

**PA12-105**

HB5409

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think it's too early to do anything like removing the ban. I think -- but also the ban right now in my opinion is not a sufficient piece of policy and so what I would like to do is try to develop over the next months a kind of data-driven way to start to think about this going forward. And then maybe think about ways to adjust the current policy using that as opposed to -- to fear.

REP. ROY: Thank you, Commissioner.

Any other questions or comments from members of the Committee?

Thank you very much.

DEPUTY COMMISSIONER MACKY McCLEARY: Thanks.

REP. ROY: Our next speaker will be Representative Brenda Kupchick.

REP. KUPCHICK: Good morning. I wanted to thank the cochairs, Senator Meyer and Representative Roy and the ranking members, Senator Roraback and Chapin. I came to speak on two bills today if that's okay. The first actually being H.B. 5409, AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENTS. I gave my testimony so I'll -- I -- just going to touch off on part -- parts of it.

SB.376

When someone purchases a dog or cat they are looking to make worthwhile additions to their family home and life. Too often we hear the horror stories of an animal becoming ill from a genetic defect which can lead to costly medical bills.

The first part of this bill will allow the consumer to be reimbursed up to \$500 and allows the pet owner the option of keeping the

pet. These are minimal compensations, to me, for pet owners. I'd just like to bring your attention to section 4 which I feel is really necessary and I listed some of them which seem so simple to most of us. Dogs and cats should be allowed in -- to have daily exercise, they should be maintained in a dry and reasonable clean condition, provided adequate protection, have access to water, be enclosed in a -- in a cage that they can actually turn around in and stand up in.

These are pretty, probably simple things for most of us to think about. In Connecticut though, we have many reputable breeders, rescues and shelters that offer healthy dogs and cats for sale, for adoption. There really is no excuse that there be such disparity between pet stores and breeders. It's unfortunate that we have to legislate humane treatment, but the sad truth is there are people who view animals as only a source of profit. Oftentimes the puppies produced in these mills are genetically compromised and suffer life-long health problems and even death. These dogs spend their entire lives in small cages, many times unable to even stand up or turn around until they are no longer useful and released to shelters, rescues and sometimes put down.

I volunteered for many years with local animal rescue groups that take in animals that are abandoned and abused and many times these dogs they rescue are pure breeds that have been purchased from a pet store that used puppy mills. And puppy mills are well-known for their inhumane treatment and interbreeding of animals for the sole purpose of profit.

I'll just conclude in saying that I think that these are just, to me, very simple, basic

things that I think that we should be able to provide for not only animals but for people who purchase them. And if -- I'll entertain any questions on that bill.

REP. ROY: Comments from members of the Committee?

Seeing none, Brenda, you did a great job.

REP. KUPCHICK: Thank you. And my second is S.B. 376 which you were just talking to the Commissioner about.

Last year, Tropical Storm Irene too Connecticut's coastline and communities like Fairfield and caused enough damage to destroy homes while leaving others severely damaged. Fairfield's shoreline saw so much destruction, even Governor Malloy chose Fairfield as a priority to come and witness the -- firsthand the severity of the damage soon after the storm. Trees down, many days without power, flooding that brought standing water for over a mile inland and these are the things that Fairfield residents think of when you ask them about storm Irene.

The Legislature has had a number of meetings to bring government utility companies and -- general public together to -- to discuss ways to handle extreme weather conditions. Senate Bill 376 is an attempt to clarify the policies and rules covering erosion control and methods on the coast. This mechanism will clarify, streamline and a preventative construction process using the best environmental methods. There are means to address potential flooding that can offer enough protection to homeowners and the shoreline while having a minimum impact on the environment.

And I'll just jump to the part that --

currently these issues are dealt with via an unwritten regulatory policy of no seawall construction which provides no options for property owners, protect their land and structures. It is my understanding that in 2006, funds were appropriated through this Legislature to allow communities to implement measures to protect the coastline and prevent erosion. That appropriation could have mitigated the -- devastation of the shoreline caused by Irene, however, waiting for studies, the legislation expired and those funds weren't utilized. Now shoreline towns are forced to react and try to legislate new policies to help deal with the effects of the storm damage.

I hope that -- I realize that the Commissioner said that he thought that the bill needed some work. I hope that both sides can come together to try to figure out some way. I have a large shoreline constituency and I've been meeting with them along with Senator McKinney, and they are talking about very simple things that wouldn't hurt the environment at all but just would mitigate, not only their -- their homes, it would protect their homes, but also the shoreline, the public areas where people from all over, not just in my own town, but people who come from other towns to enjoy that shoreline.

So I'm hoping we can figure some way to work together with these communities because at this point there is some serious erosion going on in -- in my town especially.

REP. ROY: Thank you, Brenda.

Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman.

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And one of the pitfalls of testifying on the second bill is it gives those of us an opportunity to think of a question on the first bill.

REP. KUPCHICK: Okay.

REP. CHAPIN: If it would be good policy to prohibit pet shops to sell a dog or cat that had been obtained from a substandard puppy mill, for lack of a better word, would it also be good policy to make the same prohibition on animal importers or rescue organizations that may also be obtaining animals from facilities that care for their animals in substandard ways?

REP. KUPCHICK: I would ask you to clarify. For instance, there are rescues who rescue animals from puppy mills that are either fined or violate -- they're in violation and are closed down and then the dogs sometimes are simply just left. Rescue organizations will come in and take those animals and provide medical care and then adopt them out. So they're really providing a rescue.

Now you may be talking about instances where we've read in the papers where -- where some rescues, a very small amount, one in particular was in the headlines last year where they were actually purchasing -- or taking these puppy mill dogs and -- and charging people a lot of money for them. I don't know if that's what you are referring to.

REP. CHAPIN: Well, I guess the statute that we're talking about effecting here is any pet shop license -- pursuant to section 22-344, there are animal importers who don't have a pet shop

license because they may not have the brick and mortar facility, yet they import dogs by the hundreds and have a -- what they call adopt-a-thons. And I guess I'm wondering why we wouldn't make this provision in the proposed legislation apply to them as well.

REP. KUPCHICK: Well I think we did pass something last year that required rescue organizations to register with the state, if I'm not mistaken. And they have to follow guidelines like pet stores do. They have to make sure the animals are not sick when they come in to -- if they're taking them from outside of Connecticut that they are not -- have contagious diseases or anything of that nature. I'm not sure, but I would -- I would agree, yes, if an organization is simply not a brick-and-mortar building and it is transporting puppy mill dogs or dogs from substandard facilities, yes, I think they should have to follow those guidelines as well.

REP. CHAPIN: Thank you.

Thank you, Mr. Chairman.

REP. ROY: Thank you.

REP. P. J. MILLER: Thank you, Mr. Chairman.

And thank you, Representative, for your testimony. I have a question on the first bill as well, on 5409. The -- the bill's title and its statement and purpose is to reimburse owners of dogs who have purchased sick animals and have had to incur pretty serious veterinary expense and this would give them a better mechanism with which to get reimbursed. Do you view this as a current problem from constituents or others whom



you've heard from?

REP. KUPCHICK: Absolutely. I -- I'm involved with some rescue groups. When I worked solely out of my home I took care of a lot of sick animals for rescue groups because I was home. I came across a lot of people in this -- arena who have, you know, unsuspectingly, you know, walked into a pet store and their child fell in love with a small puppy, they purchased it for a good amount of money and the dog comes down with something. Either it be -- has -- because it has been interbred and it has a genetic problem. I've heard such sad stories of -- of families who've brought a puppy home, and not just one or two stories, quite a few, and six months later the dog dies because it was sick from some kind of genetic problem or it had some serious health issues that were going to cost literally thousands of dollars.

Now the family loves the dog. It's part of their family now. So what do they do? What position -- can they return the puppy? Sure, they could do that. But most times they don't want to do that because they love it and so now they're going to spend a lot of money on trying to -- help the dog with its medical issues.

I think the prior legislation said they had to return it to get a reimbursement and I think -- this is saying that they could keep it and pay for the medical bills and get some restitution. We're talking thousands, thousands of dollars. I mean if anyone here has a dog or cat you know the veterinarian bills can be quite expensive.

REP. CHAPIN: So you feel that this will force the pet shops to be a little more stringent in their standards and care and everything else?

REP. KUPCHICK: I would hope so, and where they get their animals from.

REP. CHAPIN: Okay. And I have a question on the second bill.

SB 376

Do you acknowledge that there's a lot of differing opinions on armoring our coastline? And do you also acknowledge that our coastline is not ledge, it's typically loose glacial soils, poorly sorted materials of all sizes, and that coastlines are things that change with time? I'm just -- I'm not saying this to be flippant, but I think there's a lot of -- I guess my point is that there's a lot of differences of opinion on the merit of armoring our coastline that it may potentially cause problems in areas that are then not armored. So that this is something we perhaps still need to learn more on and there is a task force that's bipartisan right now that is seeking to get a lot of information.

So whatever you would like to comment on that. Thank you.

REP. KUPCHICK: Are you -- thank you, are you talking about the shoreline legislator group that's -- actually I'm a member of that and we are very -- we're in the -- infancy stage. And obviously there are a lot of differing opinions. Some people feel that the sea walls cause more erosion possibly around them.

Senator McKinney and I have met with our beach erosion group in town which is comprised mostly of people who live on the shoreline. And over the years I've heard -- they tell stories about all sorts of things that were done, things that were very minimally -- putting sea grass in, that was bringing some

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SENATOR MCKINNEY: Good morning. Thank you very much. For the record, my name is John McKinney, State Senator and I feel like I've come home to the Environment Committee and appreciate you allowing me to testify.

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SB 375

I'm going to speak very briefly on three bills. The first -- and I've submitted testimony on my behalf on behalf of Senator Len Fasano, is Senate Bill 376, AN ACT CONCERNING THE COASTAL MANAGEMENT ACT AND SHORELINE FLOOD AND EROSION CONTROL STRUCTURES.

Senate Bill 376 is an attempt to clarify the policies and rules covering erosion control methods on the coast. It does not seek to add any further rights to protect -- ones property but clarifies and streamlines the process to allow construction using best environmental methods. In the interest of finding a compromise, I think the bill does a good job of looking at all alternative options which would include possibly moving back from the water, a buildup which would be replacing sand where its shifted into the water and hardening, building new seawalls for protection.

