H.50

Introduced by Representative Bartholomew of Hartland

Referred to Committee on

Date:

Subject: Public safety; welfare of animals; sale of dogs and cats

Statement of purpose of bill as introduced: This bill proposes to amend requirements for the welfare of animals and the sale of dogs and cats.

An act relating to the sale, transfer, or importation of pets

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. § 3541 is amended to read:

§ 3541. DEFINITIONS

As used in this chapter:

* * *

(10) "Pet dealer" means any person who sells, exchanges, or donates or who offers to sell, exchange, or donate three or more litters of cats, dogs, or wolf-hybrids in a twelve-month period to consumers for monetary consideration.

~~Sec. 2. 20 V.S.A. § 3550 is amended to read:~~

§ 3550. PENALTIES; ENFORCEMENT; MUNICIPAL LEGISLATIVE BODY; ~~COMMISSIONER~~ SECRETARY

(a) A municipal legislative body or an officer designated by the ~~commissioner~~ Secretary ~~may~~ shall impose a civil penalty of up to $500.00 per violation in accordance with the provisions of this section.

* * *

Sec. 3. 20 V.S.A. § 3681 is amended to read:

§ 3681. KENNEL PERMIT

~~The owner or keeper of two or more domestic pets or wolf-hybrids four months of age or older kept for sale or for breeding purposes, except for his or her own use,~~ A pet dealer shall apply to the municipal clerk of the town or city in which the ~~domestic pets~~ cats, dogs, or wolf-hybrids are kept for a kennel permit to be issued on forms prescribed by the ~~commissioner~~ Secretary and pay the clerk a fee of $10.00 for the same. The provisions of subchapters 1, 2, and 4 of this chapter not inconsistent with this subchapter~~,~~ shall apply to the permit which shall be in addition to other permits required. A kennel permit shall expire on March 31 next after issuance~~,~~ and shall be displayed prominently on the premises on which the ~~domestic pets~~ cats, dogs, or wolf-hybrids are kept. If the permit fee is not paid by April 1, the owner or keeper may thereafter procure a permit for that license year by paying a fee of

~~50 percent in excess of that otherwise required. Municipal clerks shall~~ maintain a record of the type of animals being kept by the permit holder. Upon issuance of the kennel permit, the municipal clerk shall provide the pet dealer with a copy of the Animal Welfare Regulations relating to cats, dogs, and wolf-hybrids adopted by the Agency of Agriculture, Food and Markets.

Sec. 4. 20 V.S.A. § 3682 is amended to read:

§ 3682. INSPECTION OF PREMISES

~~These~~ The kennel premises may be inspected at any ~~reasonable~~ time between 9:00 a.m. and 5:00 p.m., including upon the issuance of the kennel permit or after the receipt of a complaint, by a law enforcement officer, a representative of the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets, a municipal animal control officer, or an officer or agent of ~~an incorporated~~ a humane society incorporated in Vermont ~~and~~ accompanied by a veterinarian licensed to practice in Vermont~~, designated by such officer, agent or agency~~. Inspections shall be conducted to ensure compliance with the Animal Welfare Regulations relating to cats, dogs, and wolf-hybrids adopted by the Agency of Agriculture, Food and Markets.

~~Sec. 5. 20 V.S.A. chapter 194 is amended to read:~~

CHAPTER 194. WELFARE OF ANIMALS; SALE OF ANIMALS

Subchapter 1. General provisions

§ 3901. DEFINITIONS

As used in this chapter, unless the context clearly requires otherwise:

(1) "Adequate feed" means the provision at suitable intervals, not exceeding 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. All foodstuff shall be served in a clean and sanitary manner.

(2) "Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

(3) "Ambient temperature" means the temperature surrounding the animal.

(4) ~~"Animal" means any dog or cat, rabbit, rodent, bird, or other warm-blooded vertebrate but shall not include horses, cattle, sheep, goats, swine, and domestic fowl.~~

(5) "Animal shelter" means a facility which is used to house or contain animals and is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to

~~animals, or other nonprofit organization devoted to the welfare, protection, and~~ humane treatment of animals.

(6) "Secretary" means the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets.

(7) ~~"Dealer"~~ "Pet dealer" means any person who sells, exchanges, or donates~~,~~ or who offers to sell, exchange, or donate ~~animals, but shall not include a person who makes disposition only of offspring from animals maintained by him only as household pets~~ three or more litters of cats, dogs, or wolf-hybrids in a twelve-month period to consumers for monetary consideration.

(8) "Euthanize" means to humanely destroy an animal by a method producing instantaneous unconsciousness and immediate death~~,~~ or by anesthesia produced by an agent which causes painless loss of consciousness and death during the loss of consciousness. "Euthanasia" means the humane destruction of animals in accordance with this subdivision.

(9) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(10) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity

~~(11) "Pet shop" means a place of retail or wholesale business, including~~ a flea market, that is not part of a private dwelling where animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

(12) "Primary enclosure" means any structure used to immediately restrict an animal or animals, excluding household pets, to a limited amount of space, such as a room, pen, cage, compartment, or hutch.

(13) "Public auction" means any place or establishment where dogs or cats are sold at auction to the highest bidder whether individually, as a group, or by weight.

(14) "Fair" means any public or privately operated facility where animals are confined for the purpose of display and/or sale or for viewing.

(15) ~~"Pet merchant" means any person who operates a pet shop or who acts as a dealer~~ "Consumer" means an individual who purchases an animal from any person licensed or registered under this chapter. A licensee or registrant under this chapter is not a consumer.

(16) "Rescue organization" means any organization that accepts more than five animals in a calendar year for the purpose of finding adoptive homes for the animals~~, and that:~~

~~(A) holds a license as a pet shop;~~

~~(B) is recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, but is not registered as an animal shelter; or~~

~~(C) is registered as an animal shelter with the agency of agriculture, food and markets under section 3903 of this title~~.

