest itself until later in life. No one can guarantee any living organism from such problems. You cannot guarantee your own children do not have genetic or hereditary defects. All any breeder can do is test where there are tests on the parents. If your intent is at the time of sale then that should be specified, nor can

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Testimony Before the Joint Committee on the Environment
 Connecticut General Assembly, February 9, 2009

Good morning, Senator Meyer, Representative Roy, and members of the Joint Committee on the Environment. My name is Marcia Goodman. I am a resident of Cromwell, CT, and I volunteer with several non-profit organizations that serve the welfare of animals.

I particularly want to address four bills that are set down for hearing this morning. The first two would protect the public from unknowingly acquiring sick or unsocialized animals from pet stores:

Proposed Bill 499, An Act Concerning a Pet Lemon Law
Proposed Bill 5493, An Act Establishing a Dog and Cat Lemon Law

The most important provision of these bills would require pet stores to acquire their pets from licensed facilities. This requirement, by itself, would do wonders to minimize the number of sick and unsocialized pets that are bred in puppy mills and other unscrupulous facilities and sold to pet stores, usually through brokers.

As a volunteer with a national nonprofit program called Emergency Animal Rescue Service (EARS), I was deployed to a temporary emergency dog shelter in Maine which housed 60% of the 240 dogs that had been seized by the State of Maine from a puppy mill. Our deployment occurred after these dogs had been treated by veterinarians for contagious illnesses and diseases, including mange, so I didn't see the worst of it – one of the veterinarians told me it had sickened her to see the condition of these dogs – but what I saw was difficult enough. These dogs were very skinny – you could see the ribs on most of them – and unsocialized, and so afraid of people that whenever a person walked past the cages, the dogs would spin (run around in circles), or cower in the corner, or whimper, or growl, or some combination.

Except for newborn puppies, none of these dogs reacted to people as healthy dogs would. They refused to walk on leashes. They didn't know how to exercise or play. Most of them wouldn't even leave their cages. They were afraid of everything. Part of our work was socialization. Each day, for part of the day, we'd just sit in their cages, at first on the opposite side of the cage from the dog, to give them a chance to be with human beings in a calming, positive way. The saddest cases were the breeding dogs, both male and female. They were older and the chance that socialization would have any positive effect was minimal. The 140 dogs in that emergency shelter were about 60% of the total number of dogs seized from this puppy mill by the State of Maine. The other 40% were not in as good condition, and, because of liability concerns, were kept in another location at which volunteers were not permitted.

To see what a puppy mill is really like, here is a link to the website of an undercover video of the daily life in a puppy mill: <http://www.youtube.com/watch?v=UW4cp0AvC4w>.

Marcia Goodman
Testimony Before the Environment Committee
February 9, 2009
Page 2

I urge the Committee to favorably report out a bill that would include the provisions of Proposed Bills 499 and 5493. As mentioned above, a primary need is to require that pet stores acquire animals only from licensed facilities. Another important requirement is disclosure to the consumer about the source and condition of the animal being purchased.

Proposed Bill No 5798, An Act Prohibiting The Unreasonable Confinement And Tethering Of Dogs:

Some people tether their dogs for extended periods of time, often without access to shelter and sometimes without access to water. Dogs that are kept in this type of isolation for extended periods of time can become unsocialized, and they can also become frightening to a neighborhood. According to the Centers for Disease Control and Prevention, reviewing data from 1995-1996, 22% of all fatal dog bites were from restrained animals on the owner's property. I expect you will be hearing this morning from animal control officers who have found that existing laws are not clear enough to enable them to terminate this type of cruelty and potentially dangerous situation.

Proposed Bill 5811, An Act Concerning Battery Cages and Egg Laying Hens:

Proposed Bill 5811 An Act Concerning Battery Cages and Egg Laying Hens, would require a sufficient amount of space for hens at least to spread their wings. Factory farms now often place hens, and in fact all chickens, in such small cages that this minimal amount of movement is not possible. Chickens are among the most cruelly treated animals in this country because of huge factory farms that disregard the fact that chickens are living, feeling beings. I urge the Committee to favorably report this bill out.

Finally, I urge the committee to favorably report out the following bills. I am not offering testimony on them because other individuals here today will be doing that:

4. **Proposed Bill 743: An Act Concerning The Liability For Damage Caused By A Dog.**
12. **Proposed Bill 5807: An Act Concerning Abandoned Animals.**
13. **Proposed Bill 5808: An Act Concerning Animal Control Officers And The Release Of Rabies Vaccination Records.**

Thank you for your consideration.



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE



Testimony Regarding, Proposed SB No. 499, An Act Concerning a Pet Lemon Law and Proposed HB No. 5493, An Act Establishing a Dog and Cat Lemon Law, Before the Environment Committee, February 9, 2009.

Senator Meyer, Representative Roy, members of the Environment Committee, my name is F. Philip Prelli. Thank you for the opportunity to be before you today to testify regarding two proposed bills on the subject of "pet lemon laws".

Complaints received by the Department from consumers regarding sick dogs and cats that they have acquired fall into two main categories: (1) cats and dogs purchased from pet stores and (2) those adopted from out of state sources. Currently there exists is a "pet lemon law", C. G. S. §22-344b (b), enforced by the Department that addresses pets sold from pet stores. This law requires refunds for or replacement of animals that are documented by a veterinarian to have an existing illness at the time of sale and provides for reimbursement of medical expenses up to \$200 (two hundred dollars) for such animals. The Department would be open to discussions regarding an increase in the reimbursement for medical expenses to a fixed level exceeding \$200 but is opposed to basing that increase on the purchase price of the animal as is proposed in Proposed H.B. No. 5493.