I think clearly we currently have a -- department policy against seawalls and I think we need to have a policy which is flexible to use what is best available understanding that perhaps seawalls may be the third option but necessary in some instances. If you -- if you go up and down the coast anywhere, especially after the storm, we've all dealt with -- and I know you, Senator Meyer and Representative Roy on the coast, have -- have seen the devastation that was caused by the storms. We need to be able to give people an opportunity

to -- to repair their homes. And in my town of Fairfield we've seen, you know, before the storm, shoreline erosion for decades. And the use of -- the ability to replenish the coast with sand from other areas, use of snow fences and the like, I think can help keep our erosion down for property owners is very important.

The second bill I want to testify on which is -- now I'm just here for myself. I don't want Senator Fasano to get the blame for this, is House Bill 5409, AN ACT CONCERNING PET SHOPS and it's got one of the longer titles I've ever seen for a bill. But I want to thank you very much for raising this bill. You know, there is a need for families and people when they're looking to buy or adopt or rescue a pet to be protected to make sure that the pets they get are certified and assured to be healthy. And that given the significant number of adopted animals that are out there, that those pets sold in stores are not raised in puppy mills.

And to be honest, as you know probably in the past I've introduced measures to prohibit the sale of dogs from pet stores because there are so many dogs available out there in rescue shelters, rescue organizations. But I think section four, short of that, goes a long way to make sure that dogs and cats that families in Connecticut are getting are not being raised in substandard measures.

The third issue I want to just briefly touch upon is the underground storage tank. You're going to hear from a friend and constituent of mine, Tony Collin, he's from Easton, former first selectman and owner of a former gas station whose close to \$400,000 of his own money into cleaning up that site. We need to

SB375

buying a vacant piece of property, that might be a different issue and they might have a very difficult time finding insurance as it is. But we're not talking about, at least along the coast in Fairfield, you know, there's not a lot of empty property there. It's already been built on and lived on.

You know, I spoke to a gentleman about a month ago who's lived on Fairfield Beach for over 60 years and he remembers a time, you know, 30, 40 years ago where the town went through a process of replenishing the shoreline. You know, we went through a lengthy process to get a harbor dredged because of all the sand and silt that had been blown in from the shoreline houses. So we need long term to look at dredging our harbors and ports to the extent that there is clean dredge material there. Is it possible to use that to help replenish our shoreline? I those are issues we need to look at.

But -- I would be very reluctant of telling somebody who's been a property owner, house has been there for 30, 40, 50, 60 years that we'll help you out one more time but if another storm hits you're on your own.

REP. ROY: Okay. Thank you for that answer and I appreciate the thoughts. And of course the beaches in West Haven and Milford have been my playground also.

Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman.

I guess to be fair to Representative Kupchick I should ask you the same question. If it's good policy to prohibit pet shops licensed under 22-344 to not get their dogs and cats

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from substandard domestic animal mills, would it be good policy to also prohibit animal importers who may be nonprofits but not be licensed as pet shops to prohibit them as well?

SENATOR MCKINNEY: Yes, with a -- with a but, and that is if you have a rescue agency who's rescuing the dogs from puppy mills. But -- but the bottom line is I'm not a fan of puppy mills. We have a lot of dogs out there -- there is a situation I'm not completely familiar with, but in Monroe where the zoning officer was coming down on the animal shelter for being overcrowded. And a lot of the no-kill shelters which is what we want shelters to be, tend to be overcrowded. And so there are a lot of animals out there, especially dogs that are -- that can be rescued and adopted. And so I want to make sure that any organization that is either selling or giving away dogs are not getting those dogs from puppy mills.

REP. CHAPIN: But wouldn't one of the reasons we would want to pass this legislation, wouldn't one of the reasons be that we would want to kind of take the market away from these puppy mills and if you continue to allow animal importers to get these dogs from the puppy mills. I'm assuming they're not giving them away but maybe they are. Wouldn't the market still exist for importers and actually increase and make the problem worse for animal importers?

SENATOR MCKINNEY: Right, and I -- and I do and that's why I said yes. I just put in the but because I don't know what a lot of animal rescue agencies do. But if -- but if -- regardless of who it is, if they're getting their dogs from puppy mills we should stop

that so we can -- so we can stop that market for the puppy mill puppies, absolutely.

REP. CHAPIN: Thank you.

Thank you, Mr. Chairman.

REP. P. J. MILLER: Thank you, Mr. Chairman and thank you Senator for your very thoughtful testimony. I know that when you experience your friends and neighbors who -- whose property has been so badly damaged how heart wrenching that can be certainly. And I find it really encouraging that particularly in your area, among others along the Sound, there is a lot of grassroots people looking to all sorts of innovative ways to combat the erosion and such.

SB376

And my question is when you were speaking, you mentioned a very reasonable process of looking at many options including potentially a seawall where it's appropriate and of course there's a number of factors which determine that from the proximity of the marshes structures and everything else. But on the bill itself it states the statement of purpose very clearly to give -- to clarify the right of property owners to construct shoreline flood and erosion control structures. So that seems a little bit -- I thought yours was -- this is a reaction of course to a previously submitted bill which did raise the specter to a number of people of property rights being taken. And I understand that perhaps this, with some element of pushback may go a little further than I thought what you were describing was sort of look at a lot of different options. Can you comment on that, please?

SENATOR MCKINNEY: Sure. And I -- I think as I



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lxe/law/rgd/gbr

ENVIRONMENT COMMITTEE

10:00 A.M.

pet shop bill, House Bill 5409. We've got several witnesses. Laura Reid is the first followed by Susan Liuker and then Allison Allen.

Laura Reid, is she gone? You're here?

LAURA REID: Yes I am.

REP. MINER: Okay.

LAURA REID: Thank you, Chairman Meyer.

And Chairman Roy, before you leave the room, I'd like to take this opportunity to say, I think this is going to be the last public hearing I will testify at before you as cochair of this committee. And I just want to thank you so much for the opportunity over the years to get to know you and to work with you. And thank you for your friendship to animals and to people in responsible pet industry, and wish you all the best, sir. Thank you.

Thank you, Senator Meyer, and members of the Environment Committee. My name is Laura Peach Reid. I'm here to -- I have testimony from the Pet Industry Joint Advisory Council, PIJAC. Although I own a wholesale distribution company called Fish Mart located in West Haven, Connecticut, but copies of this testimony are under PIJAC.

PIJAC appreciates the opportunity to address this committee concerning H.B. 5409. As the committee is aware PIJAC has long been supportive of a reasonable and effective pet warranty law in Connecticut. Indeed on a whole host of issues PIJAC has a history of advocating for a responsible pet trade and for supporting appropriate standards and law. We have supported the establishment of reasonable

licensure and regulation of pet stores and appropriate standards of care for companion animals as well as warranty requirements for pet stores in this state and others.

With regard to the bill currently before you we understand the intent is to clarify that consumers are opting to keep a dog while making a claim for veterinary fees -- are not subject to a requirement that the animal then be returned to the pet shop. Apparently there's been confusion about this for a couple of years.

However as currently drafted the measure appears to permit consumers to both -- both recover veterinary fees and seek a reimbursement of the purchase price of the animal. And such a provision would run counter to the whole premise and our view of the warranty law.

Pet warranty laws such as this, which are also in effect in a number of other states, are intended to provide consumers who purchase an apparently healthy dog which subsequently shows symptoms of an illness that existed at the time of the sale options for recourse. And the consumer is entitled to return the dog for a refund, exchange it for a comparable dog, or if he or she desires, keep the dog to which the family may already have become emotionally attached. In the latter case the law provides for recovery of veterinary fees for services provided to help cure the pet of the condition in question.

Should the consumer elect not to keep the animal, but instead seek a refund or exchange, then the dog should be immediately returned to the seller so that the pet shop's own vet may treat the animal. It would be contrary to the

purpose of this provision to give the consumer both a refund or exchange and veterinary fees, as the whole purpose of reimbursing vet fees is to allow the new pet owner to get treatment for the puppy he or she intends to keep.

Accordingly we support language to clarify the intent of this statute. We also question language in the bill that amends the existing discretionary authority in the department to find prisons in violation of pet shop regulations by establishing mandatory minimum fines. The commissioner does and should have authority to impose fines for significant violations, however as drafted, the department should not be mandated to impose a fine for minor violations such as an insignificant error in paperwork due to oversight. We would ask that the mandatory language be stricken from the amendment and that the department retain discretionary authority to impose fines where it finds a violation to be meaningful.

Finally PIJAC would oppose section 4 of this bill which purports to establish a new definition within the law for substandard domestic animal mills. Although PIJAC is fully supportive of the standard set forth as requisite for breeding facilities, the prohibition as crafted in this bill against pet shops selling gids from substandard breeders is unenforceable because there is no basis for determining whether a given breeding facility is meeting the standards. Thus pet shops would have no objective means of determining whether the State might deem noncompliance with such standards by any given breeder and enforcement of a sanction against pet shops by the State for violation of this section would necessarily be arbitrary. We respectfully urge the committee to strike the section of the bill in its entirety.

I'd also like to take this opportunity to recommend that in amending this bill the committee insert our language submitted to you on 2655, dangerous animals, as this would be an appropriate vehicle for that amendment.

Of primary concern putting on my Fish Mart owner hat is that as a wholesale selling to pet shops in nine other states besides Connecticut, my competitors in other states would be allowed to sell animals such as ferrets and dagus and other pets that the USDA allows me to sell, but I wouldn't be allowed to sell them. And it would give all my competitors out of state a clear leg up on me and it's already costing me business and the rumor mills are circulating. So I'd ask you to consider this.

Mike Maddux regrets that due to his scheduling conflicts he was unable to be here today, but he does look forward to sitting down with you at your wish, Mr. Chairman, as do I, to explain and discuss our suggested changes to this bill and the amendment and to provide you with any other further information you may need.

REP. MINER: Ms. Reid, thank you.

LAURA REID: Thank you.

SENATOR MEYER: You've spoken well in support of the interests of pet shops. This bill is looking at other interests than the pet shops, as you know. This bill is looking at the interests of the animal and the interests of the person who buys a pet from a pet shop.