§ 3901a. SCOPE

This chapter shall not apply to horses, livestock, including cattle, sheep, goats, and swine, and domestic fowl.

Subchapter 2. Animal Welfare

§ 3902. REGISTRATION OF FAIRS

No person may operate a fair as defined under section 3901 of this title unless a certificate of registration for the fair has been granted by the ~~secretary~~ Secretary. Application for the certificate shall be made in a manner provided by the ~~secretary~~ Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked~~,~~ and may be removed for like periods upon application in the manner provided.

§ 3903. REGISTRATION OF ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

(a) No person may operate an animal shelter or rescue organization unless a certificate of registration for the animal shelter or rescue organization has been

~~granted by the secretary Secretary. Application for the certificate shall be~~ made in the manner provided by the ~~secretary~~ Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked~~,~~ and may be renewed for like periods upon application in the manner provided.

(b) An animal shelter or rescue organization registered under this chapter shall not accept an animal unless the person transferring the animal to the shelter provides the following information: the name and address of the person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.

§ 3905. PUBLIC AUCTIONS

No person may operate a public auction as defined in this chapter after the expiration of six months following the effective date of this chapter unless a license to operate the auction has been granted by the ~~secretary~~ Secretary. The license period shall be April 1 to March 31 and the license fee shall be $10.00 for each license period or part thereof.

§ 3906. LICENSING OF ~~PET MERCHANTS~~ PET SHOPS

(a) No person may transact business as a ~~pet merchant~~ pet shop, as defined in this chapter, unless a license for that purpose has been granted by the ~~secretary~~ Secretary to that person. Application for the license shall be made in

~~the manner provided by the secretary~~ Secretary~~. The license period shall be~~ April 1 to March 31 and the license fee shall be $150.00 for each license period or part thereof.

(b) [Repealed.]

§ 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

Issuance of a certificate of registration may be denied to any animal shelter, rescue organization, or fair~~,~~ or a license may be denied to any public auction~~,~~ ~~or pet merchants,~~ or pet shop or any certificate or license previously granted under this chapter~~,~~ may be revoked by the ~~secretary~~ Secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate for the purposes of this chapter~~,~~ or if the feeding, watering, sanitizing, and housing practices of the animal shelter, rescue organization, fair, public auction, ~~pet merchant~~ or pet shop, as the case may be, are not consistent with this chapter or with rules adopted under this chapter.

§ 3908. ADOPTION OF REGULATIONS

The ~~secretary~~ Secretary may as he or she deems necessary adopt, amend, revise, and repeal rules consistent with this chapter for the purpose of carrying out its purposes. The rules may include~~, but need not be limited to,~~ provisions relating to humane transportation to and from registered or licensed premises, records of purchase and sale, identification of animals, primary enclosures, housing facilities, sanitation, euthanasia, ambient temperatures, feeding,

~~watering, and adequate veterinary medical care, with respect to animals kept or~~ cared for at premises licensed or registered under this chapter. The ~~secretary~~ Secretary may at his or her discretion~~,~~ adopt in whole or in part those portions of the rules of the ~~secretary of agriculture~~ Secretary of Agriculture under Public Law 89-544, commonly known as the Laboratory Animal Welfare Act, which are consistent with the purposes of this chapter.

§ 3909. SALE OF ANIMALS BY HUMANE SOCIETY

The board of directors of an incorporated humane society shall determine the method of disposition of animals released by it. Any proceeds derived from the sale of animals by the society shall be paid to the clerk or treasurer of the humane society, and no part of the proceeds shall accrue to any individual. Proceeds from the sale of animals by any person authorized by a municipality to dispose of such animals shall revert to the treasury of the municipality.

§ 3910. EXCEPTIONS

This chapter shall not apply to any place or establishment operated as an animal hospital under the supervision of a duly licensed veterinarian in connection with the treatment, alleviation, or prevention of diseases.

§ 3911. PENALTIES

(a) Any person licensed or registered under this chapter~~,~~ who fails to provide animals under the person's care or custody with adequate food or adequate water, as defined in section 3901 of this title, or who fails to house

~~animals in the person's care or custody in a manner which is adequate for their~~ welfare~~,~~ shall be fined not more than $500.00.

(b) Any person who operates a fair or public auction~~,~~ or who transacts business as a pet ~~merchant~~ shop, animal shelter, or rescue organization without being duly licensed or without possessing a proper certificate of registration, as the case may be, as required under this chapter, or who violates any provision of this chapter or of any rule lawfully adopted under its authority for which no other penalty is provided~~,~~ shall be fined not more than $300.00 or imprisoned for not more than six months, or both.

(c) The ~~secretary~~ Secretary may assess administrative penalties under 16 V.S.A. §§ 15-17, not to exceed $1,000.00, for violations of this chapter.

§ 3912. COMMITMENT OF ANIMALS TO AGENCY OF AGRICULTURE, FOOD AND MARKETS

The ~~secretary~~ Secretary or any officer of the ~~agency~~ Agency designated by the ~~secretary,~~ Secretary may file with the court in which a person was convicted of violating the preceding section~~,~~ a petition for custody of animals in the possession of the person convicted. If the court, on due notice to that person and to any other person owning or having any interest in the animals, finds that the welfare of any of the animals so requires, the court shall order the animals committed to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. Animals committed to the ~~agency of~~

~~agriculture, food and markets~~ ~~Agency of Agriculture, Food and Markets~~ ~~may~~ be sold or euthanized, or kept in the custody of the ~~agency~~ Agency, as the ~~secretary~~ Secretary determines.

§ 3913. EUTHANASIA CERTIFICATION

(a) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall establish rules for a euthanasia training program and certification process for persons completing the program.

