



HAWAII CONSIDERS PUPPY WARRANTY LAW

****HEARING SET FOR JAN. 31st****

The Issue:

With very limited notice, the House Committee on Economic Revitalization and Business has scheduled a hearing on legislation to establish a statutory warranty for dogs sold by pet shops and kennels. [House Bill 2161](#) would require such sellers to warranty the sale of dogs that were “unfit for purchase” due to an illness or congenital condition. Buyers would be entitled to seek a refund or recover veterinary costs up to the original purchase price of the dog. A hearing on this bill has been scheduled for Tuesday, January 31, 2012.

The Impact:

Sellers subject to this bill are pet shops or kennels that sold two or more litters of dogs to the public in the preceding calendar year. Such persons would be required to provide buyers with a health record for the animal at time of sale which includes medical history and origin of the dog. The seller must also certify that the dog is free of any apparent contagious illness or congenital or hereditary defect.

Under warranty provisions of HB 2161, if a veterinarian certifies within 10 business days of sale that a dog was unfit for purchase because it became ill or died as a result of a condition that existed at the time of sale, the buyer would be entitled to his or her choice of remedy as follows:

- Return the dog to the retail pet store for a full refund of the purchase price
- Exchange the dog for another dog of comparable value, if available **OR**
- Keep the dog and recover the cost of reasonable veterinary fees for “curing or attempting to cure” the dog, provided that fees may not exceed the original purchase price of the dog. If the veterinarian determines that the condition is not curable then this option is not available to the buyer.

In order for buyers to recover under the warranty they would be required to provide written certification of the veterinarian’s findings to the seller; notify the seller of the veterinarian’s name, address and phone number within 2 business days of the examination; and carry out all treatment for the dog that was recommended by the examining veterinarian.

Sellers are entitled to contest findings of a veterinarian that a dog they sold was unfit, and buyers are required on request to produce the animal within 2 business days (unless the dog is hospitalized at the time) for an examination by the seller's own veterinarian. If buyer and seller are unable to reach an agreement as to applicability of the warranty, either party would be entitled under this bill to initiate a court action.

The bill also includes a provision requiring that any seller of a dog sold as registrable with a pedigree-registry organization must produce registration papers within 120 days of sale. Failure to do so will entitle the buyer to return the dog for a full refund or keep the animal and receive a refund of 50% of the purchase price.

PIJAC Position:

Responsible pet stores generally provide warranties on the puppies they sell, even without a statutory mandate. Any statutory warranty, however, should be limited to conditions that existed at the time of sale, should not mandate excessive reimbursements, and should include appropriate due process provisions to ensure that the statute is not abused.

Recommended Action:

[HB 2161](#) is scheduled to be heard by the House Economic Revitalization and Business Committee in Hearing Room 312 at 8:30 a.m. on January 31, 2012. PIJAC urges all persons impacted by this bill to [contact members of the committee](#) to communicate your concerns, and to attend this hearing in order to testify on the measure.

PIJAC also welcomes input from breeders and pet stores affected by this bill. While scheduling of this hearing was made with relatively little notice, it is only one step in the legislative process. Regardless of the outcome of the hearing, there will be further opportunity for input prior to any final adoption of the bill. PIJAC will issue an updated alert with any change in status of HB 2161, and further recommendation for action. Please feel free to contact PIJAC's Michael Maddox at 202-452-1525 or via email at michael@pijac.org with any questions or concerns you may have about this or other legislation of interest.

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The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!