



Puppy Lemon Laws: Think Twice before Buying that Doggy in the Window

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I. INTRODUCTION TO PUPPY LEMON LAWS

Consider the following hypothetical: a couple's children beg their parents to "just take a look" at the puppies in the local pet store. After the couple gives in and enters the store, the entire family instantly falls in love with the soulful-eyed puppy behind the window. The salesclerk at

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the pet store offers a reasonable price to the couple. In addition, the salesclerk claims that the puppy was purely bred and that the puppy has a clean bill of health.¹ Soon after, the family leaves the pet store, eager to bond with its new addition.

A few days after the purchase, however, catastrophe strikes. The new puppy has developed a limp and can no longer run, jump, or play. The children are devastated and do not understand what has happened to their puppy. After a visit to the veterinarian, the family learns that the puppy has luxating patella, a condition caused by the overbreeding of the puppy's mother.² Surgery to repair the condition will cost thousands of dollars.³

Fortunately, the family lives in a state that has a puppy lemon law.⁴ The family can return the puppy for a replacement puppy or a full refund.⁵ In addition, the family may be eligible for reimbursement of some of the veterinary bills.⁶ However, the family still has a difficult decision to make. After becoming attached to the puppy, how can the family possibly return it? Returning the puppy probably seems cruel, like treating the puppy as if it were a pair of shoes. On the other hand, how can the family afford the veterinary bills to repair the puppy's condition?

Unfortunately, the above hypothetical is too often a reality. The family will have to weigh all of the options and make a quick decision before the puppy's condition worsens and before the family members become even more attached. While some families view puppy lemon laws as a blessing, other families view them as a curse. Deciding whether to return a puppy for a refund or an exchange can be one of the most difficult decisions that a family encounters.

In order to explore puppy lemon laws fully, Part II of this Comment begins with an explanation of the significance of pets in the everyday lives of Americans. In addition, Part II contains a brief description of the history and the current conditions of puppy mills.

In Part III of the Comment, Section A introduces the efforts that some states have undertaken to protect consumers who purchase pets from puppy mills through the implementation of puppy lemon law legislation. It also includes a substantive and geographic comparison of the puppy lemon laws that currently exist in eighteen different states. Section B explores the problems and flaws that are inherent in puppy

1. *See infra* notes 61-63.

2. *See infra* notes 50 and 176.

3. *See infra* notes 51 and 177.

4. *See infra* Part III.A.

5. *See infra* Part III.A.

6. *See infra* Part III.A.

lemon laws. Although puppy lemon laws are intended to protect consumers, there are problems with enforcement. In addition, many people are disappointed because puppy lemon laws treat pets like objects that can be easily returned. Other consumers think that the reimbursement policies are inadequate because veterinary bills often greatly exceed the reimbursement allowed. Finally, Section C of Part III explains how consumers can take action to stop puppy mills. Part IV of the Comment proposes solutions to resolve the flaws within puppy lemon laws.

II. BACKGROUND

A. *The Importance of Pets to Americans*

In the 2007-08 National Pet Owners Survey, studies revealed that approximately forty-five million households have a dog, and thirty-eight million households have a cat.⁷ The total number of pets owned between 2007 and 2008 included approximately seventy-five million dogs and eighty-eight million cats.⁸ Many Americans treat their pets like family members.⁹ Surveys show that eighty-seven percent of Americans include their pets in holiday celebrations; eighty-four percent refer to themselves as their pets' "mom" or "dad"; sixty-five percent have sung or danced with their pets; sixty-three percent celebrate their pets' birthdays; and fifty-two percent have cooked for their pets.¹⁰ Total pet industry expenditures in America exceeded forty-three billion in 2008.¹¹

For owners, pets offer a source of amusement, pleasure, and companionship.¹² Pets provide opportunities for outdoor exercise and socialization, and they can decrease their owners' blood pressure, cholesterol, and triglyceride levels.¹³ In addition, pet owners have reduced stress and fewer instances of depression; they are also better adjusted, more independent, and more impulsive than people without pets.¹⁴ A study comparing people who own dogs versus people who do

7. See American Pet Products Association, Industry Statistics & Trends, http://americanpetproducts.org/press_industrytrends.asp (last visited Aug. 24, 2009).