(b) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall establish rules for the possession and use of euthanasia solutions by registered animal shelters that utilize certified euthanasia technicians. The rules shall identify euthanasia solutions which may be used, techniques for the proper handling and storage of solutions and requirements for recordkeeping, and address any other matter deemed necessary by the ~~secretary~~ Secretary.

(c) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may revoke or suspend certification upon violation of the rules adopted under this section.

(d) The rules shall comply with all applicable federal drug enforcement standards.

(e) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets has no responsibility to enforce any other statute relating to

~~the abuse of narcotics or other regulated substance unless specifically~~ authorized by such statute.

§ 3914. SPECIAL FUNDS

Fees collected under this ~~chapter~~ subchapter shall be credited to a special fund and shall be available to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets to offset the cost of providing the services.

§ 3915. HEALTH CERTIFICATE FOR TRANSPORT INTO STATE

(a) A dog, cat, ferret, or wolf-hybrid imported into the state for sale, resale, exchange, or donation shall be accompanied by an official health certificate or similar certificate of inspection for the dog, cat, ferret, or wolf-hybrid issued by a veterinarian licensed in the state or country of origin. The certificate shall certify that:

(1) the dog, cat, ferret, or wolf-hybrid has been inspected and is free of visible signs of infections or contagious or communicable disease; and

(2) if the dog, cat, ferret, or wolf-hybrid is more than three months of age, the dog, cat, ferret, or wolf-hybrid has a current rabies vaccination or is a specific breed for which a rabies vaccination is not age-appropriate.

(b) The ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets may adopt rules regarding the issuance and contents of any certificate required under subsection (a) of this section.

Subchapter 3. Sale of Dogs and Cats

§ 3921. SALE OF A DOG OR CAT; RESTITUTION

(a) If, within seven days following the sale of a dog or cat by a pet dealer or pet shop, a licensed veterinarian of the consumer's choosing certifies the dog or cat to be unfit for purchase due to illness or the presence of signs of contagious or infectious disease or if within one year the veterinarian certifies the existence of congenital malformation or hereditary disease, the consumer may act under subdivision (1) of this subsection or, if mutually agreed upon, under subdivision (2) or (3) of this subsection. The consumer shall have the right:

(1) To return the dog or cat to the pet dealer or pet shop and receive a full refund of the purchase price, including sales tax and reasonable veterinary fees related to certification under this section. A veterinary finding of intestinal parasites is not grounds for declaring a dog or cat unfit, nor is an injury or illness sustained subsequent to the consumer taking possession of a dog or cat; or

(2) To return the dog or cat to the pet dealer or pet shop and receive an exchange dog or cat of the consumer's choice of equivalent value and reasonable veterinary costs related to certification under this subsection; or

(3) To retain the dog or cat and receive reimbursement from the pet dealer or pet shop for reasonable veterinary service for the purpose of curing or

~~attempting to cure the dog or cat. In no case shall this service exceed the~~ purchase price of the dog or cat. Value of service is reasonable if it compares to similar service rendered by other veterinarians in the area, but in no case may it cover costs not directly related to the certification of unfitness.

(b) The Secretary shall prescribe a form for and the content of the certificate to be used under subsection (a) of this section. The form shall include an identification of the type of dog or cat, the owner, date and diagnosis, the treatment recommended, if any, and an estimated cost of the treatment. The form shall also include notice of the provisions of subsection (a) of this section.

(c) Every pet dealer or pet shop who sells a dog or cat to a consumer shall provide the consumer at the time of sale with the written form prescribed by the Secretary. The notice may be included in a written contract, a certificate of the history of the dog or cat, or another separate document.

(d) The Secretary shall prescribe by rule other information which shall be provided in writing by the pet dealer or pet shop to the consumer at the time of sale. The information shall include a description of the dog or cat, including breed and date of purchase; the name, address, and telephone number of the consumer; and the purchase price. Certification of this document occurs when signed by the pet dealer or pet shop.

(c) Refund or reimbursement required under subsection (a) of this section shall be made within ten business days following receipt of the signed veterinary certification. The certification shall be presented to the pet dealer or pet shop within three business days by the consumer.

§ 3922. CHALLENGE BY PET DEALER OR PET SHOP

A pet dealer or pet shop may contest a demand for reimbursement, refund, or exchange under section 3921 of this title by requiring the consumer to produce the dog or cat for examination by a licensed veterinarian of the pet dealer or pet shop's designation. If the consumer and the pet dealer or pet shop are unable to reach an agreement under provisions of this section within ten business days of an examination, the consumer may initiate an action in a court of competent jurisdiction in the locality where the consumer resides to obtain a refund, exchange, or reimbursement. Nothing in this section shall limit the rights or remedies which are otherwise available to the consumer under any other law.

§ 3923. ADMINISTRATIVE PENALTIES

The Secretary may assess administrative penalties under 6 V.S.A. §§ 15–17 not to exceed $1,000.00 for violations of this subchapter.

§ 3924. EXEMPTIONS

Duly incorporated humane societies or animal shelters that make animals available for adoption are exempt from the requirements of this subchapter.