And people who buy pets as I have all my life, we love our pets. We ought to have a choice

if they get sick to keep them. And what this bill says, as you now, is that we can do that and we can also be reimbursed if -- if the illness or the defect existed at the time that the pet store sold the pet to us. And that as we drafted this bill, that seemed to make very good sense, not for you the pet shop, but a very good sense where we put the priority on the pet owner.

And then secondly with respect to Section 4, I would doubt that you disagree with any of those standards that are set up there. They're kind of common standards with -- and what is your problem with those standards, if I understood your criticism?

LAURA REID: I think we would like to see standards more spelled besides this.

And by the way, I wanted to introduce to you Steve Premise who's an owner of a shop in Connecticut, Statewide Pets in Orange who sells --

REP. MINER: I understand, but just talk to us about what's the matter with these standards.

LAURA REID: Well you know, for example the standard about six inches is, you know, I mean, I don't think anybody would disagree with that. That's ludicrous.

Thank you, Steve.

I believe that in speaking for PIJAC, that we felt that the -- it just needed to be spelled out more, that we felt that there was going to be subjectivity rather than objectivity.

SENATOR MEYER: Well, when we talk about six inches in the bill, that's pretty specific.

LAURA REID: That is very specific, Mr. Chairman.  
You're a hundred percent -- a thousand percent  
correct about that.

SENATOR MEYER: And so for you've told us standards  
with which you agree. And I was trying to  
find a standard with which you disagree, if  
any.

LAURA REID: I don't disagree with any of those  
standards. I don't know if they're  
comprehensive.

And Mr. -- I'm sorry, Mr. Chairman. I just  
wanted to clarify again. I think I agree with  
you a hundred percent correct on the first  
provision, that of course, and I wanted to be  
clear for the record, pet shops totally  
support a warranty for the consumer, that the  
consumer should be able to get reimbursed for  
veterinary expenses up to \$500.

SENATOR MEYER: But you would (inaudible).

LAURA REID: No. No. Not necessarily at all. We  
would like -- the customer may keep the pet,  
too. But in lines 16 and 17 here, it appears  
that -- line 16 says, in addition to any such  
reimbursement, that is the veterinary fees and  
the keeping of the animal, that the consumer  
could also ask for a replacement or a refund.  
That's our concern, sir.

SENATOR MEYER: Okay. That clearly means -- and if  
we have to clarify it we will, but that  
clearly means that if you're going to ask for  
a replacement dog that you're going to have to  
give back that dog. You're not going to get a  
replacement dog and keep the dog.

LAURA REID: Right. And we're -- exactly. And

we're just saying it should be an either/or situation. Our thought was that the intention of this was to clarify a misunderstanding when this was approved in 2009, I believe. Some people misinterpreted that the intention was the consumer gets to keep the dog and gets reimbursed up to \$500 in vet fees. But we want to nail that. That's how it should be.

SENATOR MEYER: That's what we intend.

LAURA REID: I realize that.

SENATOR MEYER: And I tell you, in terms of the plain reading and meaning of the words here, there's no possibility because of what line 17 says that you can both keep the dog and get another dog as well. Because the active word there is "replace."

LAURA REID: Okay. Our interpretation was in line 16 again, that in addition to any such reimbursement, which is referred to in the prior lines, in addition to any of that preceding that, which was keeping the animal and getting the \$500, they could also get another animal or the reimbursement of the cost.

SENATOR MEYER: That's not what replace means.

LAURA REID: Okay. Thank you.

SENATOR MEYER: Any questions from members of the committee?

Representative Miller.

REP. P. J. MILLER: Thank you, Mr. Chairman.

My question was towards the end you mentioned that this bill could put you at a competitive

disadvantage with pet shops in other states. And you mentioned a couple of other non-dog and cat creatures. I think you mentioned a lizard or two or something.

Could you explain that further? I got lost with that.

LAURA REID: Yeah. Sure. Thank you. I'm sorry. I really talked fast. Thank you for asking the question, Representative Miller.

What I was referring to is an amendment that PIJAC has submitted to this bill that is in regards to 2655, which is commonly referred to as the dangerous animals bill. And in that bill it's not made clear some animals -- well, it is made clear that some animals are now prohibited in this state.

And they're animals that are common in the pet industry and that I'm licensed to sell by the United States Department of Agriculture, but I'm now forbidden to sell, not just in Connecticut -- I can't have it here in Connecticut and I can't sell to the nine other states and the pet shops I sell to.

Here in Connecticut, for example emperors -- and scorpions are illegal for pet shops to sell, but as a wholesale distributor to pet shops throughout the Northeast, I'm allowed to have them and sell them to out-of-state pet shops. I can't sell them to in-state pet shops. And I certainly never would and never have. I've been in business for 38 years.

But it's -- now do you get the point?

REP. P. J. MILLER: Yes.

LAURA REID: So that's why we'd ask for your



consideration of that, or I do. Thank you.

SENATOR MEYER: Thank you, Ms. Reid.

LAURA REID: Thank you very much, Senator -- or Mr. Chairman.

SENATOR MEYER: Our next witness is Susan Linker. Is Susan here?

Thank you, Ms. Linker for being so patient.

SUSAN LINKER: That's okay. Thank you for giving me the opportunity to testify.

I'm Susan Linker, representing Our Companions Domestic Animal Sanctuary and Connecticut Votes for animals. I'm here to testify on the act concerning pet shops, 5409 as well as the animal control officer bill, 5446.

First in terms of the pet shop bill, it indeed was our intention to clarify the fact that the -- when animals are -- were purchased from pet shops and they're sick, the law in 2009 that we passed said that consumers have the opportunity to receive reimbursement for medical expenses up to \$500.

There's been some ambiguity in which some pet shops are requiring that the animal be returned in order to receive this refund. And it's been made very clear through -- and attached to my testimony was some clarification -- on the floor back in 2009, both in the House and the Senate, that that was not the intent to require the dog to be returned nor to be eligible for that reimbursement benefit. So our language clears that up.

The other thing that it does is right now the Department of Agriculture, which is a regulatory agency, when they inspect a pet shop and they see problems and animals are sick or are kept in poor condition, the only authority they really have is to revoke or suspend the license, nothing else.

And so we are proposing that if there is a situation where animals are being treated poorly or not well taken care of, that there could be some fines imposed to try to basically put a little bit of teeth in terms of the authority of the animal control officer so they could protect the animals more judiciously. And the other provision is to require that information about this law be made available at the pet shops so that people know what their rights are. So I think it's a very fair law.

I also wanted to mention that the State's Attorney General had an opinion about this. And his opinion was that it's clear that the animal shouldn't be returned in order to receive the refund benefit. But also he says that it should be contemplated liberally in favor of the consumer. So I think that there -- this is a consumer protection bill as much as an animal protection bill. So I hope that you'll consider supporting this.

The other bill is the animal control officer training bill. I think you've heard a lot of compelling testimony and you're going to hear some more later on in the day. These animal control officers who serve our State are put into a variety of situations that are sometimes dangerous. They need to uphold the law, investigate cruelty cases, manage and operate municipal shelters and no training is required.

HB 5446

I think we've been at this for a while. I really do believe that this year could be the year we have a tremendous amount of support and I encourage you to please support the animal control officer training bill as well.

SENATOR MEYER: Let me go back to the pet shop. I think there may be a mistake in one word in the language.

HB 5409

Do you have it in front of you?

SUSAN LINKER: I don't have -- well, yes.

The bill or the law?

SENATOR MEYER: The bill.

SUSAN LINKER: Okay. I don't have it in front of me.

SENATOR MEYER: It's line 55.

SUSAN LINKER: May I allow Debora Bresch to respond to that language? Because she has the language in front of her.

SENATOR MEYER: Whatever you'd like.

SUSAN LINKER: She's going to be after me.

SENATOR MEYER: The - what it says here -- and I'm going to throw it out at you anyway -- it says the commissioner -- this goes to the fine, the issue of fines that you asked for -- the commissioner shall fine such commercial kennel pet shops, so forth, not less than \$500.

Generally we don't say that. We say not more than X. This says not less than. This -- that would give the commissioner the right to

fine somebody, you know, \$50,000. Did you intend that?

SUSAN LINKER: I didn't do the drafting of this. I think there should be some --

SENATOR MEYER: Forgetting the drafting, is that you intent?

SUSAN LINKER: It's not my personal intent, no.

SENATOR MEYER: Okay. Was your principal intent to enable to have a fine of up to \$500?

SUSAN LINKER: The intent was -- and I really haven't talked with my colleagues about what the cap would be. But it's to have something that hurts a little bit, something that the Department of Agriculture can go in and make some changes.

Suspending or revoking a license doesn't come easy and I think there's a real obligation to these pet shop owners who are purchasing their animals through sources that, you know, we don't need to discuss. We all know where they come from -- to have some responsibility to the care that they're given when they're at the pet shop.

So I think it should hurt a little bit. I think that they're not products. The whole discussion about being returned and refunded, we're talking about living creatures. So there's a certain amount of sterileness to this discussion that I've been hearing from the pet shop industry that is a little offputting.

I think that the same kind of care and laws that are held for pet owners, for rescue organizations should at the very minimum be

presented to industries that are making money at the expense of animals.

SENATOR MEYER: Okay. Any questions?

Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman.

Regarding the ACO training bill, the requirement as of July 1, 2012, that any new hiree would be required to either already have met the certification or within a year meet the certification requirement.

HB 5446

Presently, is there voluntary certification in place or at least voluntary training in place?

SUSAN LINKER: People can self train if they want. There are some towns that pay for training for the animal control officers, but it's not a requirement. But you can elect to get trained in your own, either individually or through the towns.

I know a lot of animal control officers that are trained and certified and engaging continuing education. I think it really depends on the town.

REP. CHAPIN: So presently there's a universe of individuals out there who have gone through this type of training.

SUSAN LINKER: That is correct.

REP. CHAPIN: And can you tell me if those individuals, when they do receive some sort of certificate of completion -- signed by the commissioner?

SUSAN LINKER: The one training that I'm most

ALLISON ALLEN: I'm Allison Allen, just for clarity. I am here basically as a founding member of the Westport Coalition Against Puppy Mills, in support of 5409.

And just to kind of explain, our group came together about five years ago after a store in our area opened claiming they were not selling puppies from puppy mills. It seemed that people in the room seem to understand that most pet store puppies do come from puppy mills, but we wanted to give that store the benefit of the doubt.

