

By: Representative Davis

To: Public Health and Human
Services

HOUSE BILL NO. 989

1 AN ACT TO PROVIDE PROTECTION FOR PURCHASERS OF PET DOGS AND
2 CATS; TO SET FORTH REQUIREMENTS THAT DISCOURAGE THE SALES OF ILL
3 OR DEFECTIVE PET DOGS AND CATS WITHIN THIS STATE; TO PROVIDE THAT
4 DOGS AND CATS TRANSPORTED INTO THIS STATE FOR SALE, OR OFFERED FOR
5 SALE WITHIN THIS STATE, MUST HAVE CERTAIN HEALTH TESTS AND
6 VACCINES; TO REQUIRE THAT A DOG OR CAT OFFERED FOR SALE MUST BE
7 ACCOMPANIED BY A CURRENT OFFICIAL CERTIFICATE OF VETERINARY
8 INSPECTION, A COPY OF WHICH MUST BE GIVEN TO THE PURCHASER OF THE
9 DOG OR CAT; TO PROVIDE REMEDIES FOR THE PURCHASER OF A DOG OR CAT
10 THAT IS SHOWN TO BE UNFIT FOR PURCHASE DUE TO ILLNESS OR DISEASE;
11 TO PROVIDE THAT IF A PET DEALER CONTESTS A DEMAND FOR REMEDIES
12 UNDER THIS ACT, THE DEALER MAY REQUIRE THE PURCHASER TO PRODUCE
13 THE ANIMAL FOR EXAMINATION BY A LICENSED VETERINARIAN DESIGNATED
14 BY THE DEALER; TO REQUIRE THAT EVERY PET DEALER WHO SELLS A PET
15 DOG OR CAT TO A CONSUMER MUST PROVIDE A WRITTEN NOTICE DESCRIBING
16 THE PROTECTIONS AVAILABLE TO THE CONSUMER; TO SET FORTH
17 DEFINITIONS; TO EXEMPT NONPROFIT OR LOCAL GOVERNMENTAL ANIMAL
18 CONTROL OR RESCUE ORGANIZATIONS FROM THE PROVISIONS OF THIS ACT;
19 TO SET FORTH PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
20 PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1.** (1) It is the intent of the Mississippi State
23 Legislature to protect citizens of this state who purchase pet
24 dogs and cats, by discouraging the sales of ill or defective pet
25 dogs and cats within the state.

26 (2) The provisions of this act shall be known and may be
27 cited as the Noel Pet Protection Act.

28 **SECTION 2.** (1) (a) For each dog transported into the state
29 for sale, the tests, vaccines, and anthelmintics required by this
30 section must be administered by or under the direction of a
31 veterinarian, licensed by the state of origin and accredited by
32 the United States Department of Agriculture, who issues the
33 official certificate of veterinary inspection. The tests,
34 vaccines, and anthelmintics must be administered no more than
35 thirty (30) days and no less than fourteen (14) days before the
36 dog's entry into the state. The official certificate of

37 veterinary inspection certifying compliance with this section must
38 accompany each dog transported into the state for sale.

39 (b) For each dog offered for sale within the state, the
40 tests, vaccines, and anthelmintics required by this section must
41 be administered by or under the direction of a veterinarian,
42 licensed by the state and accredited by the United States
43 Department of Agriculture, who issues the official certificate of
44 veterinary inspection. The tests, vaccines, and anthelmintics
45 must be administered before the dog is offered for sale in the
46 state, unless the licensed, accredited veterinarian certifies on
47 the official certificate of veterinary inspection that to
48 inoculate or deworm the dog is not in the best medical interest of
49 the dog, in which case the vaccine or anthelmintic may not be
50 administered to that particular dog. Each dog must receive
51 vaccines and anthelmintics against the following diseases and
52 internal parasites:

- 53 (i) Canine distemper;
- 54 (ii) Leptospirosis;
- 55 (iii) Bordetella (by intranasal inoculation or by
56 an alternative method of administration if deemed necessary by the
57 attending veterinarian and noted on the health certificate, which
58 must be administered in this state once before sale);
- 59 (iv) Parainfluenza;
- 60 (v) Hepatitis;
- 61 (vi) Canine parvo;
- 62 (vii) Rabies, provided the dog is over three (3)
63 months of age and the inoculation is administered by a licensed
64 veterinarian;
- 65 (viii) Roundworms; and
- 66 (ix) Hookworms.