~~Sec. 6. 20 V.S.A. chapter 199 is amended to read:~~

~~CHAPTER 199. SALE OF DOGS AND CATS~~

~~§ 4301. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Animal" means a dog or cat.~~

~~(2) "Consumer" means an individual who purchases an animal from any licensee or registrant under chapter 194 of this title. A licensee or registrant under this section is not a consumer.~~

~~(3) "Pet dealer" means any person, firm, partnership or corporation, or a representative or agent, who engages in the sale of more than one litter of animals per year or two or more animals over six months of age to consumers for monetary consideration. Breeders of animals who sell animals to the public are included in this definition; except that duly incorporated humane societies or animal shelters which make animals available for adoption are exempt.~~

~~§ 4302. SALE OF AN ANIMAL; RESTITUTION~~

~~(a) If, within seven days following the sale of an animal, a veterinarian of the consumer's choosing certifies the animal to be unfit for purchase due to illness or the presence of signs of contagious or infectious disease, or within one year the veterinarian certifies the existence of congenital malformation or hereditary disease, the consumer may act under subdivision (1) of this~~

~~subsection, or if mutually agreed upon, under subdivision (2) or (3) of this subsection. The consumer may have:~~

~~(1) the right to return the animal and receive a full refund of the purchase price, including sales tax, and reasonable veterinary fees related to certification under this section. A veterinary finding of intestinal parasites is not grounds for declaring an animal unfit, nor is an injury or illness sustained subsequent to the consumer taking possession of an animal;~~

~~(2) the right to return the animal and receive an exchange animal of the consumer's choice of equivalent value, and reasonable veterinary costs related to certification under this subsection;~~

~~(3) the right to retain the animal and receive reimbursement from the pet dealer for reasonable veterinary service for the purpose of curing or attempting to cure the animal. In no case shall this service exceed the purchase price of the animal. Value of service is reasonable if it compares to similar service rendered by other veterinarians in the area, but in no case may it cover costs not directly related to the certification of unfitness.~~

~~(b) The commissioner shall prescribe a form for and the content of the certificate to be used under subsection (a) of this section. The form shall include, but not be limited to, an identification of the type of animal, the owner, date and diagnosis, the treatment recommended, if any, and an~~

~~estimated cost of the treatment. The form shall also include notice of the provisions of subsection (a) of this section.~~

~~(c) Every pet dealer who sells an animal to a consumer shall provide the consumer at the time of sale with the written form prescribed by the commissioner. The notice may be included in a written contract, an animal history certificate or other separate document.~~

~~(d) The commissioner shall prescribe by rule other information which shall be provided in writing by the pet dealer to the consumer at the time of sale. Such information shall include, but not be limited to, a description of the animal, including breed and date of purchase, the name, address and telephone number of the consumer and the purchase price. Certification of this document occurs when signed by the pet dealer.~~

~~(e) Refund or reimbursement required under subsection (a) of this section shall be made within ten business days following receipt of the signed veterinary certification. The certification shall be presented to the pet dealer within three business days by the consumer.~~

~~§ 4303. CHALLENGE BY PET DEALER~~

~~A pet dealer may contest a demand for reimbursement, refund or exchange under section 4302 of this title by requiring the consumer to produce the animal for examination by a licensed veterinarian of the dealer's designation. If the consumer and the dealer are unable to reach an agreement under~~

~~provisions of this section within ten business days of an examination, the consumer may initiate an action in a court of competent jurisdiction in the locality where the consumer resides to obtain a refund, exchange or reimbursement. Nothing in this section shall limit the rights or remedies which are otherwise available to the consumer under any other law.~~

~~§ 4304. ADMINISTRATIVE PENALTIES~~

~~The commissioner may assess administrative penalties under sections 15-17 of Title 6, not to exceed $1,000.00, for violations of this chapter.~~

Sec. 7. EFFECTIVE DATE

~~This act shall take effect on July 1, 2013.~~

Sec. 1. 20 V.S.A. § 3541 is amended to read:

§ 3541. DEFINITIONS

As used in this chapter:

* * *

(6) "Owner" means any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid. ~~*However, it is not the intent of the general assembly to require a person to be responsible under this chapter for feral animals that take up residence in a building other than the person's home, even if the person occasionally provides feed to the animal.*~~

* * *

(10) "Pet dealer" means any person who sells or exchanges or who offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids in any 12-month period. This definition shall not apply to pet shops, animal shelters, or rescue organizations as those terms are defined in section 3901 of this title.

Sec. 2. 20 V.S.A. § 3541a is added to read:

§ 3541a. FERAL ANIMALS; RESPONSIBILITY

It is not the intent of the General Assembly to require a person to be responsible under this chapter for a feral animal that takes up residence in a building other than the person's home, even if the person occasionally provides feed to the animal.

Sec. 3. 20 V.S.A. § 3550 is amended to read:

§ 3550. PENALTIES; ENFORCEMENT; MUNICIPAL LEGISLATIVE BODY; ~~COMMISSIONER~~ SECRETARY

(a) A municipal legislative body or an officer designated by the ~~commissioner~~ Secretary may impose a civil penalty of up to $500.00 per violation in accordance with the provisions of this section.

(b) A municipal legislative body may impose penalties for violation of any provisions of subchapter 1 or 2, refusal to obtain a ~~kennel~~ pet dealer permit

under subchapter 3, or a refusal to comply with an order issued by a municipal officer under subchapter 5 of this chapter.

(c) An officer designated by the ~~commissioner~~ Secretary may impose penalties for violation of a rule adopted by a state agency under subchapter 5 of this chapter, violation of a quarantine order issued under subchapter 5 of this chapter, or refusal to comply with an order issued by a state officer under subchapter 5 of this chapter.

* * *

(e) When the legislative body or officer has reasonable grounds to believe that a person has violated a provision of this chapter under its purview, the legislative body or officer may issue a notice of the alleged violation, which shall be delivered to the respondent in person or mailed to the respondent by registered mail. The notice of violation shall include:

* * *

(3) A statement that the respondent has a right to a hearing before the legislative body or a hearing officer designated by the ~~commissioner~~ Secretary at no cost to the respondent, a description of the procedures for requesting a hearing and a statement that failure to request a hearing within 21 days of the date of mailing of the notice shall result in a final decision with no right of appeal.

* * *

(f) A person who receives a notice of violation shall be offered an opportunity for a hearing before the legislative body or hearing officer, provided that the request for hearing is made in writing to the clerk of the municipality or the ~~commissioner~~ Secretary no later than 21 days after the date of mailing of the notice of violation. If the respondent does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 35 days following mailing of the notice of violation. If the respondent does make a timely request for a hearing, the legislative body or hearing officer shall hold a hearing within 14 days of receipt of the request. After the hearing, the legislative body or hearing officer may affirm, reduce or eliminate the penalty. The decision shall be delivered or mailed to the respondent in the same manner as the notice of violation and shall be effective five days following mailing of the decision or immediately following delivery of the decision.