We started researching and of course we found that pet stores were selling puppies from puppy mills. And we basically have boxes of USDA reports with horrible inspection records that we've shown to people to educate them. And when we educate people that the puppies that they purchased in the store are from a puppy mill based on these USDA inspection reports, which are readily available on the Internet, they're very, very upset.

We meet people every week basically that have purchased a sick pet store puppy. The store in our area actually will tell you that he -- his puppies all, you know, pretty much have a bunch of parasites and that's normal. I think a lot of professional veterinarians and people that know better know that that's not normal necessarily.

So in a nutshell, I guess I wanted to share some of our key findings of our group related to this bill. We find that pet stores mislead consumers on an ongoing basis about where the puppies come from. A large percent of people still don't know that that store puppies come from puppy mills. Stores aren't willing to tell them and then, as I said, when they find

out they're definitely not happy and they're very concerned, but they have no recourse.

The average person doesn't even know that they can research the USDA breeders on the USDA website. It's not necessarily a very user-friendly website, but you can do it. And there are no consumer reports for puppies, the pet store puppies. So it's -- definitely need more help educating people about where pet store puppies come from.

The average person doesn't know to call the Connecticut Department of Agriculture when they have a sick puppy or if they have a complaint about a pet store. So largely those complaints don't end up at the Department of Agriculture. There's a small fraction of the complaints that we've seen and we've seen about a hundred complaints for this one store alone. We find that many vets don't even know about the puppy lemon law and we think it's important that they also be notified about this.

So I guess, I know I'm over my time. We have, you know, about a hundred complaints for this one store alone. Many of these people have vet bills over \$10,000. All of these people would have benefited from the puppy lemon law. None of them were aware that it existed because pet stores don't share that information. Veterinarians don't seem to share it, but they should be required to do so.

So we would like to see that every person that buys a puppy shall receive a copy of the law as well as simple guidelines on how the law works and signage posted in every store.

REP. ROY: Good. We'll stop there.

Anyone -- any questions or comments from members of the committee? Seeing none, Allison, you did a great job. You answered the questions ahead of time.

Thanks.

Debora Bresch followed by Lorin Liesenfelt.

DEBORA BRESCH: Good afternoon.

REP. ROY: Hi, Deb.

DEBORA BRESCH: Hi.

REP. ROY: How's New York?

DEBORA BRESCH: What?

REP. ROY: How's New York?

DEBORA BRESCH: Oh, good, although I represent our over 20,000 members in Connecticut, just to clarify.

HB 5409

I'm sorry Senator Meyer is not here -- not that you're not good enough, Representative Roy, but I wanted to answer his question. I think I may be misinterpreting what the representative -- PIJAC is saying. But I think what she seems to be suggesting is that the consumer should not be able to get veterinary reimbursement and a refund. That the person should not be able to return the animal, get the refund for the dog and get veterinary reimbursement.

The AG's opinion that just came out indicates that the plain meaning of the law as currently worded, I mean, we wanted this provision as sort of a hedge against a possible



interpretation of the current law that we weren't -- care for. But in fact, the AG has come up with an interpretation that says the veterinary reimbursement provision stands alone, that they're completely -- an independent clause, that a person get a -- can return the animal, get a refund, keep the animal, what have you, but that the veterinary reimbursement is a separate remedy. And at the end -- and in fact that's what this language as it's currently worded would do.

It doesn't -- it just clarifies what the current law already says and what the AG says the current law already says. So I just wanted to make clear that we think a person should be able to return an animal, get a refund. You know, maybe they're frustrated with the situation with the animal and they should also be able to get that veterinary reimbursement.

I also just wanted to address the fine issue concerning, you know, the intent of the 500-dollar fine -- in fact, actually it didn't have to be a floor. We would be comfortable with that being a ceiling. And I would like to note that there's actually a provision in importation law that was -- has been imposed upon rescuers that says a rescuer shall be fined \$500 for not maintaining proper records. So there is, you know, a \$500 fine would not be outside the bounds of Connecticut law.

I agree with Susan Linker that, you know, this has to -- pet stores have a high profit margin on each animal. You know, it shouldn't be -- this fine should not be a matter of the cost of doing business. And I think if I'm understanding what the PIJAC representative said, her testimony may have not necessarily represented the text of the law, because the

point of this \$500 fine is to address specifically the improper care of animals. That's what the text of the bill refers to, you know, unsatisfactory conditions in the care of the animal, not some de minimus, you know, issue that isn't very meaningful in terms of the care of the animal.

And then as far as section 4 goes, we sort of agree with PIJAC that it's not a great section. I hate to say that, but we disagree with, you know, obviously our reasoning is different and we would like to see it strengthened. The problem with the language actually is that it doesn't impose standards on pet stores that exceed the animal welfare standards that breeders already have to comply with.

If a pet store purchases an animal from an out-of-state breeder, under the law that we passed a couple of years ago, that breeder has to be USDA licensed already. The animal welfare act, which is a very minimal standard, as you said, Senator Meyer, standards we can all agree on. They already -- those breeders presumably already comply with those standards.

The danger I think of this provision is that you would have pet stores saying, see, we don't buy from puppy mills, you know, because we haven't been nicked under this law. And in fact there is actually no enforcement mechanism under this law. We would like to see something really meaningful in there like the breeder can't have puppies on wire cages because wire floor cages is permitted under the animal welfare act. It hurts the puppies and, you know, that would actually make it difficult for pet stores to purchase from breeders because all of the puppy mills -- are

from puppy mills because all of the puppy mills have wire cages.

The problem, though, of course would be enforcement. I don't think Department of Ag is sending a contingent of people out to, you know, Missouri to inspect these, these puppy mills. What you would need I think is some sort of attestation from the pet store saying, you know, we swear to you that we are not buying from a breeder that has puppies on wire cages. And then the penalty would have to be license revocation or suspension, you know, for that misstatement which is a fraudulent statement.

So the problem really is a lack of real standards, a lack of enforcement mechanisms. And the possible unfortunate result that you would have pet stores being able to sell puppy mill dogs and yet suggest that they're not. And that would be a very unfortunate result of what is obviously a well-intentioned provision.

We had some other -- I just wanted to say I know my time is up, but I did want to say that we don't -- that we had hoped that the signage that a pet store would have to put up regarding the lemon law would not -- that this would not necessarily be left up to the Department of Agriculture commissioner. There's actually precedent in the law currently were, you know, the type sizes are already set out in the law.

We would like something more specific as to exactly how the pet store has to notify the public of their rights and obligations -- or their rights, really, under the puppy lemon law and the pet store's obligations under the puppy lemon law. We think that should be

specified in the law.

And oh, just one other thing. We've heard from people who -- where pet stores have denied them reimbursement for veterinary care because they did not get the certificate from a veterinarian at the time of diagnosis within that prescribed statutory period.

We think it should be clarified that essentially once that diagnosis is gotten within the prescribed statutory period of 20 days, that that customer should be able to get, you know, once they realize what their obligation is, that they should be able to get that certificate at a later date from that veterinarian and it allow them to get the reimbursement. You know, the issue is when the diagnosis occurred, not want they happened to get that piece of paper from the vet.

So with that I'm happy to answer questions.

REP. ROY: Thank you.

Senator Meyer.

SENATOR MEYER: Can I suggest that -- you've made several good suggestions about supporting changes. Can I suggest that you get that together and hand it in to our distinguished clerk?

DEBORA BRESCH: Yes. Happy to.

SENATOR MEYER: Okay. And we'll consider it when we're screening the bill.

DEBORA BRESCH: Thank you so much.

REP. ROY: Any other questions or comments from members of the committee?

Seeing none, Debora, thank you very much.

DEBORA BRESCH: Thank you.

REP. RYAN: Lorin Liesenfelt and she will be followed by Don Tuller.

LORIN LIESENFELT: Senator Meyer, Representative Roy and other members of the committee, my name is Lorin Liesenfelt. I'm president of Dog Days Adoption Events. We're a nonprofit organized in Essex, Connecticut. I'm here today to express our support for two bills, House Bill 5409 and Raised Bill Number 5446.

My organization's mission is to assist small rescue centers and municipal shelters in Connecticut and other states to find homes for their dogs by organizing community dog adoption events. We've been supported by over 500 volunteers from around our state and because of them we've successfully managed five events in our first year.

We strongly support H.B. 5409 in that it establishes a much-needed minimum standard of care for those who profit from the practice of breeding dogs in mills. Growing public anger over this practice and the inhumane care of our companion animals in mills and pet stores should be taken seriously.

I'm also here to support Raised Bill Number 5446, AN ACT CONCERNING THE PAYMENT PROCEDURE FOR THE STERILIZATION AND VACCINATION OF CERTAIN DOGS AND CATS AND PROVIDING FOR ANIMAL CONTROL OFFICER TRAINING. We encourage you to vote in favor of this bill for the following reasons.

Training for animal control officers is

**JOINT  
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**ENVIRONMENT  
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**2012**



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March 16, 2012

Re: **SUPPORT of H.B. 5409**

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

On behalf of the greater than 165,000 Connecticut-based supporters of The Humane Society of the United States, please accept this testimony in support of **H.B. 5409, An Act Concerning Pet Shops and Consumer Reimbursement for Certain Veterinary Expenses and Prohibiting Pet Shops from Selling Dogs and Cats Obtained from Substandard Domestic Animal Mills.**

Current law (the "puppy lemon law") provides that consumers who have purchased a sick or genetically defective dog or cat from a pet shop may, under certain circumstances, seek a replacement animal or full refund from the pet shop. The state attorney general has also just issued an opinion that current law requires reimbursement of veterinary expenses whether or not an animal is returned (for replacement or refund). However, pet shops have not been honoring this provision requiring reimbursement of veterinary fees. Many consumers become emotionally attached to their new puppy or kitten and do not wish to simply trade their sick animal in for a healthy one – or to try to explain to their children why they are doing so. This bill would clarify that such a consumer may maintain possession of the animal he/she purchased, also seek a financial remedy of not more than \$500 from the pet shop to apply to any attendant veterinary bills.

The bill also allows the commissioner to prescribe the manner in which pet shops must post consumer rights and obligations under the "puppy lemon law," although we would recommend that the statute actually specify the manner in which such information must be posted (e.g., sign size, type size and color) - much as Sections 22-344d(a) and (b) and 22-354(b) prescribe the manner in which pet shops must post, among other things, broker and breeder information.