8. See *id.*

9. See Neil E. Hendershot, *What the General Practitioner Needs to Know about Pennsylvania Animal Law (Part II): Personal and Estate Planning for Pennsylvanians Owning Pets*, 77 PA BAR ASSN. Q. 107, 109 (2006).

10. *Id.*

11. American Pet Products Association, *supra* note 7.

12. See Linda Bren, Keeping Pets (and People) Healthy, http://www.petsniff.com/keeping_pets_and_people_healthy.html (last visited Aug. 24, 2009).

13. See *id.*

14. See Hendershot, *supra* note 9.

not showed that dog owners exercised more often, slept better, reported better fitness levels and fewer sick days, and saw their doctors less often.¹⁵

An Ohio State University study revealed that dogs can be a source of support, companionship, and stress relief for college students.¹⁶ Researchers found that students who lived with a pet were less likely to report feeling lonely or depressed.¹⁷ Alan Entin, a psychologist, believes that pets have the power to improve their owners' moods because they offer unconditional love.¹⁸ He explained that dogs are always glad to see their owners, and they relieve loneliness.¹⁹ Although pets cannot cure depression, they improve mild or moderate depression for many people.²⁰

B. *The Travesties of Puppy Mills*

Despite all of the benefits that pets offer to their owners, many owners are disheartened after their purchases when they learn that their pets were bred in puppy mills.²¹ Puppy mills are places where people engage in commercial breeding operations that mass-produce "pedigreed dogs" for sale in pet stores across the country.²² Unlike "hobby breeders," who usually breed dogs with the intention of improving and enhancing the breed,²³ many commercial breeders breed dogs as a means of profit, resulting in genetically and physically deficient animals.²⁴ American Services spokesperson Marti Ryan compared a puppy mill to a factory.²⁵ Ryan explained that dogs in puppy mills are meant to

15. See Kathleen Doheny, *Pets for Depression and Health*, at 2, <http://www.webmd.com/depression/recognizing-depression-symptoms/pets-depression> (last visited Aug. 24, 2009). Teri Wright, a psychologist, said that pets offer psychological and physical comfort. See *id.* at 1. She said that they "just feel good to hold on to," and they make you "feel like you matter." *Id.* at 1.

16. See Kim Campbell Thornton, *Stressed over a Test? Pet Your Pooch*, <http://www.msnbc.msn.com/id/28814566/> (last visited Aug. 24, 2009).

17. See *id.*

18. See Kathleen Doheny, *supra* note 15, at 1.

19. See *id.*

20. See *id.*

21. See Peter Madrid, *How to Choose a Good Dog Breeder and Avoid Puppy Mills*, <http://ezinearticles.com/?How-to-Choose-a-Good-Dog-Breeder-and-Avoid-Puppy-Mills&id=1568151> (last visited Aug. 24, 2009).

22. See Jack McClintock, *Not Fit for a Dog*, LIFE, Sept. 1992, at 36, 38.

23. See Norma Bennet Woolf, *Dog Owner's Guide: What is a Puppy Mill?*, <http://www.canismajor.com/dog/puppymil.html> (last visited Aug. 24, 2009).

24. See Amanda Burke, *Puppy Mills*, <http://engl280.wordpress.com/2007/12/21/puppy-mills/> (last visited Aug. 24, 2009).

25. See Jessica Vander Velde, *Puppy Mills May Take Root in Rough Economy*, ST. PETERSBURG TIMES, Dec. 24, 2008, at 1, available at <http://www.tampabay.com/news/humaninterest/article947883.ece>. Due to inbreeding, there is a high risk that puppies will have genetic defects. See *id.*

reproduce, and when they fail to do so, they are disposable like a machine in a factory.²⁶ Today, “a big crop of dogs” can gross up to five hundred thousand dollars annually.²⁷

Puppy mills are not a new phenomenon in the United States. After World War II, American farmers sought alternative means of earning money because conventional crops failed.²⁸ In response, the United States Department of Agriculture began to promote the raising of dogs as a crop.²⁹ As the demand for pets dramatically increased, more retail pet stores opened for business.³⁰ Puppy mill operators began to distribute predominantly to retail pet stores, which prospective pet owners frequented.³¹