* * *

(h) The civil penalty shall be paid to the enforcing agency or enforcing legislative body. If the respondent fails to pay the penalty within the time prescribed, the legislative body or ~~commissioner~~ Secretary may bring a collection action in small claims court or the ~~superior court~~ Civil Division of the Superior Court.

* * *

(j) On application of a municipality or the ~~commissioner~~ Secretary, the Civil Division of the ~~superior court~~ Superior Court shall have jurisdiction to enjoin the violation of any provision of this chapter. The ~~court~~ Court may also authorize the seizure and disposition of domestic pets or wolf-hybrids when owners refuse to have the pets or wolf-hybrids inoculated or licensed, or when the ~~court~~ Court determines that there is a threat to the public welfare.

Sec. 4. 20 V.S.A. § 3681 is amended to read:

§ 3681. PET DEALER PERMIT

~~The owner or keeper of two or more domestic pets or wolf-hybrids four months of age or older kept for sale or for breeding purposes, except for his or her own use,~~ A pet dealer shall apply to the municipal clerk of the town or city in which the ~~domestic pets~~ cats, dogs, or wolf-hybrids are kept for a ~~kennel~~ pet dealer permit to be issued on forms prescribed by the ~~commissioner~~ Secretary and pay the clerk a fee of ~~$10.00~~ $25.00 for the same. A pet dealer who acquires a pet dealer permit shall allow inspections of the pet dealer's premises pursuant to section 3682 of this title as a condition of receiving and retaining the permit. The provisions of subchapters 1, 2, and 4 of this chapter not inconsistent with this subchapter~~,~~ shall apply to the pet dealer permit which shall be in addition to other permits required. A ~~kennel~~ pet dealer permit shall expire on March 31 next after issuance~~,~~ and shall be displayed prominently on the premises on which the ~~domestic pets~~ cats, dogs, or

wolf-hybrids are kept. If the permit fee is not paid by April 1, the owner or keeper may thereafter procure a permit for that license year by paying a fee of 50 percent in excess of that otherwise required. Municipal clerks shall maintain a record of the type of animals being kept by the permit holder. Upon issuance of the pet dealer permit, the municipal clerk shall provide the pet dealer with a copy of Part 3 (Standards) of the Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to cats, dogs, and wolf-hybrids. The municipal clerk shall also provide the pet dealer with contact information for the Animal Health Section within the Division of Food Safety and Consumer Protection of the Agency of Agriculture, Food and Markets and with information from the Department of Taxes on sales tax obligations for the sale of pets.

Sec. 5. 20 V.S.A. § 3682 is amended to read:

§ 3682. INSPECTION OF PREMISES

~~*These premises may be inspected at any reasonable time by a law enforcement officer, a representative of the agency of agriculture, food and markets, or an officer or agent of an incorporated humane society and a veterinarian licensed to practice in Vermont, designated by such officer, agent or agency*~~

(a) The pet dealer's premises may be inspected upon the issuance of the pet dealer permit or at any time the pet dealer permit is in effect. Inspections may

be conducted by a municipal animal control officer, a law enforcement officer as that term is defined in 23 V.S.A. § 4(11), or a representative of the Agency of Agriculture, Food and Markets. The inspector may, at his or her discretion and with the approval of the municipality, be accompanied by a veterinarian or an officer or agent of a humane society incorporated in Vermont. This section shall not create an obligation on the part of any municipal legislative body to conduct inspections.

(b) Inspections shall be scheduled in advance with the pet dealer or pet dealer's agent. Inspections shall be conducted to facilitate compliance with the applicable standards in Part 3 (Standards) of the Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to cats, dogs, and wolf-hybrids. The person or persons authorized to inspect the pet dealer's premises shall be accompanied by the pet dealer or pet dealer's agent. If the pet dealer's premises are also used for human habitation, the inspection may occur only in those areas of the premises used for animal housing, animal care, birthing, and storage of food and bedding. Photographs or videos of the pet dealer's premises or property shall not be taken during an inspection and while on the pet dealer's premises without the written consent of the permit holder. Repeated failure to consent to an inspection may result in a revocation of the pet dealer permit.

(c) If an inspector, during the course of an inspection under this section, has reason to believe that a criminal animal welfare violation exists on the pet dealer's premises, nothing in this chapter shall preclude a criminal investigation into the suspected violation or shall preclude seeking the remedies available under 13 V.S.A. ~~chapter 9~~ chapter 8. Assessment of an administrative penalty under this chapter shall not prevent assessment of a criminal penalty under 13 V.S.A. ~~chapter 9~~ chapter 8.

(d) The inspector shall record the results of each inspection in a log and sign and date each entry. The entries shall be submitted to the municipality, which shall maintain records of all pet dealer inspections. A copy of the inspection results shall be provided to the permit holder.

Sec. 6. 20 V.S.A. chapter 194 is amended to read:

CHAPTER 194. WELFARE OF ANIMALS; SALE OF ANIMALS

Subchapter 1. General provisions

§ 3901. DEFINITIONS

As used in this chapter~~, unless the context clearly requires otherwise~~:

(1) "Adequate feed" means the provision at suitable intervals, not exceeding 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. All foodstuff shall be served in a clean and sanitary manner.

(2) "Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

(3) "Ambient temperature" means the temperature surrounding the animal.

(4) ~~"Animal" means any dog or cat, rabbit, rodent, bird, or other warm-blooded vertebrate but shall not include horses, cattle, sheep, goats, swine, and domestic fowl.~~ [Repealed.]