The second category, pets with illnesses adopted from out of state sources, is addressed with the Department's proposal, Raised Senate Bill No. 783, AAC the Importation of Animals for Adoption, that strengthens the Departments oversight of the health of animals imported for adoption.

The Department receives very few complaints from consumers that purchase dogs and cats from breeding kennels. Furthermore, breeders often provide a contract with purchasers that detail the conditions of the sale. Considering these factors, we do not see the need to implement a "pet lemon law" that applies to the sale of dogs and cats from breeders.

165 Capitol Avenue, Hartford, CT 06106
Phone: 860-713-2503 Fax: 860-713-2516
An Affirmative Action/Equal Opportunity Employer



Monday, February 10, 2009

To: Senator Meyer, Representative Roy and Members of the Environment Committee

From: Laura "Peach" Reid, Owner & President of Fish Mart, Inc.

Re: S.B. 499, AAC a Pet Lemon Law

S.B. 783, AAC the Importation of Animals For Adoption

H.B. 5493, An Act Establishing a Dog and Cat Lemon Law

H.B. 5801, An Act Prohibiting the Sales of Dogs Obtained From Puppy Mills

While Fish Mart does not sell puppies or kittens, we are the Northeast's largest regional supplier of tropical fish, small animals, birds and reptiles to retail pet stores, and I am proud to tell you we are celebrating our 35th year in business. With all the taxes, insurances, regulations, laws, exorbitant electricity rates and other expenses and responsibilities imposed on us, coupled with the economic downturn, I hope this is not our last year, nor the last year of any other CT pet shops.

The CT pet industry provides many jobs - salaries and employee benefits; pays social security and medicare taxes, pays sales tax, property tax, income tax, unemployment insurance, and workers compensation insurance, among many other expenses that keep our economy rolling.

I have been appearing before this committee for over 20 years, nearly always about pet shop puppies and kitten legislation. I am very pleased to see that this year, you are considering extending the rules and regulations that pet shops have to other sellers or adopters of puppies and kittens. This approach will protect more animals, more consumers, and will even bring in revenue in the form of sales taxes and license fees.

The statement of purpose of SB 499 - to deter the sale of pets with illnesses or disabilities and to reimburse pet buyers for related health costs - could be easily accomplished by requiring kennels, shelters, adoption agencies and private breeders to be subject to the same laws and regulations that only pet shops already abide by. There is already a Lemon Law - it is effective, but it only applies to pet shops right now. I hope you change that!

This may be a good time to tell you that in 2007, the Department of Agriculture received just 28 complaints about thin or sick pet shop puppies. The state inspectors found that fully 25% (7) of these complaints were invalid, had no merit. The industry calculates that approximately 10,000 puppies are sold by pet shops annually. The valid complaint rate is 0.0021% of sales. For the many years I have been doing this analysis, this tiny percentage of sick puppies in pet shops stays about the same. My point here is that pet shops need no further regulation - it is the other sources of puppies that require them. I suppose I should also make the point that because puppies are living creatures, some WILL get sick,

despite everyone's best efforts, just like us humans will get colds, or viruses, or even bronchitis from time to time.

SB 783, concerning the importation of animals for adoption, is a bill that could regulate those agencies, such as the North Shore Animal League, that set up shop at pet stores or other sites, in their trailer/ busses, and adopt out puppies at a price tag of \$75 or more. Nobody knows where these puppies were bred or raised, there is certainly no signage requirement of same, there are no required records showing they see a vet every 14 days, there is no health log, there is no health guarantee or warranty for the buyer. All of this and more is supplied to buyers at pet shops. The language in this bill, however, has to include the VEHICLES that agencies such as just mentioned use. "Animal isolation facility" cannot refer only to a building or structure as currently written. For the "adoption import permit", I recommend you include a NON-PROFIT organization as another in the list of entities.

In regards to HB 5801, I think defining a puppy mill as a sub-standard breeding facility is good. I also approve of the conditions cited. I would like to know if this is only for in-state breeding facilities and/ or kennels.

Finally, HB 5493. First, and again, we already have a so-called Lemon Law, and it has many provisions, but only for pet shops, so I agree with including kennels. I think it should be expanded to also include shelters and adoption agencies, too.

Under no circumstance do I personally agree with the proposal to reimburse a consumer with twice the amount of money they paid for an animal, whether from an illness at the time of sale (remember, these puppies are vet-checked every 2 weeks starting day 1 at a pet shop, so 99% of the time, they are NOT ill at purchase); or from a congenital or hereditary nature. Right now, a full refund or replacement is available within 2 weeks of sale in the case of illness or death, or \$200 for veterinary expenses in the case of illness if determined to be present.

In proposing fines for pet shops or kennels that are "unsanitary" "inhumane" and "unsatisfactory manner," these terms are clearly subjective, and require clear definition.

I do agree with the posting of the current guarantee policy.

Thank you all for your consideration of my comments.

From: Peter J. Noel, President (203)-232-5506

Store #1: Gentle Jungle Inc.
470 Lewis Ave
Meriden, CT 06451
Westfield Shoppingtown

Store#2: Gentle Jungle Inc.
495 Union St.
Waterbury, CT 06706
Brass Mill Center

To: Environment Committee

Objective: Opposition to S.B. No. 499. An act concerning a pet lemon law. Opposition to H.B. No. 5493. An act establishing a dog and cat lemon law. Opposition to H.B. No. 5801. An act prohibiting the sale of dogs obtained from puppy mills.