Unfortunately, many Americans continue to purchase their pets from retail pet stores rather than from “hobby breeders” for several reasons.³² First, prices are often lower at retail pet stores.³³ Considering the current economic problems throughout the United States, there is fear that puppy mills will thrive.³⁴ More people may turn to breeding for income as the unemployment rate continues to rise, especially because people can breed dogs in their own homes.³⁵ Second, consumers may prefer to purchase animals from pet stores because the salespeople often fail to question whether prospective buyers will provide good homes for their pets.³⁶ Reputable breeders, on the other hand, may be reluctant or even refuse to sell their dogs if the buyers’ lifestyles are not compatible with the breed’s character.³⁷ As a result, consumers may be more attracted to doing business with pet stores so they will likely be able to avoid the high prices and possible rejection associated with reputable breeders.³⁸

26. *See id.*

27. Brian T. Murray, Amish Puppy Industry Draws Charges of Cruelty, <http://geari.blogspot.com/2006/01/amish-puppy-industry-draws-charges-of.html> (last visited Aug. 24, 2009). Murray found that successful operations net six figures. *See id.*

28. *See* Adam J. Fumarola, *With Best Friends Like Us Who Needs Enemies? The Phenomenon of the Puppy Mill, the Failure of Legal Regimes to Manage it, and the Positive Prospects of Animal Rights*, 6 BUFF. ENVTL. L.J. 253, 262 (1999).

29. *See id.*

30. *See id.*

31. *See id.*

32. *See* Dan Herbeck, *Vacco Suit Accuses Store of Selling Diseased Animals*, BUFFALO NEWS, Sept. 23, 1998, at A1.

33. *See id.* Pet store dogs purchased by customers of Noah’s Pets II were charged anywhere from fifty-nine to one hundred dollars. *Id.* Most reputable breeders sell purebred dogs for five hundred dollars or more. *Id.*

34. *See* Vander Velde, *supra* note 25.

35. *See id.*

36. *See* LARRY SHOOK, THE PUPPY REPORT 95 (1992).

37. *See id.*

38. *See* Fumarola, *supra* note 28, at 264.

Although consumers may be pleased when they discover bargains at pet stores, they would probably be outraged if they learned about the conditions in which their puppies were raised. In 2004, a Tennessee police officer discovered approximately two hundred dogs and twenty-one cats in various places throughout a home.³⁹ While describing the conditions within the house, the officer explained that small wire cages, each holding four dogs, were stacked three feet high; he also found feces, urine, and moldy food piled near the walls.⁴⁰ There were no mats on the bottoms of the cages, so the dogs had to stand or lie on wire bars that were two inches apart.⁴¹ The dogs' coats were matted with feces and urine, their ears were clogged with brown mud, and they were missing teeth and hair.⁴²

Debbie Leddy, Associate Director of Williamson Animal Control, said that only fifteen percent of the animals had water and edible food.⁴³ The dogs were not socialized and were afraid to be touched.⁴⁴ Leddy continued, "[T]hey had dull coats. And as I said, they felt dehydrated when touched. A lot of them were extremely nervous. Their eyes were runny. They appeared to have eye infections and then they had a lot of black material in their ears."⁴⁵ After examinations, Dr. Paula Schuerer, a veterinarian, found that many animals had fungal skin infections, urinary tract infections, coccidian, giardia, and Chlamydia, which is a contagious bacterial infection that causes extreme conjunctivitis of the eye.⁴⁶

Reports have shown that large puppy mills can gross as much as five hundred thousand dollars annually, and operators of large puppy mills have few overhead costs.⁴⁷ It is not surprising that puppy mill operators gross a large amount of money annually; in Tarzana, California, a consumer named Aida Akhavan bought a Maltese puppy for \$1900.⁴⁸ Shortly after her purchase, Akhavan realized that the Maltese puppy had developed a limp.⁴⁹ Akhavan's veterinarian found that the puppy had luxating patella, a congenital disease caused by

39. *State v. Siliski*, 238 S.W.3d 338, 344 (Tenn. Crim. App. 2007) (holding that a puppy mill operator had committed eleven counts of animal cruelty).

40. *See id.* at 345.

41. *See id.*

42. *See id.*

43. *See id.* at 346-47.

44. *See id.* at 347.

45. *Id.*

46. *See id.* at 347-49.