Importantly, the bill removes jail time from the penalties available to the commissioner for pet shops that violate certain licensure requirements, and it directs the commissioner to impose a fine on pet shops that fail to meet basic humane standards. It is critical that the



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Department of Agriculture have such a set of streamlined, usable tools to ensure pet shop licensees' compliance with agency requirements.

Finally, the bill seeks to prevent pet shops from acquiring dogs or cats from substandard breeding facilities. While the proposed language in Section 4 of the bill is, in our view, insufficient to meet that goal, we strongly support the concept and would be pleased to work with the committee toward that end.

Thank you for the opportunity to offer this testimony and for your consideration of this bill.

Yours truly,

Annie Hornish  
Connecticut State Director  
The Humane Society of the United States



March 15, 2012

Dear Honorable members of the CT Environment Committee

I am writing in support of Raised Bill 5409. Regrettably I can not attend the public hearing on March 16. However, this letter serves to document my family's ordeal with purchasing our dog, Jethro from a CT Pet Store (Puppies of Westport).

We purchased Jethro in February 2011. He weighed 3.2 pounds. Ten days later he had a seizure and needed immediate hospitalization. For months Jethro endured multiple blood tests, injections, medications, ultrasounds and surgery. When he was six months old he still only weighed 3 pounds. The doctors determined that Jethro had multiple parasites and bowel disease. After months of extensive treatment totaling over \$10,000 Jethro is finally healthy weighing 10 pounds. He still needs a monthly injection for his bowel disease, which will most likely continue for the rest of his life.

We contacted Puppies of Westport throughout this ordeal and they were usually unresponsive except for offering to have Jethro see their vet. At no time, was I made aware of a puppy lemon law and after researching the breeder, I was even more disheartened to find that Jethro came from a puppy mill.

Coincidentally my young son also had to be taken to the hospital with gastrointestinal problems, soon after purchasing Jethro. In retrospect, I have to wonder if he caught something from our new puppy as I also learned that parasites like giardia are contagious to humans as well as other dogs!

In addition to the financial hardship, this has been a heartbreaking experience. I urge you to support passage of this bill, as something must be done to better protect people who unknowingly purchase sick puppy mill puppies in our local pet stores.

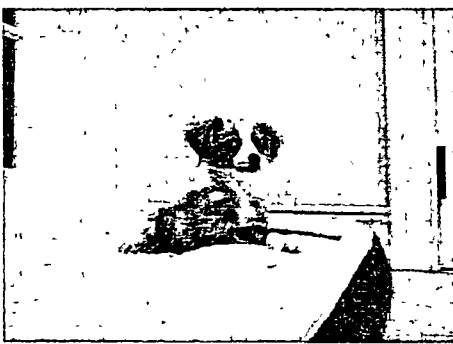
Sincerely,

Regina McGough  
93 Thayer Drive  
New Canaan, CT 06840

Jethro at 3 months old (right after we adopted him)



Jethro at 8 months old



Jethro Today

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March 13, 2012

*VIA FEDERAL EXPRESS*

Chairman Edward Meyer  
Chairman Richard Roy  
Vice Chair Andrew M. Maynard  
Vice Chair Philip Miller  
Ranking Member Andrew W. Roraback  
Ranking Member Clark J. Chapin  
Environment Committee  
Room 3200, Legislative Office Building  
Hartford, Connecticut 06106

Dear Chairmen and Honorable Members:

I am writing in support of Raised Bill No. 5409 which is scheduled for a public hearing on Friday, March 16, 2012.

While I was in the Connecticut Legislature, the nefarious collaboration between puppy mills and pet stores was of great concern to me. I am delighted that your committee has elected to take up this important issue so as to discourage the grotesque abuses that occur by this collaboration. Connecticut's pet stores are a partial funding source for the abuse that is inflicted upon tens of thousands of dogs throughout the United States. I believe Connecticut citizens will overwhelmingly endorse this bill.

I applaud your efforts and encourage your support in sending this bill to the General Assembly for passage.

Very truly yours,



G. Kenneth Bernhard

GKB/rb

cc: B. Shay

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STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE



Testimony presented to the Environment Committee of  
The Connecticut General Assembly  
By the Connecticut Department of Agriculture

March 16, 2012

**H.B. 5409 AN ACT CONCERNING PET SHOPS AND CONSUMER  
REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES AND  
PROHIBITING PET SHOPS FROM SELLING DOGS AND CATS  
OBTAINED FROM SUBSTANDARD DOMESTIC ANIMAL MILLS**

The Connecticut Department of Agriculture supports H.B. 5409.

Many animals are successfully purchased from Connecticut pet shops every year. However, from time to time, a consumer brings the pet home and despite everybody's best efforts the animal begins to display an illness. In an effort to treat their companion animal, the consumer may become burdened with excessive veterinary bills for the pet that their family has bonded with.

Currently, Connecticut General Statute 22-344b only allows for the reimbursement of the veterinary expenses if the animal dies or if the consumer returns the animal to the pet shop.

The reality is the companion animal owner and their families have become attached to their pet and are forced to make a monetary decision and surrender the animal to the pet shop where the pet was originally purchased. This causes emotional turmoil in the family and is disruptive to the ill animal.

This Bill allows for partial financial protection to the consumer so that in the event their new pet becomes ill, there will be financial protection in the form of a five hundred dollar reimbursement for veterinary expenses, without the heartbreak of returning their companion animal to the pet shop.

Welcoming a new pet into a household should be a happy experience and not turn into a financial nightmare for Connecticut families.

Thank you for consideration of the views of the Connecticut Department of Agriculture.



**TESTIMONY OF PET INDUSTRY JOINT ADVISORY COUNCIL  
BEFORE JOINT COMMITTEE ON ENVIRONMENT**

**House Bill 5409**

**March 16, 2011**

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to address this committee concerning House Bill 5409. As the committee is aware, PIJAC has long been supportive of a reasonable and effective pet warranty law in Connecticut. Indeed, on a whole host of issues PIJAC has a history of advocating for a responsible pet trade and for supporting appropriate standards in law. We have supported the establishment of reasonable licensure and regulation of pet stores and appropriate standards of care for companion animals, as well as warranty requirements for pet stores in this state (and others).

With regard to the bill currently before you, we understand the intent is to clarify that consumers opting to keep a dog while making a claim for veterinary fees are not subject to a requirement that the animal then be returned to the pet shop. However, as currently drafted, the measure appears to permit consumers to both recover veterinary fees and seek a reimbursement of the purchase price of the animal. Such a provision would run counter to the whole premise of the warranty law.

Pet warranty laws such as this, which are also in effect in several other states, are intended to provide consumers who purchase an apparently healthy dog which subsequently shows symptoms of an illness that existed at time of sale options for recourse. The consumer is entitled to return the dog for a refund, exchange it for a comparable dog or, if he or she desires, keep the dog to which the family may already have become emotionally attached. In the latter case, the law provides for recovery of veterinary fees for services provided to help cure the pet of the condition in question.

Should the consumer elect not to keep the animal, but instead seek a refund or exchange, then that dog should be immediately returned to the seller so that the pet shop's own veterinarian may treat it. It would be contrary to the purpose of this provision to give the consumer both a refund or exchange and veterinary fees, as the whole purpose of reimbursing vet fees is to allow the new pet owner to get treatment for a puppy he or she intends to keep.

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Accordingly, PIJAC supports language to clarify the intent of this statute that those consumers who wish to treat the animal through their own veterinarian, and recover fees from the seller, may then keep the dog that is being treated. However, we would urge the committee to amend this provision so that it explicitly recognizes that the option for reimbursement of veterinary fees applies only where the seller is keeping the dog and, therefore, at the exclusion of the alternative options for a refund or exchange.

PIJAC also questions language in this bill that amends the existing discretionary authority in the Department to fine persons in violation of pet shop regulations by establishing mandatory minimum fines. The Commissioner does and should have authority to impose fines for significant violations. However, the Department should not be mandated to impose a fine for minor violations, such as an insignificant error in paperwork due to oversight. We would ask that the mandatory language be stricken from the amendment, and that the Department retain discretionary authority to impose fines where it finds a violation to be meaningful.

Finally, PIJAC would oppose Section 4 of this bill, which purports to establish a new definition within the law for "substandard domestic animal mills." Although PIJAC is fully supportive of the standards set forth as requisite for breeding facilities, the prohibition as crafted in this bill against pet shops selling dogs from substandard breeders is unenforceable because there is no basis for determining whether a given breeding facility is meeting the standards. Thus, pet shops would have no objective means of determining whether the state might deem noncompliance with such standards by any given breeder, and enforcement of a sanction against pet shops by the state for violation of this section would necessarily be arbitrary. PIJAC respectfully urges the committee to strike this section of the bill in its entirety.

We thank the committee for its consideration of our concerns about this legislation and welcome questions or requests for any further information.

Testimony Concerning Raised Bill 5409  
Susan B. Linker, March 16, 2012  
CEO, Our Companions Domestic Animal Sanctuary  
Vice President, CT Votes for Animals.

I would like to thank the Environment Committee for the opportunity to express my support of Raised Bill 5409. AN ACT CONCERNING PET SHOPS.


This bill strengthens a bill which passed in 2009 which holds pet shops accountable for sick the puppies they sell by requiring pet shops to reimburse pet owner of medical expenses for any animal who become sick 14 days after adoption. SB5409 would:

- Clarify that a purchaser of a dog or cat from a pet shop may receive reimbursement of up to \$500 in veterinary expenses from the pet shop, whether or not the purchaser returns the animal. This was clarified when the bill was passed (see below House and Senate discussion) yet some pet shops have been interpreting it incorrectly and demanding the pet be returned for the veterinary reimbursement. This bill will end any ambiguity about return of the pet.
- Require pet shops to provide consumers with notice of their rights and obligations under the Connecticut's "Puppy Lemon Law,"
- Authorize the state Department of Agriculture to fine pet shops \$500/animal for poor and improper animal care. Currently the Department of Agriculture only has the authority to suspend or revoke the pet shops license.

This bill is integral to protect and educate consumers and to protect the exploited dogs sold in pets shops that originate from the barbaric puppy mill industry.