67 If the dog is under four (4) months of age, the tests,
68 vaccines, and anthelmintics required by this section must be
69 administered no more than twenty-one (21) days before sale within

70 the state. If the dog is four (4) months of age or older, the
71 tests, vaccines, and anthelmintics required by this section must
72 be administered at or after three (3) months of age, but no more
73 than one (1) year before sale within the state.

74 (2) (a) For each cat transported into the state for sale,
75 the tests, vaccines, and anthelmintics required by this section
76 must be administered by or under the direction of a veterinarian,
77 licensed by the state of origin and accredited by the United
78 States Department of Agriculture, who issues the official
79 certificate of veterinary inspection. The tests, vaccines, and
80 anthelmintics must be administered no more than thirty (30) days
81 and no less than fourteen (14) days before the cat's entry into
82 the state. The official certificate of veterinary inspection
83 certifying compliance with this section must accompany each cat
84 transported into the state for sale.

85 (b) For each cat offered for sale within the state, the
86 tests, vaccines, and anthelmintics required by this section must
87 be administered by or under the direction of a veterinarian,
88 licensed by the state and accredited by the United States
89 Department of Agriculture, who issues the official certificate of
90 veterinary inspection. The tests, vaccines, and anthelmintics
91 must be administered before the cat is offered for sale in the
92 state, unless the licensed, accredited veterinarian certifies on
93 the official certificate of veterinary inspection that to
94 inoculate or deworm the cat is not in the best medical interest of
95 the cat, in which case the vaccine or anthelmintic may not be
96 administered to that particular cat. Each cat must receive
97 vaccines and anthelmintics against the following diseases and
98 internal parasites:

99 (i) Panleukopenia;

100 (ii) Feline viral rhinotracheitis;

101 (iii) Calici virus;

102 (iv) Rabies, if the cat is over three (3) months
103 of age and the inoculation is administered by a licensed
104 veterinarian;

105 (v) Hookworms; and

106 (vi) Roundworms.

107 If the cat is under four (4) months of age, the tests,
108 vaccines, and anthelmintics required by this section must be
109 administered no more than twenty-one (21) days before sale within
110 the state. If the cat is four (4) months of age or older, the
111 tests, vaccines, and anthelmintics required by this section must
112 be administered at or after three (3) months of age, but no more
113 than one (1) year before sale within the state.

114 (3) (a) Each dog or cat subject to subsections (1) or (2)
115 must be accompanied by a current official certificate of
116 veterinary inspection at all times while being offered for sale
117 within the state. The examining veterinarian must retain one (1)
118 copy of the official certificate of veterinary inspection on file
119 for at least one (1) year after the date of examination. At the
120 time of sale of the animal, one (1) copy of the official
121 certificate of veterinary inspection must be given to the buyer.
122 The seller must retain one (1) copy of the official certificate of
123 veterinary inspection on record for at least one (1) year after
124 the date of sale.

125 (b) The term "official certificate of veterinary
126 inspection" means a legible certificate of veterinary inspection
127 signed by the examining veterinarian licensed by the state of
128 origin and accredited by the United States Department of
129 Agriculture, that shows the age, sex, breed, color, and health
130 record of the dog or cat, the printed or typed names and addresses
131 of the person or business from whom the animal was obtained, the
132 consignor or seller, the consignee or purchaser, and the examining
133 veterinarian, and the veterinarian's license number. The official
134 certificate of veterinary inspection must list all vaccines and

135 deworming medications administered to the dog or cat, including
136 the manufacturer, vaccine, type, lot number, expiration date, and
137 the dates of administration thereof, and must state that the
138 examining veterinarian warrants that, to the best of his or her
139 knowledge, the animal has no sign of contagious or infectious
140 diseases and has no evidence of internal or external parasites,
141 including coccidiosis and ear mites, but excluding fleas and
142 ticks. The Mississippi Department of Agriculture and Commerce
143 shall supply the official intrastate certificate of veterinary
144 inspection required by this section for a reasonable fee not to
145 exceed the actual cost of providing the certificate.

146 (c) The examination of each dog and cat by a
147 veterinarian must take place no more than thirty (30) days before
148 the sale within the state. The examination must include, but not
149 be limited to, a fecal test to determine if the dog or cat is free
150 of internal parasites, including hookworms, roundworms, tapeworms,
151 and whipworms. If the examination warrants, the dog or cat must
152 be treated with a specific anthelmintic. In the absence of a
153 definitive parasitic diagnosis, each dog or cat must be given a
154 broad spectrum anthelmintic. Each dog over six (6) months of age
155 must also be tested for heartworms. Each cat must also be tested
156 for feline leukemia before being offered for sale in the state.
157 All of these tests must be performed by or under the supervision
158 of a licensed veterinarian, and the results of the tests must be
159 listed on the official certificate of veterinary inspection.