Environment Committee,

My name is Peter Noel and I speak in opposition to the proposed bills. I am the owner of Gentle Jungle Pet Store in the Waterbury mall and recently opened a second location in the Meriden mall. My stores are staffed by thirty full and part time animal loving workers. Each store has approximately sixty puppies and twenty kittens as well as virtually every other pet that is legal. My managers each have over twenty years of pet experience and are paid very well to keep everything correct for the animals. Our stores have Southbury Veterinary Hospital on retainer to help ensure and maintain the health of the pets. The vet examines each puppy and kitten on a weekly basis, (state law is only every other week), at a cost of \$100.00/hour. Total vet cost last year totaled \$80,000 to have healthy animals.

I opened my Waterbury Gentle Jungle in December 1997 as my life long dream of operating the cleanest, healthiest pet store. I have been inspected on approximately a monthly basis by the Department of Agriculture Animal control for over eleven years. The animal control officer has over a sixty point checklist, (see attached), and I have never been closed for business for even a day. Nor have I ever been fined even one dollar based on inspections. I am proud of this record and it does not just happen by accident, it happens through hard work and a strong love for animals.

The reason I object to the dog and cat lemon law is as follows. Prior to the puppy arriving at the pet store, I require that the breeder's veterinarian give a complete physical prior to the puppy being shipped. If there is anything wrong, the puppy will not be shipped. Upon arriving to the pet store, Southbury Veterinary Hospital performs a complete double check physical examination. Anything wrong, the puppy is sent back to the breeder and I do not buy from that breeder again. The puppy is then sold with a written warrantee. The first line of the warrantee states that the customer is to have the puppy examined by the veterinarian of their choice for an independent triple check. Any symptom of poor health and the puppy is returned for a full refund. I would not put in the first line of the warrantee, "Have your puppy examined by a vet within fourteen days," if I had anything to hide. The primary purpose of the customer bringing the puppy to the vet

is so the vet may educate the new pet owner on future shots, medications, etc. to keep the pet healthy. At this point, the breeder's vet says the puppy is healthy, Southbury Veterinary Hospital says the puppy is healthy, and the customer's vet says the puppy is healthy. Not much gets by three veterinarians independently!

I object to the proposed law reflecting up to twice the purchase price for a congenital or hereditary condition, because if one vet or two vets or three different vets cannot detect something to maybe develop in the future of the puppy, how could I possibly detect it and prevent it? Healthy people can have children who develop health problems. This is not a parent's fault; this is the fault of nature. Healthy dogs may have puppies that develop a health problem. This is very unfortunate, but further legislation will not solve it.

In summary, I submit a copy of my written warrantee and I invite any of you to visit my two pet stores and enjoy all my healthy animals. I have a great deal more to say and would be please to answer any questions. It is an unfortunate reality that I cannot educate you more on my fine business, which I am proud of and which the customers love, in three minutes.

Sincerely,

Peter Noel
President
Gentle Jungle In.
(203)-232-5506



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
ANIMAL CONTROL DIVISION

PET SHOP INSPECTION

TRADE NAME Curtis J. H. H. DATE 12/27/07 TIME 1300
 LICENSEE Peter Noel STATE LICENSE # 229
 LOCATION 495 Union St TOWN Waterbury

	YES	NO		YES	NO	N/A
STRUCTURAL STANDARDS, 22-344-16a			ANIMAL HEALTH, 22-344-20a			
Structurally sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Food: palatable, uncontaminated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Good repair to prevent injuries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	sufficient quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clean and sanitary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	stored properly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proper waste disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Animals: adults fed at least once daily	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Control of vermin, insects, odors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	young fed at least twice daily	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proper disposal of excreta, bedding, debris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Feeding pans: durable and sanitized daily	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENCLOSURES, 22-344-17a			Self feeders: cleaned and sanitized regularly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suited to species of animals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water: potable and provided at all times	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Structurally sound	<input checked="" type="checkbox"/>	<input type="checkbox"/>	containers clean and sanitized	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Good repair to prevent injuries or escape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dogs and cats prior to sale:			
Walls and floors impervious to moisture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	held a minimum of 48 hours	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grid flooring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	housed separately and observed daily	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
proper material	<input checked="" type="checkbox"/>	<input type="checkbox"/>	verified by veterinarian to be healthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
adequate gauge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sick or injured animals isolated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clean and disinfected	<input checked="" type="checkbox"/>	<input type="checkbox"/>	examined and treated by a veterinarian	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequate physical comfort for animals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dogs in cages removed and exercised daily	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Animals can turn, stand, sit, lie comfortably	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DOG AND CAT RECORDS, 22-344-25c			
Overcrowding (complies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bound log book readily available in store	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compatible animals in grouped housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Consecutively numbered pages	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separation of female dogs and cats in season	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Complete information including medical care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FACILITY TEMPERATURE, 22-344-18a			Information entered within 72 hours	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sufficiently heated to protect animals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	USDA forms 18-1 or equivalent if applicable	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temperature between 65 and 78 degrees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PSITTACINE BIRDS, 19a-36-A23			
Protection from direct sunlight	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Records kept of all transactions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mechanical ventilation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	complete buyer information	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
minimizes drafts, odors, condensation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parakeets have closed metal seamless bands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
provides health and comfort	<input checked="" type="checkbox"/>	<input type="checkbox"/>	IMPORTED BIRDS, 22-325			
operating properly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Health certificate from state of exportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LIGHTING, 22-344-19a			Bird permit / quarantine release form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ample, well distributed lighting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SALE OF TURTLES, 19a-102a			
Minimum of eight hours per day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shell is minimum of four inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection from excessive illumination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Salmonella caution notice posted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PROHIBITED SALES, 22-344-21a			The buyer provided with:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Animals on prohibited list:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a copy of the salmonella caution notice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
not on exhibition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	veterinarian information on proper care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
not offered for sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buyer signed form indicating they have	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Animals not indicating:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	read the salmonella caution notice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
signs of infectious disease	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PERMIT FOR IMPORTING, 26-55			
signs of nutritional disease	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This facility imports reptiles or amphibians	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
severe parasitism	<input checked="" type="checkbox"/>	<input type="checkbox"/>	and has required DEP import permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
fractures	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
congenital abnormalities	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