Thank you for giving me an opportunity to testify and I do hope you will strongly support this important piece of legislation.

Thank you,



Susan B. Linker  
Bloomfield, CT 06002

House debate was June 2, 2009.

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.

Senate debate was April 30, 2009.

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 found -- found to have hip dysplasia, you'll actually have six months to 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.



Testimony of Allison Allen  
Founding Member, Westport Coalition Against Puppy Mills  
In Support of Raised Bill 5409

Thank you for this opportunity to speak with you about Raised Bill 5409 and the important subject of sick puppy mill puppies that are allowed to be sold in our state by pet stores. This is an issue which never gets enough attention. It's truly a national disgrace, considering we call dogs "man's best friend".

I've been a volunteer at a local animal shelter in Norwalk, CT for 20+ years. About 5 years ago, a group of local animal advocates came together after we saw a puppy store opening in our town, claiming they were not selling puppy mill puppies. This seemed incongruous knowing what we knew about the pet trade and puppy mill industry. We know more about this topic than the average consumer, so we were compelled to start doing the research to see if this claim could possibly be true.

Our research found that this claim was absolutely not true and prompted us to continue researching the breeders used by this store as well as stores across CT. We formed a group, the Westport Coalition Against Puppy Mills, which is a small grassroots group of people who care about dogs and their welfare. It wasn't something any of us particularly wanted to do or had time for, but we began to meet people everywhere that had bad experiences buying sick pet store puppies. We realized if we didn't do anything, nothing was ever going to change.

Basically we find:

- Pet stores mislead consumers on an ongoing basis about where the puppies come from. A large percent of people still do not know pet store puppies come from puppy mills, nor are stores willing to tell them. Stores use phrases like "USDA Licensed" or "AKC registered" which sounds good to the average person, but says nothing about the quality of the breeding facility.
- The average person doesn't know they can research USDA breeders on their website. It's not the easiest to find, but it's doable. There is no Consumer Report for pet store puppies and there's no centralized data or tracking of the issue in our state or nationally.
- The average person does not know to call CT Department of Agriculture when they have a sick puppy or see a problem in a pet store, so most people simply don't, so the problem is overlooked.
- Many vets don't even know a puppy lemon law exists so they are not advising consumers of this recourse and providing them with added consumer protection.
- A puppy lemon law where you have to return a puppy is pointless as most people are not going to return a puppy to a store as they feel they are buying the puppy to "rescue" him.
- In the five plus years our group has been at work, it's become increasingly clear that there is no one agency or organization effectively tracking the extent of the problem, which we have found to be much larger than most people think.

Our group is aware of approximately 100 complaints for our one local store alone. Some of these people have vet bills exceeding \$10,000. All of these people would have benefited from the puppy lemon law and none of them were aware such a law existed in CT. Pet stores certainly don't share that information, but they must be required to do so. Every person that buys a puppy should receive a copy of the puppy lemon law as well as simple guidelines on how the law works and signage should absolutely be posted in every store. I would also suggest that a copy of this information be sent to the CTVMA to distribute to their members as veterinarians should have an interest in protecting their clients.

Thank you for this opportunity to bring attention to puppy mills and the need for stronger laws such as bill #5409. I hope you will all strongly support this important piece of legislation and encourage your colleagues to do the same.

Allison Allen  
35 Harbor View Ave  
Norwalk CT 06854  
917/484-2613



## State of Connecticut

SENATOR JOHN MCKINNEY

SENATE MINORITY LEADER

28<sup>th</sup> DISTRICT

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Testimony of Senator John McKinney, Minority Leader  
Environment Committee Public Hearing  
Friday, March 16, 2012  
10:00 AM in Room 2B of the LOB

**HB 5409 AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES AND PROHIBITING PET SHOPS FROM SELLING DOGS AND CATS OBTAINED FROM SUBSTANDARD DOMESTIC ANIMAL MILLS.**

Connecticut families and individuals have a significant number of options when choosing their pets; pet stores, adoption centers, breeders, rescue groups, and others. This variety allows people to decide what type of pet they are looking for and gives them the option to adopt pets in need of a new home or start fresh with a young pet. Unfortunately, in some cases this has caused issues with the health of these pets, especially as breeders and pet stores continue to search for a means to stay competitively priced with an increasing number of pets in need of adoption or rescue.

There is a growing need to both ensure that families or individuals looking for a pet can be protected from two important issues: 1) that pets which they buy, adopt or rescue are certified and assured to be healthy and 2) that given the significant number of adoptable animals, those in stores are not raised in "puppy mills," characterized by substandard or restrictive environments. These two points are important to ensure healthy animals, as well as to prevent the unnecessary mistreatment of animals raised for pets just to reduce the bottom line for pet stores competing with adoptions.

House Bill 5409 is a significant step towards assisting families and individuals looking for a pet by protecting them from unknowingly purchasing an animal with health issues as well as preventing substandard breeding and raising of pets to be sold in pet stores.

Sections 1-3 establish a precedent for reimbursing pet owners who were forced to pay for medical services and medications after purchasing a pet which was deemed to then be suffering from a previously unstated or undocumented illness or congenital defect. While the pet owner would have to initially pay for such treatments, reimbursement up to \$500 can be received from the pet seller as long as the illness or congenital defect is documented and certified by a veterinarian. The key difference from past language is the addition of allowing the pet owner to retain ownership if they should wish to. This will help ensure that a pet can still have a loving family which will continue to care for it and should help prevent pets from being returned to stores or facilities and being inhumanely dealt with. This bill also establishes clear fines for violations, per animal, for any breeder or pet seller who violates the provisions of this bill, either not properly documenting the origin and history of animals, or not properly maintaining a sanitary and humane facility. This will go a long way towards increasing the proper breeding, care, and documentation of animals to be sold or kept as pets in Connecticut.

Section 4 makes it clear that substandard breeding facilities which restrict animal movement, access to clean water, access to open space, access to proper nutrition, and other concerns with "puppy mills" will not be tolerated in Connecticut. It goes further to ensure that pet stores must prevent selling animals which come from such "substandard domestic animal mill" facilities. With the significant number of animals in shelters, adoption centers, or rescue facilities there is no reason for substandard breeding facilities to be operated when a worthy animal can be easily adopted.

I urge you to support and pass HB 5409. With the large number of adoptable animals in Connecticut, there is a need to prevent inhumane breeding and selling practices. Furthermore, breeders and sellers owe it to pet owners to reimburse them if the sellers fail to inform owners of illnesses or congenital defects. This bill makes great progress for pet owners and adopters.



**State of Connecticut**

**HOUSE OF REPRESENTATIVES  
STATE CAPITOL**

**REPRESENTATIVE BRENDA L. KUPCHICK**  
ONE HUNDRED THIRTY-SECOND ASSEMBLY DISTRICT

**MEMBER**  
BANKS COMMITTEE  
EDUCATION COMMITTEE  
HOUSING COMMITTEE

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**Environment Committee  
Public Hearing  
March 16, 2012**

**Testimony on H.B. 5409, AN ACT CONCERNING PET SHOPS  
AND CONSUMER REIMBURSEMENT FOR CERTAIN  
VETERINARY EXPENSES AND PROHIBITING PET SHOPS  
FROM SELLING DOGS AND CATS OBTAINED FROM  
SUBSTANDARD DOMESTIC ANIMAL MILLS.**

This bill is simply about accountability, basic human compassion for animals, and frankly, consumer protection.

When someone purchases a dog or cat, they are looking to make a worthwhile addition to their family, home and life. Too often you hear of the horror stories of the animal becoming ill from a genetic defect, which can lead to costly medical bills. The first part of this bill will allow the consumer to be reimbursed up to \$500 and allows the pet owner the option of keeping their pet. These are minimal compensations to provide pet owners.

I also fully support Sections 22a-381d, which allows the commissioner to fine a kennel, pet shop, grooming facility or training facility for not maintaining acceptable sanitary and humane conditions, which can result in animals contracting contagious, infections or communicable diseases.

I would also like to bring your attention to Section 4, which I feel is absolutely necessary. This section lists specific living conditions that animals not only need, but deserve, such as:

Where dogs or cats are housed in a cage without being allowed daily exercise,

(2) where dogs or cats are not maintained in a dry and reasonably clean condition,

- (3) that does not provide adequate protection for such dogs or cats from the elements,
- (4) that does not provide clean and potable water for such dogs and cats at all times,
- (5) that does not provide proper and nutritious food for such dogs or cats,
- (6) that houses dogs or cats in an enclosure with floors that are not constructed in a manner that protects the dogs' or cats' feet and legs from injury,
- (7) that houses dogs or cats in an enclosure that does not allow them to turn around freely or to sit, stand or lie down comfortably, or
- (8) that maintains dogs or cats in an enclosure that is not at least six inches higher than the head height of the tallest dog or cat in such enclosure.

(b) No pet shop licensed pursuant to section 22-344 of the general statutes, as amended by this act, shall sell a dog or cat to the public if such dog or cat was obtained by such pet shop from a substandard domestic animal mill.

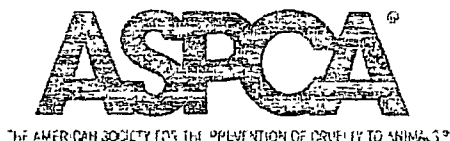
In Connecticut, we have many reputable breeders, rescues and shelters that offer healthy dogs and cats for sale or adoption. There is no excuse for there to be so much disparity between these stores or breeders. It's unfortunate that we have to legislate humane treatment, but the sad truth is, there are people who view animals as only a source of profit.

I have volunteered for many years with local animal rescue groups that take in animals that are abandoned or abused. Many times the dogs they rescue are pure breeds that were purchased from a pet store that used puppy mills. Puppy mills are well known for their inhumane treatment and inter breeding of animals for the sole purpose of turning a maximum profit.

Often times, the puppies produced in these mills are genetically compromised and suffer lifelong health problems or even death. These dogs spend their entire lives in small cages, many times unable to stand up or turn around until they are no longer useful and released to shelters, rescues or sometimes put down.

Puppy mills are not only inhumane to animals, but they cause unnecessary emotional pain to those people who eventually purchase these puppies. These animals have become ill, suffer life long diseases that cost their owners thousands of dollars. There is nothing worse than a family bringing home a new puppy and having it suffer and potentially die after a few months, especially when all that family wanted was to give the animal a loving home.