160 (d) All dogs and cats offered for sale and copies of
161 certificates held by the seller and veterinarian are subject to
162 inspection by any agent of the Mississippi Department of
163 Agriculture and Commerce, any agent of the United States
164 Department of Agriculture, or any state or local law enforcement
165 officer.

166 (4) A person may not transport into the state for sale or
167 offer for sale within the state any dog or cat that is less than
168 eight (8) weeks of age.

169 (5) If, within fourteen (14) days following the sale by a
170 pet dealer of an animal subject to this section, a licensed
171 veterinarian of the consumer's choosing certifies that, at the
172 time of the sale, the animal was unfit for purchase due to illness
173 or disease, the presence of symptoms of a contagious or infectious
174 disease, or the presence of internal or external parasites,
175 excluding fleas and ticks; or if, within one (1) year following
176 the sale of an animal subject to this section, a licensed
177 veterinarian of the consumer's choosing certifies such animal to
178 be unfit for purchase due to a congenital or hereditary disorder
179 which adversely affects the health of the animal; or if, within
180 one (1) year following the sale of an animal subject to this
181 section, the breed, sex, or health of such animal is found to have
182 been misrepresented to the consumer, the pet dealer shall afford
183 the consumer the right to choose one (1) of the following options:

184 (a) The right to return the animal and receive a refund
185 of the purchase price, including the sales tax, and reimbursement
186 for reasonable veterinary costs directly related to the
187 veterinarian's examination and certification that the dog or cat
188 is unfit for purchase under this section and directly related to
189 necessary emergency services and treatment undertaken to relieve
190 suffering;

191 (b) The right to return the animal and receive an
192 exchange dog or cat of the consumer's choice of equivalent value,
193 and reimbursement for reasonable veterinary costs directly related
194 to the veterinarian's examination and certification that the dog
195 or cat is unfit for purchase under this section and directly
196 related to necessary emergency services and treatment undertaken
197 to relieve suffering; or

198 (c) The right to retain the animal and receive
199 reimbursement for reasonable veterinary costs for necessary
200 services and treatment related to the attempt to cure or curing of
201 the dog or cat.

202 Reimbursement for veterinary costs may not exceed the
203 purchase price of the animal. The cost of veterinary services is
204 reasonable if comparable to the cost of similar services rendered
205 by other licensed veterinarians in proximity to the treating
206 veterinarian and the services rendered are appropriate for the
207 certification by the veterinarian.

208 (6) A consumer may sign a waiver relinquishing his or her
209 right to return the dog or cat for congenital or hereditary
210 disorders. In the case of such waiver, the consumer has
211 forty-eight (48) normal business hours, excluding weekends and
212 holidays, in which to have the animal examined by a licensed
213 veterinarian of the consumer's choosing. If the veterinarian
214 certifies that, at the time of sale, the dog or cat was unfit for
215 purchase due to a congenital or hereditary disorder, the pet
216 dealer must afford the consumer the right to choose one (1) of the
217 following options:

218 (a) The right to return the animal and receive a refund
219 of the purchase price, including sales tax, but excluding the
220 veterinary costs related to the certification that the dog or cat
221 is unfit; or

222 (b) The right to return the animal and receive an
223 exchange dog or cat of the consumer's choice of equivalent value,
224 but not a refund of the veterinary costs related to the
225 certification that the dog or cat is unfit.

226 (7) A pet dealer may specifically state at the time of sale,
227 in writing to the consumer, the presence of specific congenital or
228 hereditary disorders, in which case the consumer has no right to
229 any refund or exchange for those disorders.

230 (8) The refund or exchange required by subsections (5) or
231 (6) shall be made by the pet dealer not later than ten (10)
232 business days following receipt of a signed veterinary
233 certification as required in subsections (5) or (6). The consumer
234 must notify the pet dealer within two (2) business days after the
235 veterinarian's determination that the animal is unfit. The
236 written certification of unfitness must be presented to the pet
237 dealer not later than three (3) business days following receipt
238 thereof by the consumer.

239 (9) An animal may not be determined unfit for sale on
240 account of an injury sustained or illness contracted after the
241 consumer takes possession of the animal. A veterinary finding of
242 intestinal or external parasites is not grounds for declaring a
243 dog or cat unfit for sale unless the animal is clinically ill
244 because of that condition.