INSPECTED ON COMPLAINT YES NO APPROVED NOT APPROVED

OFFICER R. J. H. OWNER OR AGENT [Signature]
 A - 66 revised 01-03-2002

TESTIMONY

RE: SB499, SB783, HB5493, HB5801

Submitted by: Steven Zerilli, President
United Pet Supply, Inc.

February 9, 2009

Before the Environment Committee
Legislative Office Building
Hartford, CT.

My name is Steven Zerilli and I am the founder of United Pet Supply, Inc. My company has been in business for thirty two years and operates twenty six pet centers in major regional shopping centers in five states, including two in Connecticut. I wish to thank you for the opportunity to appear before you today to provide my testimony regarding proposed legislation that is the subject of today's Committee hearing.

Connecticut has long maintained regulations governing the operation of retail pet dealers in this state and in particular, providing for reimbursement to consumers for health care costs related to treatment for illness of a dog or cat determined to have been ill at the time of sale. In concept, I support the intent set forth in SB 499.

Data available from the Department of Agriculture for 2007 confirms that Connecticut's current regulatory mechanism functions in an effective manner. For 2007, the Department recorded just 28 complaints related to the estimated 10,000 dogs sold by Connecticut dealers for the year, or approximately .3%. That said, professional pet

dealers in Connecticut will continue to support reasonable regulations intended to assure the sale of healthy companion animals and provide after sale assurances to our customers as well. I would submit however, that experience has shown this can best be achieved through a collaborative, pro-active process. Success will result from regulation based on education, cooperation and a "best practices" approach to operating standards.

I also support, in concept, SB 783. There is no question that municipal shelter programs throughout the state render an important service to the community, providing for the welfare of stray or abandoned animals, including adoption programs essential to their success. In recent years, however, new forms of adoption programs have emerged which, in substance, constitute the retailing of dogs and cats to the public in a totally unregulated environment. They operate outside of any licensing structure, deprive the state of business and sales tax revenues, and compete unfairly with the licensed and regulated dealers in this state. In some cases, animals are imported into Connecticut with no documentation as to their source or health and carry an untraceable potential risk for illness or disease.

Unregulated retail adoption programs directly threaten legitimate small businesses, local jobs and potentially place Connecticut consumers at risk. They should be brought under the regulatory umbrella.

I am opposed to HB5493. Though I support it's Statement of Purpose, I am particularly concerned about the "200% of purchase price" veterinary cost liability it seeks to impose on Connecticut dealers. My company has operated several stores in New Jersey, the only state to adopt such a provision, both before and after it became effective. My observation

is that New Jersey lost small businesses, tax revenue and jobs as a result. And I can state definitively that a measurable impact of this approach has been to increase costs to pet dealers and retail prices to consumers. There is no doubt in my mind that the same result will occur in Connecticut should this bill be adopted. Given the terrible state of our economy and of the retail industry in particular, I ask that you consider the unintended consequence likely to result from such a regulatory change and refrain from imposing an unsustainable burden on Connecticut small businesses and consumers, who are struggling to survive.

Further, I wish to express my opposition to HB 5801 in its current form. Again, while I can support its Statement of Purpose, both the terminology it proposes and the broad wording of the definition it contains, create subjective criteria, where the adoption of specific and objective standards for breeding and care would best serve its intent. In this regard, current USDA breeder standards, licensing and oversight mechanisms provide the states with necessary assurances in this area. Existing law, adequately enforced, addresses this concern.

Through the Pet Industry Joint Advisory Council, our industry has, for almost forty years, cooperated with legislative bodies and regulatory agencies across the country in the crafting, adoption and implementation of regulations designed to advance proper care, consumer protection, and best practices within our industry. We appear before you today ready to offer our cooperation in your important work to update Connecticut regulations and ask for the opportunity to continue to participate in this process.



**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL
BEFORE THE COMMITTEE ON ENVIRONMENT
SENATE BILLS 499 & 783 AND HOUSE BILLS 5493 & 5801**

February 9, 2009

As the world's largest pet trade association, the Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer this esteemed committee our views on Senate Bills 499 and 783, and on House Bills 5493 and 5801. Representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its thousands of members various associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, we represent pet breeders, pet product manufacturers, distributors and retailers throughout Connecticut who would be significantly impacted by the legislation before you today.