This bill will protect consumers and animals alike, promote responsible pet sales and I urge the committee's support.



**Testimony of Debora M. Bresch, Esq.  
 Senior Director, Government Relations, ASPCA  
 President, CT Votes for Animals**

- In Support of **HB 5409** – An Act Concerning Pet Shops and Consumer Reimbursement for Certain Veterinary Expenses and Prohibiting Pet Shops from Selling Dogs and Cats Obtained from Substandard Domestic Animal Mills
- In Support of **HB 5446** – An Act Concerning the Payment Procedure for the Sterilization and Vaccination of Certain Dogs and Cats and Providing for Animal Control Officer Training. Authorizing Bow and Arrow Hunting on Sunday Under Certain Circumstances

Joint Environment Committee  
 March 16, 2012

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to comment on **HB 5409** (AAC Pet Shops and Consumer Reimbursement for Certain Veterinary Expenses and Prohibiting Pet Shops from Selling Dogs and Cats Obtained from Substandard Domestic Animal Mills) and **HB 5446** (AAC the Payment Procedure for the Sterilization and Vaccination of Certain Dogs and Cats and Providing for Animal Control Officer Training). As many of you know, my name is Debora Bresch, and I am an attorney and lobbyist with the Government Relations Department of the American Society for the Prevention of Cruelty to Animals (ASPCA), which counts almost 22,000 Connecticut residents among its supporters. I am also President of CT Votes for Animals (CVA).

**HB 5409 (Pet Shops): SUPPORT**

The ASPCA and CT Votes for Animals strongly support proposed bill **HB 5409** - which would clarify Connecticut's "puppy lemon law" and strengthen enforcement efforts vis a vis the state's pet shops - for the following reasons (we also propose some additional amendments below):

Testimony of Debora M. Bresch, Esq.  
Senior Director, Government Relations, ASPCA  
President, CT Votes for Animals  
Re: HB 5409 (pet shops) and HB 5409 (ACO training; ACO access to APCP Vouchers)  
Joint Environment Committee  
March 16, 2012

- (1) HB 5409 would clarify that the purchaser of a dog or cat from a pet shop need not return the animal to the store to obtain up to \$500 in veterinary expenses in the event the animal is diagnosed with a disease or congenital defect during the required statutory periods (illness - 20 days, congenital defect - 6 months). The "puppy lemon law" was carefully drafted in 2009 to ensure that a purchaser of a dog or cat from a pet shop could obtain a refund of veterinary expenses, whether or not the animal was returned. In fact, both Sen. Meyer and Rep. Hurlburt noted that this was the legislative intent underlying the Senate and House bills during their respective chambers' debates (SEE ATTACHED - 2009 FLOOR DEBATE EXCERPTS). However, pet shops have in some cases not honored this interpretation of the law. The state attorney general has just issued an opinion that current law does, indeed, require reimbursement of veterinary expenses whether or not an animal is returned (SEE ATTACHED), but it would be useful to make this obligation on the part of the pet shops absolutely explicit to eliminate any possible future confusion.
- ***Proposed additional amendment:*** Clarify that once a cat or dog is diagnosed with an illness or congenital defect during the statutory periods in the "puppy lemon law," the purchaser may obtain the veterinary certificate containing such diagnosis from the veterinarian at any time. That is, to exercise his/her rights under the "puppy lemon law," the purchaser need not obtain the veterinary certificate at the time of diagnosis.
- (2) HB 5409 would require pet shops to provide consumers in general with notice of their rights and obligations under the "puppy lemon law." All too often, the ASPCA and CT Votes for Animals hear of consumers who were entitled to assistance under the "puppy lemon law," but were not aware of the existence of this law or what they must do in order to exercise their rights under it.
- ***Proposed additional amendment:*** Specify the manner in which such information must be posted (e.g., sign size, type size and color) - just as Sections 22-344d(a) and (b) and 22-354(b) direct the manner in which pet shops must post, among other things, broker and breeder information.
- (3) HB 5409 would levy a \$500 per animal fine for the improper care of dogs or cats by pet shops. Currently, the Department of Agriculture may only suspend/revoke a pet shop's license for improper animal care, and issue orders for appropriate animal care. As a result, state animal control officers are forced to return repeatedly to pet shops to determine compliance with their orders but have no real means to enforce such orders. The institution of this fine would provide such means.

Testimony of Debora M. Bresch, Esq.  
 Senior Director, Government Relations, ASPCA  
 President, CT Votes for Animals  
 Re: HB 5409 (pet shops) and HB 5409 (ACO training; ACO access to APCP Vouchers)  
 Joint Environment Committee  
 March 16, 2012

(4) HB 5409 would streamline the penalty imposed on pet shops for failure to adhere to certain licensure requirements (e.g., posting the required breeder/broker information on a dog or cat cage). This provision would, in particular, eliminate the term of imprisonment and clarify that a violation is per animal, making the penalty more usable as an enforcement tool by the Department of Agriculture. By contrast, it can take years under the current penalty provision for a pet shop to have to face a court, and even then, the fine is not even clearly applicable per animal.

- Proposed additional amendment: *Increase the fine for failure to adhere to certain licensure requirements from "not more than one hundred dollars" to "not less than two hundred dollars or more than three hundred dollars." Pet shops operate on a high profit margin per animal. It is critical that any fine for noncompliance not simply become a cost of doing business.*

(5) HB 5409 would seek to prevent pet shops from acquiring dogs or cats from substandard breeding facilities. Neither the ASPCA nor CVA can support the bill's current language (NEW Section 4) - in part out of concerns that the lack of associated standards and any enforcement mechanism might actually result in the opposite of its intended effect, suggesting to the public that a pet shop is not selling puppy mill dogs, when this couldn't be further from the truth. The ASPCA and CVA look forward to working with this committee and other legislative stakeholders to making this language a meaningful reflection of its underlying good intent.

#### HB 5446 (ACO Training; ACO Access to APCP Vouchers): *SUPPORT*

The ASPCA and CT Votes for Animals also strongly support proposed bill HB 5446 which would ensure that animal control officers (ACOs) have the authority to use Animal Population Control Program (APCP) vouchers to spay/neuter cats and dogs prior to release to adopters, as well as finally institute much-needed training requirements for animal control officers.

**ACO access to APCP vouchers would be both humane and financially sound:**

- Currently, only a little more than 2/3 of those who adopt from Connecticut pounds use the APCP spay/neuter vouchers they are required to purchase at adoption for \$45. ACO access to these vouchers - whereby an ACO would use a voucher to sterilize a cat or dog prior to the animal's release to an adopter, in lieu of giving the voucher to that adopter for subsequent use - could result in 100 percent voucher compliance.



Testimony of Debora M. Bresch, Esq.  
Senior Director, Government Relations, ASPCA  
President, CT Votes for Animals  
Re: HB 5409 (pet shops) and HB 5409 (ACO training; ACO access to APCP Vouchers)  
Joint Environment Committee  
March 16, 2012

- The role of ACOs as emergency first responders also makes training critical. Indeed, in 2007, Connecticut passed a law to require the inclusion of the evacuation of pets and service animals in state and local emergency plans of operation, complying with a 2006 federal law (Pets Evacuation and Transportation Standards, or PETS) requiring local and state emergency preparedness authorities to include pets and service animals in their disaster plans in order to qualify for grants from FEMA. It is fair neither to animal control officers nor to pet owners nor to animals to expect ACOs to manage crises without prior training.
- Further, at least eight other states, including Maine and New Jersey, have instituted training programs for their ACOs.

To this end, HB 5446 would:

- (1) institute an ACO training program specifically for new ACOs, requiring those hired as of July 1, 2012 either to have already received the prescribed training or to have completed such training by their first anniversary, and
- (2) would require ACOs to receive annual continuing education.

While this is a commendable and necessary start, the ASPCA and CVA would also recommend more comprehensive training for current ACOs, many of whom crave the expertise in their chosen field but do not have the time or resources to obtain such training. In fact, HB 5446 does not speak to funding at all - likely to avoid the danger of unfunded mandates and partly in service to the philosophy that ACOs who care about professionalization will find a way to finance their own training. However, most ACOs are paid far less than professionals in other fields, and so further contemplation of the optimal mechanism for financing of training for both new and current ACOs is also needed.

### In Conclusion

Please:

- Support HB 5409 (pet shops) WITH PROPOSED AMENDMENTS.
- Support HB 5446 (ACO training; ACO access to APCP vouchers).

**House debate - June 2, 2009.**

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.

**Senate debate - April 30, 2009.**

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 found -- found to have hip dysplasia, you'll actually have six months to 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.

GEORGE C. JEPSEN  
ATTORNEY GENERAL



55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Office of The Attorney General  
State of Connecticut

February 17, 2012  
Hon. Martin M. Looney  
State Senator  
State Capitol  
Hartford, Connecticut 06106-1591

Dear Senator <sup>Marty</sup>Looney:

You have asked whether in my office's opinion Conn. Gen. Stat. §22-344b manifests an intent by the legislature to require a consumer to return a dog or cat to the pet shop from which it was purchased to obtain reimbursement for veterinary bills for a sick pet sold by that shop. We conclude that the legislature did not intend for the consumer to be so obligated under the statute to obtain reimbursement for the qualifying veterinary bills.

Section 22-344b provides remedies for consumers who purchase from a pet shop dogs or cats that become ill or die, or are diagnosed with congenital defects. Specifically,

(b) If, (1) within twenty 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, or (2) within six months of sale, any such dog or cat is diagnosed with a congenital defect that adversely affects or will adversely affect the health of such dog or cat, such 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: (A) In the case of illness or such congenital defect, upon return of the dog or cat to the pet shop and the receipt of a certificate from a veterinarian licensed under chapter 384 and selected by the consumer, stating that the dog or cat is ill from a condition which existed at the time of sale, or suffers from such congenital defect, and (B) in the case of death, the receipt of a certificate from a veterinarian licensed under chapter 384 and selected by the consumer, stating that the dog or cat died from an illness or a congenital defect which existed

February 17, 2012  
Hon. Martin M. Looney  
Page 2

at the time of sale. *Any costs for services and medications provided by a licensed veterinarian incurred by the consumer for such illness or such congenital defect shall be reimbursed to the consumer by such licensee in an amount not to exceed five hundred dollars.* The presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and the return of such 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 licensee or such licensee's agent or employee. A licensee shall not be subject to the obligations imposed by this subsection for the sale of a cat where such cat has been spayed or neutered prior to its sale.