47. *See* Patti Bednarik, *What the General Practitioner Needs to Know about Pennsylvania Animal Law: The Evolving Field of Animal Law*, 77 PA BAR ASSN. Q. 88, 90 (2006).

48. David Colker, *Unhappiness is a Sick Puppy*, LOS ANGELES TIMES, Apr. 13, 2008, at 1, available at <http://articles.latimes.com/2008/apr/13/business/fi-puppy13>.

49. *See id.*

overbreeding.⁵⁰ The surgery needed to repair the puppy's condition would cost \$3200.⁵¹

Even if consumers are lucky enough to purchase healthy puppies that were bred in puppy mills, they may find that their puppies have not been properly socialized.⁵² Carol Araneo-Mayer, co-founder of Adopt-A-Pet, said that for a dog to be "normal," it should remain with its littermates and mother for eight to ten weeks.⁵³ Unfortunately, many puppies bred in puppy mills are separated from their litters and sold before eight to ten weeks.⁵⁴ As a result, many consumers find that their puppies do not know how to play with other animals and are afraid of humans.⁵⁵ Colleen Shelly said that her puppy became "paralyzed" by unfamiliar circumstances.⁵⁶ Marc Bekoff, a biologist and editor of "The Encyclopedia of Animal Behavior," explained that puppies without high-quality interaction are often unsocialized and may become biters.⁵⁷

The exact number of puppy mills in the United States is unknown.⁵⁸ This can be attributed to the fact that many puppy mill operators do not register their operations, although required to by law.⁵⁹ Activists estimate that about two hundred thousand puppies are bred and sold each year in Lancaster County, Pennsylvania.⁶⁰ According to Ed Sayres, president of the American Society for the Prevention of Cruelty to Animals, no pet store will tell consumers that it receives its puppies from a puppy mill.⁶¹ As part of its Stop Puppy Mills campaign, the United States Humane Society did a study that revealed that many pet store owners refuse to disclose where they obtain their animals.⁶² When pet store owners did provide papers, the papers usually showed that the puppies had been shipped from puppy mills.⁶³

50. *See id.*

51. *Id.*

52. *See* Anita Hamilton, *Curbing the Puppy Trade; Dog Lovers are Divided over New Efforts to Ensure That All Breeders Treat Their Pooches Humanely*, TIME, Dec. 12, 2005, at 62.

53. *Id.*

54. *See id.*

55. *See id.*

56. Tim Darragh, *Lemon Law Can't Take the Bite out of Buying a Sick Dog*, THE MORNING CALL, Mar. 11, 2007, at A8, available at <http://www.mcall.com/news/specials/all-special-kennel-lemonlaw-031107,0,7881777.story>.

57. *See id.*

58. *See* Hamilton, *supra* note 52.

59. *See id.*

60. *Id.*

61. *See id.*

62. *See* Puppy Mill Truths, http://www.hsus.org/press_and_publications/humane_society_magazines_and_newsletters/all_animals/archive/volume-9-issue-1-winter-2007/puppy_mill_Truths.html (last visited Aug. 24, 2009).

63. *See id.*

III. ANALYSIS

A. *Puppy Lemon Laws throughout the United States*

States have attempted to attack the sale of defective dogs through the enactment of puppy lemon laws.⁶⁴ Puppy lemon laws allow purchasers to receive refunds upon the return of sick puppies or reimbursement of veterinary bills.⁶⁵ Although the constitutionality of puppy lemon laws has been attacked, at least one federal district court has held that they are within the states' police powers.⁶⁶

1. Puppy Lemon Laws in the North

Several states either already have puppy lemon laws or have puppy lemon law bills pending before legislative committees.⁶⁷ All states within the northeastern portion of the country have enacted puppy lemon laws, including Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.⁶⁸

The puppy lemon laws of northeastern states are similar. Connecticut's puppy lemon law provides that consumers must receive replacement pets or full refunds if their dogs or cats become ill or die within fifteen days of sale.⁶⁹ Consumers may also be reimbursed for the costs of services and medications incurred, but this amount may not exceed two hundred dollars.⁷⁰

Like Connecticut's puppy lemon law, the puppy lemon laws in Maine, Pennsylvania, Rhode Island, and Vermont allow consumers to receive replacement pets or full refunds.⁷¹ In addition, they provide for

64. See Janet Pearson, *Helpless Dogs are Grist for the Puppy Mill*, TULSA WORLD, Nov. 9, 1997, at G1; see also *infra* Part III.A.