(5) "Animal shelter" means a facility which is used to house or contain animals and is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(6) "Secretary" means the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets.

(7) ~~"Dealer"~~ "Pet dealer" means any person who sells~~,~~ or exchanges~~, or donates,~~ or who offers to sell~~,~~ or exchange~~, or donate animals, but shall not include a person who makes disposition only of offspring from animals maintained by him only as household pets~~ cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids

in any 12-month period. This definition shall not apply to pet shops, animal shelters, or rescue organizations as those terms are defined in this section.

(8) "Euthanize" means to humanely destroy an animal by a method producing instantaneous unconsciousness and immediate death, or by anesthesia produced by an agent which causes painless loss of consciousness and death during the loss of consciousness. "Euthanasia" means the humane destruction of animals in accordance with this subdivision.

(9) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(10) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

~~(11) "Pet shop" means a place of retail or wholesale business, including a flea market, that is not part of a private dwelling where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are bought, sold, exchanged, or offered for sale or exchange to the general public.~~

(11) "Pet shop" means a place ~~where animals are bought, sold, exchanged, or offered for~~ of retail or wholesale business, including a flea market, that is not part of a private dwelling, where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are maintained or displayed for the purpose of sale or exchange to the general public.

(12) "Primary enclosure" means any structure used to immediately restrict an animal or animals, excluding household pets, to a limited amount of space, such as a room, pen, cage, compartment, or hutch.

(13) "Public auction" means any place or establishment where dogs or cats are sold at auction to the highest bidder whether individually, as a group, or by weight.

(14) "Fair" means any public or privately operated facility where animals are confined for the purpose of display and/or sale or for viewing.

(15) ~~"Pet merchant" means any person who operates a pet shop or who acts as a dealer~~ "Consumer" means an individual who purchases or receives an animal from any person permitted, licensed, or registered under this chapter. A permit holder, licensee, or registrant under this chapter is not a consumer.

(16) "Rescue organization" means any organization that accepts more than five animals in a calendar year for the purpose of finding adoptive homes for the animals~~, and that:~~

~~(A) holds a license as a pet shop;~~

~~(B) is recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, but is not registered as an animal shelter; or~~

~~(C) is registered as an animal shelter with the agency of agriculture, food and markets under section 3903 of this title~~.

§ 3901a. SCOPE

This chapter shall not apply to horses or livestock, including cattle, sheep, goats, swine, and domestic fowl.

Subchapter 2. Animal welfare

§ 3902. REGISTRATION OF FAIRS

No person may operate a fair as defined under section 3901 of this title unless a certificate of registration for the fair has been granted by the ~~secretary~~ Secretary. Application for the certificate shall be made in a manner provided by the ~~secretary~~ Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a period of one year or until revoked~~,~~ and may be removed for like periods upon application in the manner provided.

§ 3903. REGISTRATION OF ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

(a) No person may operate an animal shelter or rescue organization unless a certificate of registration for the animal shelter or rescue organization has been granted by the ~~secretary~~ Secretary. Application for the certificate shall be made in the manner provided by the ~~secretary~~ Secretary. No fee shall be required for the certificate. Certificates of registration shall be valid for a

period of one year or until revoked~~,~~ and may be renewed for like periods upon application in the manner provided.

(b) An animal shelter or rescue organization registered under this chapter shall not accept an animal unless the person transferring the animal to the shelter provides the following information: the name and address of the person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.

(c) A rescue organization registered under this chapter shall be recognized and approved as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code.

§ 3905. PUBLIC AUCTIONS

No person may operate a public auction as defined in this chapter after the expiration of six months following the effective date of this chapter unless a license to operate the auction has been granted by the ~~secretary~~ Secretary. The license period shall be April 1 to March 31 and the license fee shall be $10.00 for each license period or part thereof.

§ 3906. LICENSING OF ~~PET MERCHANTS~~ PET SHOPS

(a) No person may transact business as a ~~pet merchant~~ pet shop, as defined in this chapter, unless a license for that purpose has been granted by the ~~secretary~~ Secretary to that person. Application for the license shall be made in

the manner provided by the ~~secretary~~ Secretary. The license period shall be April 1 to March 31 and the license fee shall be $150.00 for each license period or part thereof.

(b) [Repealed.]

§ 3907. DENIAL OR REVOCATION OF REGISTRATION OR LICENSE

Issuance of a certificate of registration may be denied to any animal shelter, rescue organization, or fair~~,~~ or a license may be denied to any public auction~~, or pet merchants,~~ or pet shop or any certificate or license previously granted under this chapter~~,~~ may be revoked by the ~~secretary~~ Secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate for the purposes of this chapter~~,~~ or if the feeding, watering, sanitizing, and housing practices of the animal shelter, rescue organization, fair, public auction, ~~pet merchant~~ or pet shop, as the case may be, are not consistent with this chapter or with rules adopted under this chapter.

§ 3908. ADOPTION OF REGULATIONS

The ~~secretary~~ Secretary may as he or she deems necessary adopt, amend, revise, and repeal rules consistent with this chapter for the purpose of carrying out its purposes. The rules may include~~, but need not be limited to,~~ provisions relating to humane transportation to and from registered or licensed premises, records of purchase and sale, identification of animals, primary enclosures, housing facilities, sanitation, euthanasia, ambient temperatures, feeding,

watering, and adequate veterinary medical care, with respect to animals kept or cared for at premises licensed or registered under this chapter. The ~~secretary~~ Secretary may at his or her discretion~~,~~ adopt in whole or in part those portions of the rules of the ~~secretary of agriculture~~ Secretary of Agriculture under Public Law 89-544, commonly known as the Laboratory Animal Welfare Act, which are consistent with the purposes of this chapter.