Let me emphasize that nobody cares more about humane breeding and rearing standards than does PIJAC. We have, for many years, provided a highly respected animal care certification program intended to ensure that employees are well trained in the care of the animals they sell; a program that is widely utilized not only by persons in the commercial pet trade but also shelters and humane societies throughout the country, and one that has even been adopted as a statutory standard. PIJAC has worked closely with the USDA on effective implementation of the Animal Welfare Act for pets since its inception over three decades ago, and has joined hands with state and local agencies to ensure adoption and enforcement of appropriate regulatory standards. Our association has long been recognized as the voice for a responsible pet trade, and routinely advocates for new statutory standards that are in the best interests of companion animals and the pet-owning public. We also continually seek to advance the voluntary implementation of superior standards in the care, handling and transport of companion animals.

Likewise, PIJAC is strongly supportive of pet warranty statutes. In fact, we have participated in the process of crafting every single pet warranty statute in effect in the United States today. Because we firmly believe that pet dealers should stand behind the animals they sell, PIJAC supports codifying a reasonable warranty in law.

**PET INDUSTRY JOINT
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N. Marshall Meyers

That said, we are concerned about the implication of some of this legislation before you today. Senate Bill 783 is one that we wholly support in concept. The shelter community provides a valuable public service to the people of Connecticut; one that we wish to continue supporting. But it is also true that animals adopted out by shelters and other humane organizations escape the type of regulation that has been imposed on the pet trade for many years. This means that the public does not receive the same level of consumer protection or protection against health and safety risks relative to these animals that they receive from comparable animals coming from the pet trade. The lack of regulation over these organizations also affords them a substantial competitive advantage over pet stores, against whom they are effectively competing.

PIJAC believes that when shelters or humane groups import animals from outside the state, and even outside the country, for adoption purposes in Connecticut, they are subjecting the people of this state to a certain level of risk. Senate Bill 783 seeks to alleviate this risk by imposing some level of oversight relative to these imported animals, and ensuring that exposure by the public, and other animals in the state, to potential disease is limited. We believe that is a lofty goal. We recognize that stakeholders may have concerns about some of the language in this bill, and PIJAC would be pleased to offer this committee any input or other information that may be of benefit should amendments to the bill be considered.

House Bill 5801 also clearly has worthy goals. We believe that the substantive criteria for facility management set forth in this bill are largely commendable. Indeed, as this committee is aware, commercial dog breeders are already subject to licensing and inspection pursuant to the federal Animal Welfare Act. And the standards included in this bill (and many, many more) are essentially all encompassed by the extensive regulations promulgated under that act. The more than 100 pages of USDA regulations under the Animal Welfare Act establish standards for the breeding, housing, transport and general care of pet animals that go far beyond H 5801.

That arguably makes this bill superfluous, but we oppose it for another reason. The language of H 5801 is ambiguous and creates serious enforcement and compliance issues. Firstly, the use of the term "puppy mill" is both unnecessary and detrimental. It is a pejorative term that has no objective meaning. Seeking to define it in law is self-defeating. If substandard facilities are what the legislature wishes to address, then substandard facilities are what should be regulated; fabricating a new term that has dozens of different meanings depending upon to whom one speaks merely clouds the issue. Irrespective of what action is taken on this bill, the term "puppy mill" should be stricken.

Additionally, though, this bill would task pet stores with legal enforcement duties. No quality pet retailer is going to knowingly buy its puppies from a substandard facility, if for no other reason than that it is an extremely poor business practice. Like any business, pet stores want satisfied customers; they aren't going to get that selling sick dogs. They are subject to a statutory pet warranty, and some have their own warranties that exceed the legal requirements. Again, selling sick animals only costs a pet store money!

Yet, H 5801 would prohibit a pet store from selling a dog that came from any facility failing to meet the specified standards. How is a pet store supposed to police that? And how would the pet store defend themselves against charges that animals came from an unlicensed facility? **Proving that negative would be an effective impossibility.** This bill may as well simply prohibit pet stores from selling puppies since that is the effective result.

This brings us to House Bill 5493 and Senate Bill 499. Both bills have the similar goal of reimbursing purchasers for a puppy suffering an illness or other disability. But both, as crafted, suffer from a host of problems.

As already noted, PIJAC routinely supports pet warranty legislation. We endorse the statute that Connecticut already has – and we would pose this question: What’s wrong with the current law? Is it not working effectively? Over a number of years in this state, the Department of Agriculture, which is charged with addressing complaints from persons buying animals from pet stores, has received annually complaints from a small minority of pet store customers. Indeed, the number of complaints about pet store puppies totals less than three tenths of a percent of the total number of puppies sold. **That’s the total number received, before the Department has even evaluated the legitimacy of any of those complaints.**

Are these bills attempting to fix a law that isn’t even broken?

If there are ways to improve Connecticut’s warranty statute, PIJAC would be happy to support that. But merely increasing the liability of pet stores is not the answer. A legitimate pet store will never knowingly sell a sick puppy. But dogs, like all living beings, will sometimes become ill. That occurs in a small minority of pet store puppies. Where it does occur, the warranty compensates the purchaser. There is no other warranty mandated by law, for any product or service, that requires strict liability compensation to customers in multiples of what they paid for that product or service. The pet warranty law does this. **It is the only such law to do this.** Yet this legislation would increase those multiples further. The fact of the matter is, such a mandate is not sustainable. In the best case scenario, pet stores will be required to pass the additional expense on to customers. In some cases, the pet stores will simply go out of business; not because they do a poor job but because the market simply won’t support that type of legal liability. Of course, prospective pet owners can get their puppies from a shelter, where they will receive no warranty at all. We believe that shelters are a good source of pets. But that doesn’t mean they should be the only choice.