65. See *id.*

66. See *Kerr v. Kimmell*, 740 F. Supp. 1525, 1529 (D. Kan. 1990). The court concluded that the savings clause of the federal Animal Welfare Act expressly provides for additional state regulation. See *id.*

67. See Ben Jones, *States Consider Protection from Puppy 'Lemons'*, USA TODAY, Nov. 15, 2007, at 1, available at http://www.usatoday.com/news/nation/2007-11-15-dog-lemonlaw_N.htm. The legislatures in Wisconsin, Illinois, and Ohio have bills pending before committees. *Id.*

68. See CONN. GEN. STAT. § 22-344b (2008); ME. REV. STAT. ANN. tit. 7 § 4155 (2009); 330 MASS. CODE REGS. 12.05 (2009); N.H. REV. STAT. ANN. § 437:13 (2009); N.J. STAT. ANN. § 56:8-96 (West 2009); N.Y. GEN. BUS. LAW § 753 (McKinney 2009); 73 PA. CONS. STAT. § 201-9.3 (2009); R.I. GEN. LAWS § 4-25-5 (2009); VT. STAT. ANN. tit. 20 § 4302 (2009).

69. CONN. GEN. STAT. § 22-344b (2008).

70. *Id.*

71. See ME. REV. STAT. ANN. tit. 7 § 4155 (2009); 73 PA. CONS. STAT. § 201-9.3 (2009); R.I. GEN. LAWS § 4-25-5 (2009); VT. STAT. ANN. tit. 20 § 4302 (2009).

some reimbursement of veterinary bills.⁷² There are, however, a few differences between time periods and reimbursement provisions. For instance, in Maine and in Pennsylvania, the pet must have a health problem within ten days after purchase.⁷³ In addition, consumers in Maine may be reimbursed for half of the reasonable veterinary fees, but the reimbursement cannot exceed half of the original purchase price of the pet.⁷⁴

Consumers in Pennsylvania may seek reimbursement for reasonable veterinary fees that do not exceed the purchase price.⁷⁵ Currently, a bill pertaining to the puppy lemon law is pending in the Pennsylvania state legislature.⁷⁶ If passed, the bill will allow purchasers to recover from the seller if the puppy is determined to be critically ill within fourteen days of the purchase instead of the current requirement of ten days.⁷⁷ The bill will also allow the consumer to recover from the seller if the puppy is determined to have a congenital or hereditary condition within ninety days of purchase instead of the thirty days that are currently required.⁷⁸ Finally, the bill allows the consumer to keep the dog and recover the full purchase price if the seller has misrepresented information to the consumer at the time of the purchase.⁷⁹

Rhode Island's law is somewhat more consumer-friendly than other states' laws. Consumers may seek relief if, within twenty days after purchase, the dog is suffering or has died from an illness that existed before delivery to the consumer.⁸⁰ In addition, consumers may seek relief if the dog has died from a congenital or hereditary condition within two years after purchase.⁸¹ Consumers in Rhode Island may also seek reimbursement for reasonable veterinary fees in an amount that does not exceed the original purchase price of the pet.⁸²

In Vermont, the animal must be unfit within seven days after the sale.⁸³ However, consumers in Vermont may seek remedies if a veterinarian certifies the existence of congenital malformation or

72. *See id.*

73. ME. REV. STAT. ANN. tit. 7 § 4155 (2009); 73 PA. CONS. STAT. § 201-9.3 (2009).

74. ME. REV. STAT. ANN. tit. 7 § 4155 (2009).

75. 73 PA. CONS. STAT. § 201-9.3 (2009).

76. *See* Aaron Zappia, Greenleaf Bill to Strengthen State's Puppy Lemon Law Clears Committee, <http://www.pasenategop.com/news/archived/2008/0508/greenleaf-050608.htm> (last visited Aug. 24, 2009).

77. *Id.*; 73 PA. CONS. STAT. § 201-9.3 (2009).