§ 3909. SALE OF ANIMALS BY HUMANE SOCIETY

The board of directors of an incorporated humane society shall determine the method of disposition of animals released by it. Any proceeds derived from the sale of animals by the society shall be paid to the clerk or treasurer of the humane society, and no part of the proceeds shall accrue to any individual. Proceeds from the sale of animals by any person authorized by a municipality to dispose of such animals shall revert to the treasury of the municipality.

§ 3910. EXCEPTIONS

This chapter shall not apply to any place or establishment operated as an animal hospital under the supervision of a duly licensed veterinarian in connection with the treatment, alleviation, or prevention of diseases.

§ 3911. PENALTIES

(a) Any person licensed or registered under this chapter~~,~~ who fails to provide animals under the person's care or custody with adequate food or adequate water, as defined in section 3901 of this title, or who fails to house

animals in the person's care or custody in a manner which is adequate for their welfare~~,~~ shall be fined not more than $500.00.

(b) Any person who operates a fair or public auction~~,~~ or who transacts business as a pet ~~merchant~~ shop, animal shelter, or rescue organization without being duly licensed or without possessing a proper certificate of registration, as the case may be, as required under this chapter, or who violates any provision of this chapter or of any rule lawfully adopted under its authority for which no other penalty is provided~~,~~ shall be fined not more than $300.00 or imprisoned for not more than six months, or both.

(c) The ~~secretary~~ Secretary may assess administrative penalties under 16 V.S.A. §§ 15-17, not to exceed $1,000.00, for violations of this chapter.

§ 3912. COMMITMENT OF ANIMALS TO AGENCY OF AGRICULTURE, FOOD AND MARKETS

The ~~secretary~~ Secretary or any officer of the ~~agency~~ Agency designated by the ~~secretary,~~ Secretary may file with the court in which a person was convicted of violating the preceding section~~,~~ a petition for custody of animals in the possession of the person convicted. If the court, on due notice to that person and to any other person owning or having any interest in the animals, finds that the welfare of any of the animals so requires, the court shall order the animals committed to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. Animals committed to the ~~agency of~~

~~agriculture, food and markets~~ Agency of Agriculture, Food and Markets may be sold or euthanized~~,~~ or kept in the custody of the ~~agency~~ Agency, as the ~~secretary~~ Secretary determines.

§ 3913. EUTHANASIA CERTIFICATION

(a) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall establish rules for a euthanasia training program and certification process for persons completing the program.

(b) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets shall establish rules for the possession and use of euthanasia solutions by registered animal shelters that utilize certified euthanasia technicians. The rules shall identify euthanasia solutions which may be used, techniques for the proper handling and storage of solutions and requirements for recordkeeping, and address any other matter deemed necessary by the ~~secretary~~ Secretary.

(c) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may revoke or suspend certification upon violation of the rules adopted under this section.

(d) The rules shall comply with all applicable federal drug enforcement standards.

(e) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets has no responsibility to enforce any other statute relating to

the abuse of narcotics or other regulated substance unless specifically authorized by such statute.

§ 3914. SPECIAL FUNDS

Fees collected under this ~~chapter~~ subchapter shall be credited to a special fund and shall be available to the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets to offset the cost of providing the services.

§ 3915. HEALTH CERTIFICATE FOR TRANSPORT INTO STATE

(a) A dog, cat, ferret, or wolf-hybrid imported into the ~~state~~ State for sale, resale, exchange, or donation shall be accompanied by an official health certificate or similar certificate of inspection for the dog, cat, ferret, or wolf-hybrid issued by a veterinarian licensed in the state or country of origin. The certificate shall certify that:

(1) the dog, cat, ferret, or wolf-hybrid has been inspected and is free of visible signs of infections or contagious or communicable disease; and

(2) if the dog, cat, ferret, or wolf-hybrid is more than three months of age, the dog, cat, ferret, or wolf-hybrid has a current rabies vaccination or is a specific breed for which a rabies vaccination is not age-appropriate.

(b) The ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets may adopt rules regarding the issuance and contents of any certificate required under subsection (a) of this section.

Subchapter 3. Sale of cats, dogs, and wolf-hybrids

§ 3921. SALE OF A CAT, DOG, OR WOLF-HYBRID; RESTITUTION

(a) If, within seven days following the sale of a cat, dog, or wolf-hybrid by a pet dealer or pet shop, a licensed veterinarian of the consumer's choosing certifies the cat, dog, or wolf-hybrid to be unfit for purchase due to illness or the presence of signs of contagious or infectious disease or if within one year the veterinarian certifies the existence of congenital malformation or hereditary disease, the consumer may act under subdivision (1) of this subsection or, if mutually agreed upon, under subdivision (2) or (3) of this subsection. The consumer shall have the right:

(1) to return the cat, dog, or wolf-hybrid to the pet dealer or pet shop and receive a full refund of the purchase price, including sales tax and reasonable veterinary fees related to certification under this section. A veterinary finding of intestinal parasites is not grounds for declaring a cat, dog, or wolf-hybrid unfit, nor is an injury or illness sustained subsequent to the consumer taking possession of a cat, dog, or wolf-hybrid; or

(2) to return the cat, dog, or wolf-hybrid to the pet dealer or pet shop and receive an exchange cat, dog, or wolf-hybrid of the consumer's choice of equivalent value and reasonable veterinary costs related to certification under this subsection; or

(3) to retain the cat, dog, or wolf-hybrid and receive reimbursement from the pet dealer or pet shop for reasonable veterinary service for the purpose of curing or attempting to cure the cat, dog, or wolf-hybrid. In no case shall this service exceed the purchase price of the cat, dog or wolf-hybrid. Value of service is reasonable if it compares to similar service rendered by other veterinarians in the area, but in no case may it cover costs not directly related to the certification of unfitness.

(b) The Secretary shall prescribe a form for and the content of the certificate to be used under subsection (a) of this section. The form shall include an identification of the type of cat, dog, or wolf-hybrid, the owner, date and diagnosis, the treatment recommended, if any, and an estimated cost of the treatment. The form shall also include notice of the provisions of subsection (a) of this section.