245 (10) If a pet dealer wishes to contest a demand for
246 veterinary expenses, refund, or exchange made by a consumer under
247 this section, the dealer may require the consumer to produce the
248 animal for examination by a licensed veterinarian designated by
249 the dealer. Upon such examination, if the consumer and the dealer
250 are unable to reach an agreement that constitutes one (1) of the
251 options set forth in subsections (5) or (6) within ten (10)
252 business days following receipt of the animal for such
253 examination, the consumer may initiate an action in a court of
254 competent jurisdiction to recover or obtain reimbursement of
255 veterinary expenses, refund, or exchange.

256 (11) This section does not in any way limit the rights or
257 remedies that are otherwise available to a consumer under any
258 other law.

259 (12) Every pet dealer who sells an animal to a consumer must
260 provide the consumer at the time of sale with a written notice,
261 printed or typed, which reads as follows:

262 It is the consumer's right, under the provisions of
263 House Bill No. 989, 2005 Regular Session, to receive a
264 certificate of veterinary inspection with each dog or
265 cat purchased from a pet dealer. Such certificate shall
266 list all vaccines and deworming medications administered
267 to the animal and shall state that the animal has been
268 examined by a Mississippi licensed veterinarian who
269 certifies that, to the best of the veterinarian's
270 knowledge, the animal was found to have been healthy at
271 the time of the veterinary examination. In the event
272 that the consumer purchases the animal and finds it to
273 have been unfit for purchase as provided in House Bill
274 No. 989, 2005 Regular Session, the consumer must notify
275 the pet dealer within two (2) business days of the
276 veterinarian's determination that the animal was unfit.
277 The consumer has the right to retain, return, or
278 exchange the animal and receive reimbursement for
279 certain related veterinary services rendered to the
280 animal, subject to the right of the dealer to have the
281 animal examined by another veterinarian.

282 (13) (a) Any seller or pet dealer who advertises or
283 otherwise represents that a dog or cat is registered or
284 registerable shall provide the purchaser of the dog or cat with
285 the following information at the time of sale:

- 286 (i) The breeder's name and address;
287 (ii) The name and registration number of the dam
288 and sire of the purchased dog's or cat's litter; and
289 (iii) The name and address of the pedigree
290 registry organization where the dam and sire are registered.

291 (b) All documentation necessary to effect the
292 registration of the dog or cat shall be provided by the seller or
293 pet dealer to the owner within forty-five (45) days of the date of
294 sale. The forty-five-day period may be extended by the seller or

295 pet dealer if the dog or cat is being imported from outside the
296 United States by notifying the purchaser in writing of the reason
297 for the extension and a reasonable estimate of the arrival date of
298 the registration documents.

299 (c) If the seller or pet dealer fails to provide this
300 documentation within forty-five (45) days of the date of sale or
301 fails to notify the purchaser of an extension under paragraph (b)
302 of this subsection, the purchaser may elect one (1) of the
303 following remedies:

304 (i) Return the dog or cat and receive a full
305 refund of the purchase price, including sales tax.

306 (ii) Retain the dog or cat and receive a refund
307 from the seller in an amount equal to fifty percent (50%) of the
308 purchase price.

309 (14) For the purposes of this act, the following terms shall
310 have the definitions set forth in this subsection:

311 (a) "Business day" means any day which is not a
312 Saturday, Sunday or state or local legal holiday; and

313 (b) "Pet dealer" means any person, firm, partnership,
314 corporation, or other association which, in the ordinary course of
315 business, engages in the sale of more than two (2) litters, or
316 twenty (20) dogs or cats, per year, whichever is greater, to the
317 public. This definition includes breeders of animals who sell
318 such animals directly to a consumer.

319 (15) The State Attorney General may bring an action to
320 enjoin any violator of this section from being a pet dealer.

321 (16) Any animal control or rescue agency of a county or
322 municipality and any nonprofit humane organizations are exempt
323 from the provisions of this section.

324 (17) A pet dealer may not knowingly misrepresent the breed,
325 sex, or health of any dog or cat offered for sale within the
326 state.

327 (18) A person who violates any provision of this section,
328 upon conviction, shall be guilty of a misdemeanor, punishable by
329 up to one (1) year in the county jail or a fine of Five Thousand
330 Dollars (\$5,000.00) or both.

331 **SECTION 3.** This act shall take effect and be in force from
332 and after its passage.