78. *Id.*

79. Zappia, *supra* note 76.

80. R.I. GEN. LAWS § 4-25-5 (2009).

81. *Id.*

82. *Id.*

83. VT. STAT. ANN. tit. 20 § 4302 (2009).

hereditary disease within one year after purchase.⁸⁴ Consumers may also receive reimbursement for reasonable veterinary service in an amount that does not exceed the original purchase price.⁸⁵

Puppy lemon laws in Massachusetts and New Hampshire provide that consumers may seek refunds or substitutions if their pets become sick or die within fourteen days after the sale.⁸⁶ Neither the Massachusetts puppy lemon law nor the New Hampshire puppy lemon law provides for reimbursement of reasonable veterinary bills.⁸⁷ Unlike other states, New Hampshire's puppy lemon law applies to dogs, cats, and ferrets.⁸⁸

Consumers in New Jersey may seek remedies if their pets become sick or die within fourteen days of purchase or if their pets are found to have congenital or hereditary conditions within 180 days of purchase.⁸⁹ Consumers in New Jersey may also receive reimbursement for veterinary fees up to and including two times the purchase price.⁹⁰

In New York, consumers have the right to return the animal and receive a refund of the purchase price plus reasonable veterinary costs.⁹¹ Consumers also have the right to return the animal and receive an exchange animal of equivalent value.⁹² Finally, consumers may retain the animal and receive reimbursement for veterinary services that do not exceed the purchase price of the animal.⁹³ For consumers to seek a remedy, the pet must be ill or die within fourteen business days after the sale.⁹⁴

2. Puppy Lemon Laws in the South

In comparison to the number of states in the northeast that have puppy lemon laws, the number of southern states that have puppy lemon laws is much smaller. In the South, Arkansas, Delaware, Florida, South Carolina, and Virginia have puppy lemon laws.⁹⁵ Alabama, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma,

84. *Id.*

85. *Id.*

86. 330 MASS. CODE REGS. 12.05 (2009); N.H. REV. STAT. ANN. § 437:13 (2009).

87. *See id.*

88. *See* N.H. REV. STAT. ANN. § 437:13 (2009).

89. N.J. STAT. ANN. § 56:8-96 (West 2009).

90. *Id.*

91. N.Y. GEN. BUS. LAW § 753 (McKinney 2009).

92. *Id.*

93. *Id.*

94. *Id.*

95. ARIZ. REV. STAT. ANN. § 44-1799.05 (2008); DEL. CODE ANN. tit. 6, § 4005 (2009); FLA. STAT. § 828.29 (2009); S.C. CODE ANN. § 47-13-160 (2008); VA. CODE ANN. § 3.2-6514 (2009).

Tennessee, Texas, and West Virginia do not have puppy lemon laws. In states without puppy lemon laws, consumers may seek assistance from the state's attorney general's office, the state department of consumer affairs, or the Better Business Bureau.⁹⁶

In Arkansas, consumers may return the animal for a full refund, exchange the animal for a replacement, or retain the animal and receive reimbursement for reasonable veterinary fees that do not exceed the original purchase price.⁹⁷ Consumers in Arkansas may seek these remedies if the animal becomes sick or dies within fifteen days after the purchase or if a veterinarian states that the animal has a congenital or hereditary condition within sixty days after the purchase.⁹⁸

Delaware's puppy lemon law is similar; however, consumers may seek one of the three remedies if the animal becomes sick or dies within twenty days after purchase.⁹⁹ Similarly, a remedy is available if a veterinarian states that the animal has a congenital or hereditary condition within two years after purchase.¹⁰⁰

Florida's law is the same as Arkansas and Delaware, but consumers have fourteen days after the purchase to seek remedies or one year after the purchase if the animal has a congenital or hereditary condition.¹⁰¹

Consumers in South Carolina have the right to the same three remedies as provided in the puppy lemon laws of Arkansas, Delaware, and Florida.¹⁰² Consumers in South Carolina are entitled to a remedy if the animal becomes sick or dies within fourteen days of purchase.¹⁰³ They are also able to seek relief if the animal is diagnosed with a congenital or hereditary condition within six months after the purchase.¹⁰⁴ Consumers may seek reimbursement for reasonable veterinary fees, but the fees may not exceed half of the purchase price.¹⁰⁵

Virginia's puppy lemon law is not as consumer-friendly as the other puppy lemon laws in the South. Consumers in Virginia have the right to return the animal for a refund or exchange the animal for one of equivalent value.¹⁰⁶ However, Virginia's puppy law does not enable consumers to retain the animal and receive reasonable veterinary fees.¹⁰⁷

96. See The Current State of Pet Shop Laws, http://www.bornfreeusa.org/b4a1_petshoplaws_currentstate.php (last visited Aug. 24, 2009); see also *infra* notes 203-08.