(c) Every pet dealer or pet shop who sells a cat, dog, or wolf-hybrid to a consumer shall provide the consumer at the time of sale with the written form prescribed by the Secretary. The notice may be included in a written contract, a certificate of the history of the cat, dog, or wolf-hybrid, or another separate document.

(d) The Secretary shall prescribe by rule other information which shall be provided in writing by the pet dealer or pet shop to the consumer at the time of sale. The information shall include a description of the cat, dog, or

wolf-hybrid, including breed and date of purchase; the name, address, and telephone number of the consumer; and the purchase price. Certification of this document occurs when signed by the pet dealer or pet shop.

(e) Refund or reimbursement required under subsection (a) of this section shall be made within ten business days following receipt of the signed veterinary certification. The certification shall be presented to the pet dealer or pet shop within three business days by the consumer.

§ 3922. CHALLENGE BY PET DEALER OR PET SHOP

A pet dealer or pet shop may contest a demand for reimbursement, refund, or exchange under section 3921 of this title by requiring the consumer to produce the cat, dog, or wolf-hybrid for examination by a licensed veterinarian of the pet dealer or pet shop's designation. If the consumer and the pet dealer or pet shop are unable to reach an agreement under the provisions of this section within ten business days of an examination, the consumer may initiate an action in a court of competent jurisdiction in the locality where the consumer resides to obtain a refund, exchange, or reimbursement. Nothing in this section shall limit the rights or remedies which are otherwise available to the consumer under any other law.

§ 3923. ADMINISTRATIVE PENALTIES

The Secretary may assess administrative penalties under 6 V.S.A. §§ 15–17 not to exceed $1,000.00 for violations of this subchapter.

§ 3924. EXEMPTIONS

Duly incorporated humane societies, rescue organizations, or animal shelters that make animals available for adoption are exempt from the requirements of this subchapter.

Sec. 7. 20 V.S.A. chapter 199 is amended to read:

~~CHAPTER 199. SALE OF DOGS AND CATS~~

~~§ 4301. DEFINITIONS~~

~~As used in this chapter:~~

~~(1) "Animal" means a dog or cat.~~

~~(2) "Consumer" means an individual who purchases an animal from any licensee or registrant under chapter 194 of this title. A licensee or registrant under this section is not a consumer.~~

~~(3) "Pet dealer" means any person, firm, partnership or corporation, or a representative or agent, who engages in the sale of more than one litter of animals per year or two or more animals over six months of age to consumers for monetary consideration. Breeders of animals who sell animals to the public are included in this definition; except that duly incorporated humane societies or animal shelters which make animals available for adoption are exempt.~~

~~§ 4302. SALE OF AN ANIMAL; RESTITUTION~~

~~*(a) If, within seven days following the sale of an animal, a veterinarian of the consumer's choosing certifies the animal to be unfit for purchase due to illness or the presence of signs of contagious or infectious disease, or within one year the veterinarian certifies the existence of congenital malformation or hereditary disease, the consumer may act under subdivision (1) of this subsection, or if mutually agreed upon, under subdivision (2) or (3) of this subsection. The consumer may have:*~~

~~*(1) the right to return the animal and receive a full refund of the purchase price, including sales tax, and reasonable veterinary fees related to certification under this section. A veterinary finding of intestinal parasites is not grounds for declaring an animal unfit, nor is an injury or illness sustained subsequent to the consumer taking possession of an animal;*~~

~~*(2) the right to return the animal and receive an exchange animal of the consumer's choice of equivalent value, and reasonable veterinary costs related to certification under this subsection;*~~

~~*(3) the right to retain the animal and receive reimbursement from the pet dealer for reasonable veterinary service for the purpose of curing or attempting to cure the animal. In no case shall this service exceed the purchase price of the animal. Value of service is reasonable if it compares to similar service rendered by other veterinarians in the area, but in no case may it cover costs not directly related to the certification of unfitness.*~~

~~*(b) The commissioner shall prescribe a form for and the content of the certificate to be used under subsection (a) of this section. The form shall include, but not be limited to, an identification of the type of animal, the owner, date and diagnosis, the treatment recommended, if any, and an estimated cost of the treatment. The form shall also include notice of the provisions of subsection (a) of this section.*~~

~~*(c) Every pet dealer who sells an animal to a consumer shall provide the consumer at the time of sale with the written form prescribed by the commissioner. The notice may be included in a written contract, an animal history certificate or other separate document.*~~

~~*(d) The commissioner shall prescribe by rule other information which shall be provided in writing by the pet dealer to the consumer at the time of sale. Such information shall include, but not be limited to, a description of the animal, including breed and date of purchase, the name, address and telephone number of the consumer and the purchase price. Certification of this document occurs when signed by the pet dealer.*~~

~~*(e) Refund or reimbursement required under subsection (a) of this section shall be made within ten business days following receipt of the signed veterinary certification. The certification shall be presented to the pet dealer within three business days by the consumer.*~~

~~*§ 4303. CHALLENGE BY PET DEALER*~~

~~*A pet dealer may contest a demand for reimbursement, refund or exchange under section 4302 of this title by requiring the consumer to produce the animal for examination by a licensed veterinarian of the dealer's designation. If the consumer and the dealer are unable to reach an agreement under provisions of this section within ten business days of an examination, the consumer may initiate an action in a court of competent jurisdiction in the locality where the consumer resides to obtain a refund, exchange or reimbursement. Nothing in this section shall limit the rights or remedies which are otherwise available to the consumer under any other law.*~~

~~*§ 4304. ADMINISTRATIVE PENALTIES*~~

~~*The commissioner may assess administrative penalties under sections 15-17 of Title 6, not to exceed $1,000.00, for violations of this chapter.*~~

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

1