PIJAC believes that, in an economic climate such as the current one, where margins for retailers are already painfully small in the best of cases and where many pet retailers have gone out of business and continue to do so, adopting legislation that will impose unsustainable financial burdens on these businesses is imprudent. It will cost tax revenue to the state and jobs to many current employees, while providing precious little benefit to the public at large. For these many reasons, PIJAC respectfully urges the committee **not to recommend Senate Bill 499, or House Bills 5493 and 5801.**

We do pledge to work with this committee in any way we can to fashion fair legislation to address problems that are identified, without placing undue burdens on the regulated community.

Thank you greatly for your consideration of our concerns!

Respectfully Submitted,

Pet Industry Joint Advisory Council
By: Michael P. Maddox, Esq.

Environment Hearing 2/9/09 My name is Karen Laski 279 Fern St, Manchester, CT

I support the Pet Lemon law bills 499 and 5493, Dog Tethering bill 5798, Rabies vaccination record bill 5808, Abandoned Animal bill 5807 and Battery Cage Bill 5811

Battery Cages: Please refer to pictures of a CT egg farm by googling Wesleyan battery hens.

In battery cage facilities, eggs are not laid, they are manufactured. In nature, hens would normally live 10-15 years. Hens kept in battery cages typically live about a year and a half, never seeing the sun or even stretching their wings. Their bodies are tightly compressed against other hens which allows them no exercise at all.

The wire floors of the cage often cripple the hen's legs and feet and claws grow long and twisted sometimes literally growing around the floor of the cage, immobilizing the hen completely - eventually she starves to death.

Since cage floors are sloped to facilitate egg collection, hens slip down to crosswires, causing calluses that rupture and become infected.

Because of the restricted environment, they throw themselves against the cage bars, injure themselves and damage their feathers. The skin becomes raw, infected and hens are constantly in pain.

Battery hens also suffer from tumors, osteoporoses, fatty liver syndrome, swollen head syndrome and a host of other painful conditions.

Vet care is non-existent because individual hens are cheap and expendable. Critically ill hens are thrown into dead piles. Hens sometimes have to live next to decomposing bodies. Other "Spent" chickens are shipped long distances and processed.

Cages are stacked in rows the length of football fields on top of one another and hens are suspended over thousands of pounds of manure. They breathe air heavy with ammonia. A law to ban battery cages in the state of California was passed last November.

Puppy Mills: Baby is a puppy mill survivor who lived through 9 years of abuse and on the day she was scheduled to be killed she was rescued by a passing stranger. Like all breeding dogs at the mill, she was tattooed with a number and had her vocal chords cut so owners wouldn't have to listen to her cries. She has a nervous tic and her front leg had to be amputated after she was rescued because of the mistreatment and she had suffered.

She now has a wonderful home and travels around the country as an ambassador and a ray of hope for other dogs confined to puppy mills.

Please help animals get out of this horror.

References: USDA; United Egg Producers; World Poultry Science Journal; UC-Davis, Hartford Courant; Wesleyan University; Humane Society; MainLine Animal Rescue, ASPCA

Also: Pew Foundation with Johns Hopkins School of Public Health - Intensive Farm Animal Commission - 2006-2008

Testimony of Kerry Bartoletti

Co-Founder, Friends of Feral Cheshire Cats, PO Box 946, Cheshire, CT 06410
Secretary, CT Votes for Animals, PO Box 266, Cheshire, CT 06410

Introduction

Senator Meyer, Representative Roy, and members of the Environment Committee, I'd like to thank you for this opportunity to speak to the Environment Committee. My name is Kerry Bartoletti and I am a registered voter in the town of Wolcott, CT. I am the co-founder of Friends of Feral Cheshire Cats, a trap-neuter-return program in Cheshire, CT, a member of the Animal Welfare Federal of Connecticut and Secretary for CT Votes for Animals.

Support of Puppy-Lemon Law

First, I would like to thank Senator Meyer for introducing a puppy lemon law, SB499. As a consumer and a citizen who cares about the welfare of animals, I urge you to support a Puppy Lemon Law, especially HB5493. This is important to me as the bill provides for standards of care for the animals, while protecting consumers who may incur high vet bills and potential heartbreak if they unknowingly purchase a sick animal. Many consumers, such as my neighbor, are under the impression that pets sold in pet stores are from humane, local breeders, which is often not the case. My neighbor purchased a beautiful puppy who was at the veterinarian's office within days of purchase. They have spent large sums of money in an effort to resolve health and behavioral issues of this animal who has become a family member and whom they have grown to love. A puppy lemon law requiring that pet shops to provide consumers with full information regarding the cats' and dogs' origins and requiring that pet shops sell animals that are from kennels that are licensed by the USDA and any other appropriate state agency would address puppy mills, which breed dogs under cruel and inhumane conditions to be sold for huge profits in pet stores.

Support of HB5798, Unreasonable Confinement and Tethering of Dogs

I am also asking for your support on HB5798, which would institute an enforceable ban on the unreasonable tethering and confinement of dogs. The current law is very vague and difficult for animal control officers to enforce, resulting in dogs in our state being chained outside 24/7. I have experienced this first hand when I enlisted the help of the ACO in my town to help a dog who was outside 24/7. He expressed his frustration that he could only enforce that the dog had food, water and some shelter, but could nothing to force the owner to not leave the dog outside and isolated all the time. He continued to check on the dog until the dog's passing to ensure food, water and shelter, but could do nothing to improve the life of a forgotten family dog forced an isolated life outside.