Conn. Gen. Stat. §22-344b(b) (Emphasis added.)

We begin with the requirement that the meaning of a statute must be ascertained from the text of the statute itself in the first instance and its relationship to other statutes. Conn. Gen. Stat. §1-2z. The language used by the legislature is plain. "Any costs for services and medications provided by a licensed veterinarian incurred by the consumer for such illness or such congenital defect shall be reimbursed to the consumer by such licensee in an amount not to exceed five hundred dollars." Unlike the pet shop's obligation to provide a replacement pet or a refund for the purchase price of a sick pet "upon return of the dog or cat to the pet shop," Conn. Gen. Stat. §22a-344b(b)(A), the obligation to pay for veterinary bills is not conditioned on the return of the pet. If the legislature had intended that the consumer must return the pet to obtain the reimbursement of veterinary costs, it would have said that the costs shall be reimbursed upon return of the dog or cat. It did not. The veterinarian cost reimbursement provision sets forth a remedy--the "reimbursement" of veterinarian bills for such illness or such congenital defect--distinct from the previously provided remedies of replacement of the dog or cat or a refund of the purchase price, further supporting a conclusion that the legislature wished to provide a separate remedy not dependent upon the procedural requirements for a refund or replacement.

If there were any ambiguity in the statutory text it is dispelled by resort to the legislative history of the law, which confirms that the legislature did not intend to require the consumer to return a sick dog or cat to the pet shop to obtain

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reimbursement of veterinary costs for qualifying illnesses or congenital defects. The legislature amended the statute in 1998 to provide the additional remedy of reimbursement for veterinary costs. In introducing the legislation, Senator Lovegrove stated that "this bill will require [ ] that up to \$200 in veterinarian services must be reimbursed to the consumer by the pet store operator if the consumer needs the veterinarian within, I believe it's 45 days of purchase of the animal." 41 S. Proc., Pt. 8, 1998 Sess., p. 2484, remarks of Senator Fred Lovegrove. Senator Lovegrove did not state that the pet had to be returned in order to get the reimbursement. While not conclusive, later remarks upon further amendment of the veterinarian costs provision address this question specifically.

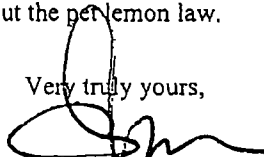
In 2009, the legislature increased the limit of reimbursement to five hundred dollars. P.A. 09-228. The following statement was made by Senator Meyer in support of the amendment: "If that pet instead of having an ordinary disease, has a congenital defect, as for examples, labradors are increasingly found to have hip dysplasia, you'll actually have six months to return your pet. If you have 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." 52 S. Proc., Pt. 19, 2009 Sess., pp. 1815-1816, remarks of Senator Edward Meyer. In the House debate, Representative Hilbert asked: "is it true that an animal need not be returned in order to collect the reimbursement for veterinarian bills?" Representative Camillo replied "yes." 52 H.R. Proc., Pt. 29, 2009 Sess., pp. 9429- 9430. There can be no question but that the legislature intended that the pet need not be returned in order to obtain a reimbursement for qualifying veterinary costs.

Finally, we note that the law is a remedial statute designed to protect consumers. "[R]emedial statutes should be construed liberally in favor of those whom the law is intended to protect." *Dysart Corp. v. Seaboard Sur. Co.*, 240 Conn. 10, 18 (1997). Construing the statute not to require a consumer, who has become attached to the pet but has been saddled with veterinary bills, to return the pet to get reimbursement of veterinary costs is more protective of consumers and presumably the legislature's intent.

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We trust that this answers your question and we remain available to address any other questions you may have about the per lemon law.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Jepsen", written over the typed name.

GEORGE JEPSEN  
ATTORNEY GENERAL

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HOUSE**

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Are there any announcements or points of personal privilege?

Representative Hewett of the 39th. Hearing none, will the Clerk please call Calendar Number 302.

THE CLERK:

On Page 14, Calendar 302, substitute for House Bill Number 5409, AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES. Favorable report by the Committee on the Environment.

DEPUTY SPEAKER RYAN:

Representative Davis of the 117th, sir, you have the floor.

REP. DAVIS (117th):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the Bill.

DEPUTY SPEAKER RYAN:

The question is the Joint Committee's favorable report and passage of the Bill. Will you remark?

Representative Davis.

REP. DAVIS (117th):

Mr. Speaker, the Clerk is in possession of an amendment, LCO 4530. I would request that the Clerk

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please call the amendment and I be permitted to summarize.

DEPUTY SPEAKER RYAN:

Will the Clerk please call LCO 4530 which will be designated House Amendment Schedule "A".

THE CLERK:

LCO 4530, House "A", offered by Representatives Chapin, Davis, et al.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Davis, you have the floor.

REP. DAVIS (117th):

Thank you, Mr. Speaker. Mr. Speaker, the amendment is a strike all amendment which will become the Bill. The amendment does several things -- it clarifies an option that requires a consumer to be reimbursed by a licensed seller up to \$500 for veterinary treatment of a newly purchased dog or cat that becomes sick or has a genetic defect; it requires posting of a statement of a customer rights under the Pet Lemon Law in a pet shop as well as a printed copy given to the consumer; it permits the Commissioner to

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issue fines of up to \$500 for failing to maintain sanitary and/or humane conditions in a commercial kennel, pet shop, grooming or training facility; it updates the grandfathering ownership of our wild animal statutes for small primates from 2003 to 2010; and, it removes from consideration under the wild animal statutes four small mammals which have been traditionally treated as pets. I move adoption.

DEPUTY SPEAKER RYAN:

Question before the chamber is adoption of House Amendment Schedule "A". Will you remark on the amendment? Do you want to remark further, Representative Davis?

REP. DAVIS (117th):

Yes, Mr. Speaker. Mr. Speaker, I would like to acknowledge and thank the distinguished Ranking Member of the Environment Committee, Representative Chapin of the 67th for his leadership and hard work on this amendment. This is a consumer-friendly amendment that resulted from a bipartisan effort. I urge my colleagues to joint in supporting its adoption as well as passage of the underlying Bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

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Thank you, Representative.

Representative Chapin of the 67th.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I also rise in support of the amendment before us and hopefully once adopted the Bill as amended. As the proponent said, it has been the product of a lot of discussions both with members of the Regs Review Committee which dealt with some of these issues, as well as the advocates and the -- both agencies that are involved. I think it's an excellent compromise that we have before us this evening and I would encourage my colleagues to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the amendment?

Representative Kupchick of the 132nd.

REP. KUPCHICK (132nd):

Thank you, Mr. Speaker. I rise in strong support of this Bill. I also was very interested in this Bill as it moved through the committee phase and also when it came to the House. Essentially what it does, is allow individuals to receive some money back for veterinarian care should and animal that they

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purchased become ill. It allows them to also keep the pet because many times we know, people who adopt or who buy an animal, even if it does get sick after six months or whatever period of time, they bonded with the animal and they don't want to return it to the pet store, they want to keep it. So, I think it's a very good Bill and I urge my colleagues to support it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the amendment before us? Will you remark further?

Representative Lavielle of the 143rd.

REP. LAVIELLE (143rd):

Thank you very much, Mr. Speaker. I too rise in very, very strong support of this amendment. Again, for the reason that when people have a -- when they have a dog or a cat that they buy and it becomes ill, not only do they want to keep the dog or the cat sometimes, but the dog or the cat wants to stay with them. And, it's very important and it allows them to do that. So, I urge everyone in the chamber to support it. Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you, Mr. Speaker. I'd like one question to the proponent of the amendment?

DEPUTY SPEAKER RYAN:

Representative Davis would you prepare yourself.

Could I ask the chamber to lower the noise level so that Representative Davis can hear the question?

Thank you.

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Through you, to the proponent of the amendment, does anything in this amendment prohibit the store from -- if they have an animal who's sick or an animal who has a congenital defect, giving it to somebody without -- if the person getting it accepts it? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Davis.

REP. DAVIS (117th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I just want to make sure because if a pet store has a sick animal or has an animal that has a congenital defect, there may be somebody who wants to take care of that animal and I'd much rather see an animal like that have an opportunity to have a home, than to be put down or something like that. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Urban of the 43rd.

REP. URBAN (43rd):

Thank you, Mr. Speaker. And, a lot of work went into this amendment, Mr. Speaker. A lot of people worked very hard on it to really get it right this time and our hope is that this amendment when it comes into law will focus on the health of the animals that our pet shops and in some way mitigate some of the puppy mill activity and have really good, healthy animals in the State of Connecticut. So, I urge my colleagues to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the amendment before

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us? Will you remark further?

If not, I will try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed Nay.

The Ayes have it and 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. Will the members take your seats? The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER RYAN:

Have all the members voted? Have all the members voted? Will the members please check the board to determine if the vote is properly cast? If all members have voted the machine will be locked, the Clerk will take a tally.

Clerk please announce the tally.



THE CLERK:

House Bill 5409, as amended by House "A".

Total number voting	142
Necessary for adoption	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER RYAN:

The Bill as amended is passed.

Mr. Clerk, would you be so kind as to call  
Calendar 459.

THE CLERK:

On Page 30, Calendar 459, substitute for Senate  
Bill Number 114, AN ACT CONCERNING SERVICES FOR  
VETERANS IN PRETRIAL DIVERSIONARY PROGRAMS. Favorable  
report by the Committee on the Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Veterans  
Committee, Representative Hennessey.

REP. HENNESSY (127th):

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:

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Thank you, Madam President.

On calendar page 23, Calendar 485, House Bill 5237. Madam President, move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 25, Calendar 497, House Bill 5512. Move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On calendar page 26, Calendar 502, House Bill 5497. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also on calendar page 26, Calendar 503, House Bill 5409. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

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On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

Immediate roll call has been ordered in the Senate. Will senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

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Total Number Voting	35	
Necessary for passage	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or announcements? Are there any points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or points of personal privilege, we will, of course, be in session tomorrow -- or actually it's later today but -- but not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will have a -- announce the Democratic caucus at eleven followed by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at 12:32 a.m. adjourned subject to the call of the chair.