

1999 ASSEMBLY BILL 856

March 8, 2000 – Introduced by Representatives ALBERS, PLALE, GUNDERSON, SKINDRUD and OLSEN, cosponsored by Senator ROSENZWEIG. Referred to Committee on Consumer Affairs.

1 **AN ACT to create** 134.54 of the statutes; **relating to:** the sale of puppies and
2 kittens.

Analysis by the Legislative Reference Bureau

This bill imposes certain requirements on persons who sell puppies and kittens that are less than six months old. A seller is subject to these requirements if, during the previous year, the seller has sold more than 20 puppies or kittens, or both, or has sold puppies or kittens, or both, from more than two litters. Under the bill, the seller must disclose in writing to the purchaser at the time of sale a medical history of the animal and the types of inoculations that it has received. The regulated seller must also disclose the nature of any congenital or hereditary defect that the animal has.

The bill provides certain options to a purchaser if the puppy or kitten suffers or dies from a contagious or infectious disease or if the puppy or kitten suffers or dies from a congenital or hereditary defect that the seller did not disclose. In order to be eligible to chose one of these options, the purchaser must obtain written verification of the disease or defect from a veterinarian. The purchaser must also deliver the documentation to the seller within 14 days after the sale if the health problem is a contagious or infectious disease and within 180 days if the health problem is an undisclosed congenital or hereditary defect.

The purchaser who obtains the necessary verification from a veterinarian and who delivers it to the seller within the applicable time limit may either keep the animal and be reimbursed by the seller for the veterinary cost of treatment, exchange the animal for another provided by the seller, or return the animal and be reimbursed by the seller for the purchase price. In each instance, the seller must also reimburse

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the purchaser for the veterinary costs for verifying the disease or defect and certain other costs for medical treatment. However, under the bill, the maximum amount that a seller must reimburse a purchaser is an amount equal to twice the purchase price of the animal.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 134.54 of the statutes is created to read:

2 **134.54 Sale of puppies and kittens. (1) DEFINITIONS.** In this section:

3 (a) “Kitten” means a cat under the age of 6 months.

4 (b) “Puppy” means a dog under the age of 6 months.

5 (c) “Purchase price” includes any sales tax paid at the time of purchase.

6 (d) “Seller” means a person who has sold, or offered for sale, either of the
7 following:

8 1. More than 20 puppies or kittens, or a combination thereof, during the year
9 preceding the date of the sale.

10 2. Puppies or kittens, or a combination thereof, from more than 2 litters during
11 the year preceding the date of the sale.

12 (e) “Veterinarian” means a person who is licensed as a veterinarian in this or
13 another state.

14 **(2) DISCLOSURES; ACCEPTANCE.** A seller shall deliver to each purchaser of a puppy
15 or kitten at the time of sale written documentation disclosing all of the following:

16 (a) The medical history of the puppy or kitten and any inoculations the puppy
17 or kitten has received.

18 (b) A statement as to whether the puppy or kitten has any congenital or
19 hereditary defect, and if so, the nature of the congenital or hereditary defect.

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1 **(3) IDENTIFICATION OF HEALTH PROBLEMS.** (a) A purchaser of a puppy or kitten
2 from a seller may elect a remedy under sub. (4) if the purchaser does all of the
3 following:

4 1. Has a veterinarian determine that the puppy or kitten died or suffers from
5 a contagious or infectious disease and has the veterinarian prepare a written
6 statement attesting to that determination.

7 2. Provides the written statement prepared under subd. 1. to the seller within
8 14 days after the date of purchase of the puppy or kitten.

9 (b) A purchaser of a puppy or kitten from a seller may elect a remedy under sub.
10 (4) if the purchaser does all of the following:

11 1. Has a veterinarian determine that the puppy or kitten died or suffers from
12 a congenital or hereditary defect that was not disclosed under sub. (2) and has the
13 veterinarian prepare a written statement attesting to that determination.

14 2. Provides the written statement prepared under subd. 1. to the seller within
15 180 days after the date of purchase of the puppy or kitten.

16 **(4) REMEDIES.** (a) A purchaser to whom sub. (3) (a) or (b) applies may elect one
17 of the following remedies:

18 1. If the purchaser decides to keep the puppy or kitten, the seller shall
19 reimburse the purchaser an amount equal to the sum of the fees incurred in having
20 a veterinarian determine that the puppy or kitten had the disease or defect and in
21 providing medically necessary treatment of the disease or defect.

22 2. If the purchaser decides to return the puppy or kitten, the seller shall
23 reimburse the purchaser an amount equal to the sum of the purchase price, the fees
24 incurred in having a veterinarian determine that the puppy or kitten had the disease

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1 or defect and any fees incurred in providing medically necessary treatment of the
2 disease or defect before the purchaser can reasonably return the puppy or kitten.

3 3. If the purchaser decides to exchange the puppy or kitten for another puppy
4 or kitten offered by the seller, the seller shall reimburse the purchaser an amount
5 equal to the sum of the fees incurred in having a veterinarian determine that the
6 puppy or kitten had the disease or defect and the fees incurred in providing medically
7 necessary treatment of the disease or defect before the purchaser can reasonably
8 exchange the puppy or kitten.

9 (b) The amount reimbursed by the seller under par. (a) may not exceed an
10 amount equal to twice the purchase price.

11 **SECTION 2. Effective date.**

12 (1) This act takes effect on the first day of the seventh month beginning after
13 publication.

14 (END)