Support of HB5808, Release of Rabies Vaccinations to ACOs

Finally, I ask that you support HB5808. This bill would allow animal control officers to request a listing from veterinarians of the dogs within their towns who have received a rabies vaccination, allowing animal control officers to become more efficient in enforcing the current dog licensing law. ACOs from one town would be able to share information with ACOs from other towns if an owner brings his/her dog to a veterinarian in another town. Obtaining dog owners' contact information from rabies certificates will enable animal control officers to license more dogs, which in turn will increase revenue to the Animal Population Control Program, which derives most of its revenue from dog license fees. As the founder of a feral cat trap-neuter-return program, I believe that continue to provide revenue to the APCP program is critical to ensuring the animals are altered and not contributing to pet overpopulation.



LIMITED WARRANTIES FOR YOUR PUPPY

To qualify for these Limited Warranties, you must have your puppy examined by a Veterinarian, within fourteen days of purchase. You must also keep your puppy under the regular and continued care of a Veterinarian, for the full term of these Limited Warranties. Continuation of immunization and worming program is the responsibility of this puppy's new owner.

DATE OF PURCHASE	COLLAR #	BREED	
PURCHASER NAME		PHONE NUMBER	
STREET ADDRESS	CITY	STATE	ZIP CODE

LIMITED FIFTEEN DAY WARRANTY ON HEALTH

If in the opinion of your Veterinarian, your puppy has any physical problem which makes it a poor health risk, you may within fifteen days of purchase, return the puppy for a full refund or credit towards another puppy of your choice. You must also bring a signed statement from your Veterinarian detailing why he/she believes the puppy to be a poor health risk. Since it is your intention to return the puppy, your Veterinarian should not provide any further immunizations or treatment for the puppy. In addition all paperwork pertaining to the puppy must be returned.

LIMITED ONE YEAR WARRANTY AGAINST HEREDITARY DEFECTS

If within one year from purchase date, your puppy is diagnosed by your Veterinarian as having a debilitating hereditary defect that in his/her opinion prevents your puppy from serving you as a companion pet, The Gentle Jungle will refund fifty percent of the original purchase price of your puppy.

To make a claim under this provision, bring a signed statement from your Veterinarian indicating the date of his/her diagnosis, the nature of the defect, his/her statement that the defect is hereditary in nature, and the reasons why the defect prevents the puppy from serving as a companion pet. Payment for veterinarian diagnosis is customer's responsibility.

At the option of The Gentle Jungle, you may also be required to secure a second Veterinarian's opinion at our expense. In some instances, we may also require you to return the puppy. In all instances, you will be required to return all registration documents for the puppy. Total compensation not to exceed fifty percent of purchase price.

EXTENDED LIFETIME WARRANTY

If you should lose your puppy due to accident, theft, illness, or natural causes, The Gentle Jungle will credit twenty percent of the original purchase price towards a new puppy of your choice. To make a claim under this provision, you must bring a Veterinarian's certificate showing the date and cause of loss. All claims for loss must be substantiated by The Gentle Jungle and/or its Veterinarian. In all instances you will be required to return all original paperwork and registration documents for the puppy.

GENERAL TERMS AND CONDITIONS

- A. If your puppy shows any signs of illness within fifteen days contact The Gentle Jungle, or our consulting Veterinarian immediately. The Gentle Jungle is not responsible for any payments of Veterinarian's fees for examinations, worming, drugs, or any other treatment, unless agreed to by us in writing, prior to the performance of such services. Purchaser Initials _____
- B. The Gentle Jungle provides puppies solely for the purpose of a companion pet. There is no warranty that you will be able to use this puppy for showing or breeding purposes.
- C. The Gentle Jungle assumes no responsibility for landlord disapproval, allergies, disagreements of family, other pet upset, temperament of dog or any other reason except as provided in this warranty.
- D. Within ninety days of purchase, if applicable, purchaser will be notified by mail, when registration application has arrived in store. Gentle Jungle is not responsible for fees, acceptance, or denials of registration application by registration agencies.
- E. Hypoglycemia in puppies is not covered under warranties. There is no reimbursement or return for hypoglycemia.
- F. ALL SALES FINAL, no returns except as outlined for health.

This Written Agreement is the entire Agreement between Purchaser and The Gentle Jungle concerning the health, condition, development, use or loss of the puppy purchased today. Purchaser will not rely on any oral statements contrary to this Written Agreement unless they are included in writing. Purchaser has read and completely understands these Warranties, including General Terms and Conditions.

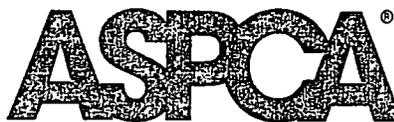
PURCHASER SIGNATURE

GENTLE JUNGLE REPRESENTATIVE

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 9
2672 – 3021**

2009



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS®

connecticut

VOTES

for animals

In Support of
SB 499 (Puppy Lemon Law) and SB 856 (Puppy Trace Back Bill).

Proposed Language:

**ACT CONCERNING PROTECTION OF CONSUMERS WHO PURCHASE
 COMPANION ANIMALS**

Section 1. (Effective July 1, 2009). Section 22-344b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A pet shop licensee or a breeder licensee shall, prior to offering a dog or cat for sale and thereafter at intervals of fifteen days until such dog or cat is sold, provide for examination of such dog or cat by a veterinarian licensed under chapter 384. The licensee shall maintain a record of the veterinary services rendered for each dog or cat offered for sale.