97. See ARIZ. REV. STAT. ANN. § 44-1799.05 (2008).

98. *Id.*

99. DEL. CODE ANN. tit. 6, § 4005 (2009).

100. *Id.*

101. FLA. STAT. § 828.29 (2009).

102. See S.C. CODE ANN. § 47-13-160 (2008).

103. *Id.*

104. *Id.*

105. *Id.*

106. See VA. CODE ANN. § 3.2-6514 (2009).

107. See *id.*

The law also does not allow consumers to receive reasonable veterinary fees under the remedies that are available to them.¹⁰⁸

3. Puppy Lemon Laws in the Mid-West

In the mid-western United States, Minnesota is the only state that has a puppy lemon law.¹⁰⁹ Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin do not have puppy lemon laws. Under Minnesota's puppy lemon law, consumers have a choice between two remedies.¹¹⁰ First, the consumers may receive an animal of equal value and reimbursement for reasonable veterinary fees not exceeding the original purchase price of the animal.¹¹¹ Second, the consumers may receive a refund of the full purchase price of the animal.¹¹²

4. Puppy Lemon Laws in the West

Only two western states, California and Nevada, have puppy lemon laws.¹¹³ Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming do not have puppy lemon laws. In California, consumers may choose one of three options.¹¹⁴ The first is that consumers may return the dog for a refund plus reasonable veterinary fees that do not exceed the original purchase price.¹¹⁵ The second is that consumers may exchange the dog for a replacement of equivalent value plus reasonable veterinary fees that do not exceed the original purchase price.¹¹⁶ The third is that consumers may retain the dog and receive reimbursement for reasonable veterinary fees that do not exceed 150% of the original purchase price.¹¹⁷ Consumers may seek a remedy if the dog becomes sick or dies within fifteen days after the purchase or if the dog is diagnosed with a congenital or hereditary disease within one year after the purchase.¹¹⁸

In Nevada, consumers may receive a refund of the purchase price, exchange the pet for one of equal value, or retain the pet and seek

108. *See id.*

109. *See* MINN. STAT. § 325F.791 (2008).

110. *See id.*

111. *Id.*

112. *Id.*

113. *See* CAL. HEALTH & SAFETY CODE § 122070 (West 2009); NEV. REV. STAT. ANN. § 574.490 (2009).

114. *See* CAL. HEALTH & SAFETY CODE § 122070 (West 2009).

115. *Id.*

116. *Id.*

117. *Id.*

118. *Id.*

reimbursement for veterinary expenses that do not exceed the purchase price of the pet.¹¹⁹ The pet must become sick or die within ten days after the sale.¹²⁰

B. Flaws of Puppy Lemon Laws

Although legislators who draft puppy lemon laws probably have good intentions, many people are “blown away” that such laws exist.¹²¹

First, there is a lack of enforcement associated with puppy lemon laws.¹²² Unfortunately, many puppy mills are hidden away in rural parts of the country.¹²³ As a result, authorities have difficulties locating the puppy mills.¹²⁴ In addition, most puppy mill operators view the costs associated with puppy lemon laws simply as a cost of doing business.¹²⁵ Even if authorities are able to locate puppy mills that are hidden away, many states do not have effective enforcement measures to regulate and shut down puppy mills.¹²⁶

Second, consumers are unhappy with the prospect of returning their dogs.¹²⁷ Many consumers believe that puppy lemon laws treat dogs like material items.¹²⁸ They cannot understand how they can be expected to return their pets, especially because pets are often treated as family members.¹²⁹

Third, consumers complain that puppy lemon laws do not provide for adequate veterinary bill reimbursement.¹³⁰ Consumers are usually willing to spend thousands of dollars to make their pets healthy, but puppy lemon laws do not provide for full reimbursement of veterinary bills.¹³¹ In fact, some puppy lemon laws provide reimbursement for only fifty percent of the purchase price.¹³²

119. NEV. REV. STAT. ANN. § 574.490 (2009).

120. *Id.*

121. See David Colker, *An Outpouring from Readers over Tales of Puppy Problems*, LOS ANGELES TIMES, Apr. 20, 2008, at C-3.