(b) If, within fifteen days of sale, any such dog or cat becomes ill or dies of any illness which existed in such dog or cat at the time of the sale, such pet shop or breeder licensee shall, at the option of the consumer, replace the dog or cat, [or] refund in full the purchase price of such dog or cat and/or reimburse the consumer for treatment of such illness: (1) In the case of illness, upon either return of the dog or cat to the pet shop or breeder, or treatment of such illness by a veterinarian selected by the consumer and the receipt of a certificate from a veterinarian licensed under chapter 384 who is selected by the consumer, stating that the dog or cat is ill from a condition which existed at the time of sale, and (2) in the case of death, the receipt of a certificate from a veterinarian licensed under said chapter who is selected by the consumer stating that the dog or cat died from an illness which existed at the time of sale. Any costs for services and medications provided by a licensed veterinarian incurred by the consumer for such treatment or for such illness shall be reimbursed to the consumer by such licensee in an amount not to exceed [two hundred] two thousand dollars and, in the event of the death of the cat or dog, the purchase price of such animal. The presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and the return of such ill or deceased dog or cat to the pet shop shall not be required. No such refund or replacement shall be made if such illness or

death resulted from maltreatment or neglect by a person other than the pet shop or breeder licensee, or his or her agent or employee.

(c) A licensee who violates any provision of this section shall forfeit to the state a sum not to exceed five hundred dollars for each animal which is the subject of the violation in addition to any sum owed to purchaser under subsection (b). The Attorney General, upon complaint of the commissioner, may institute a civil action in the superior court for the judicial district of Hartford to recover the forfeiture specified in this section.

Section 2. (Effective July 1, 2009). Section 22-354 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any dog or cat imported into this state shall be accompanied by a certificate of health issued no earlier than thirty days prior to the date of importation by a licensed, graduate veterinarian stating that such dog or cat is free from symptoms of any infectious, contagious or communicable disease, and that such dog or cat, if three months of age or older, is currently vaccinated for rabies by a licensed veterinarian. A copy of such health certificate shall be forwarded promptly to the commissioner from the livestock sanitary official of the state of origin. Any dog or cat originating from a rabies quarantine area must have permission of the State Veterinarian prior to importation into this state. No person, firm or corporation shall import or export for the purposes of sale or offering for sale any dog or cat under the age of eight weeks unless such dog or cat is transported with its dam and no person, firm or corporation shall sell within the state any dog or cat under the age of eight weeks. Any person, firm or corporation violating the provisions of this [section] subsection or bringing any dog or cat into this state from an area under quarantine for rabies shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

(b) Any dog or cat sold or offered for sale by a pet shop licensee located in this state shall be accompanied by a certificate of origin identifying the name, address, and telephone number of any person who had custody of such dog or cat at any time from the date of birth of such animal until the sale of the animal in Connecticut by the licensee. Such certificate shall be posted in a conspicuous manner not more than ten feet from where such dog or cat is displayed for sale. A copy of such certificate shall also be provided to the purchaser of such dog or cat at the time of sale and, within forty-eight hours of sale, filed with the Department of Agriculture. No pet shop licensee may purchase a dog or cat for resale from a breeder or other person, firm or corporation not in possession of a current license with the United States Department of Agriculture and any applicable state agency. Any person, firm or corporation violating the provisions of this subsection shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

(c) Beginning forty-eight hours after a charge of violating this section, each day that a pet shop licensee fails to correct the cited deficiencies shall constitute a separate offense.



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS®



In Support of
SB 499 (Puppy Lemon Law) and SB 856 (Puppy Trace Back Bill),

Summary of Proposed Language:

**ACT CONCERNING PROTECTION OF CONSUMERS WHO PURCHASE
COMPANION ANIMALS**

Subsection 1(a) – Requires that a breeder licensee, like a pet shop licensee, provide for veterinary examination of dogs and cats for sale at fifteen day intervals.

Subsection 1(b) –

- In all cases (i.e., whether a dog or cat is sick or dies from an illness he/she had at the time of sale), requires pet shop and breeder licensees to honor the assessment of a veterinarian selected by the consumer.
- Requires pet shop and breeder licensees to reimburse consumers for veterinary treatment – whether or not the consumer returns the dog or cat, or the dog or cat dies – in an amount not to exceed \$2000 (instead of \$200).
- In the event a dog or cat dies, requires pet shop and breeder licensees to reimburse the consumer for the animal's purchase price.

Subsection 1(c) –

- Clarifies that the specified penalty is in conjunction with any reimbursement owed under subsection (b).

Subsection 2(a) – Technical revision to conform subsection to addition of subsection (b).

Subsection 2(b) –

- Requires that any dog or cat sold by a pet shop licensee be accompanied by a certificate of origin identifying the name, address, and telephone number of any person who had custody of such dog or cat at any time from the date of birth of such animal until the sale of the animal in Connecticut by the licensee.
- Requires that the certificate of origin be posted in a conspicuous manner not more than ten feet from where such dog or cat is displayed for sale.
- Requires that the certificate of origin be provided to the purchaser of a dog or cat the time of sale.
- Requires that the certificate of origin be filed with the Department of Agriculture within forty-eight hours of sale of the dog or cat.
- Prohibits a pet shop licensee from purchasing a dog or cat for resale from a breeder or other person, firm or corporation not in possession of a current license with the United States Department of Agriculture (USDA) and any applicable state agency.
- Imposes a penalty of not more than one hundred dollars, and not more than thirty days imprisonment, per violation.

Subsection 2(c) – States that beginning forty-eight hours after a charge of violating this section, each day that a pet shop licensee fails to correct the cited deficiencies shall constitute a separate offense.