122. See *infra* Part III.B.1.

123. See *infra* Part III.B.1.

124. See *infra* Part III.B.1.

125. See *infra* Part III.B.1.

126. See *infra* Part III.B.1.

127. See *infra* Part III.B.2.

128. See *infra* Part III.B.2.

129. See *infra* Part III.B.2.

130. See *infra* Part III.B.3.

131. See *infra* Part III.B.3.

132. See *supra* Part III.A.

1. Hidden Puppy Mills and Lack of Enforcement

One problem with puppy lemon laws is that some puppy mill operators view the costs associated with the laws as a cost of doing business.¹³³ An example of this can be seen in the instance where Puppy Love Kennel, located in Pennsylvania, was ordered to pay more than fifty thousand dollars in enhanced restitution to 171 consumers and nearly twenty-five thousand dollars in civil penalties and investigation costs.¹³⁴ Despite the fines, owner Joyce Stoltzfus continues operations today under the new name of CC Pets.¹³⁵

Another problem with puppy lemon laws is that puppy mill operators who sell directly to consumers are free from federal restrictions and inspections required of businesses that sell animals to pet stores.¹³⁶ Many people avoid the laws by operating puppy mills within their own homes.¹³⁷ For example, deputies confiscated 123 animals from a home in Florida.¹³⁸ In 2004, a Tennessee police officer discovered approximately two hundred dogs and twenty-one cats in various places throughout a home.¹³⁹

The Internet, as well as newspaper advertisements, has increased the backyard breeder trade because sellers find it easier to advertise and sell puppies.¹⁴⁰ Some consumers prefer the ease of buying dogs on websites like nextdaypets.com.¹⁴¹ The United States Humane Society found that many puppies purchased over the internet come from puppy mills, in spite of promises of “family raised” puppies from “small breeders.”¹⁴² In Phoenix, Arizona, as many as one thousand pets have been listed on the popular website called Craigslist.¹⁴³ Also in Arizona, the state’s puppy lemon law excludes backyard breeders because it applies only to pet

133. See Murray, *supra* note 27.

134. *Id.*

135. See Puppy Mill—400 Dogs at Kennel Peach Bottom, PA, <http://www.pet-abuse.com/cases/1572/PA/US/> (last visited Aug. 24, 2009).

136. See Anne Ryman, *Unregulated Breeders Across Arizona Abusing Animals to Turn a Profit*, THE ARIZONA REPUBLIC, Dec. 23, 2007, at 1; see also Vander Velde, *supra* note 25. Federal licenses and inspections are required only for breeders who sell dogs directly to pet stores. See Vander Velde, *supra* note 25. Pam Perry, an investigative supervisor at Hillsborough County Animal Services, said that hundreds of breeders are not regulated in Hillsborough County alone. See *id.*

137. See State v. Siliski, 238 S.W.3d 338, 343 (Tenn. Crim. App. 2007).

138. Vander Velde, *supra* note 25. The home was infested with cockroaches. See *id.* In addition, the animals were without food or water. See *id.*

139. Siliski, 238 S.W.3d at 344.

140. See *id.*

141. Hamilton, *supra* note 52.

142. See Puppy Mill Truths, *supra* note 62.

143. Ryman, *supra* note 136.

stores.¹⁴⁴ States like Oklahoma have an untold number of puppy mills hidden in garages, sheds, and rural areas that are out of reach of regulation.¹⁴⁵

In addition to the problems of hidden puppy mills, many states lack effective enforcement measures. An investigation conducted by *The Morning Call*, a newspaper in Pennsylvania, revealed that dog wardens have given perfect ratings to puppy breeding and boarding kennels that had cramped cages, dirty water bowls, and diseased or dead dogs.¹⁴⁶ Bob Baker, a national investigator for The American Society for the Prevention of Cruelty to Animals, said that the newspaper's study showed that the lack of enforcement was worse than he thought.¹⁴⁷

According to *The Morning Call*, the Pennsylvania Bureau of Dog Law ("the Bureau") did not realize that there was a problem because it did not know how to analyze its data.¹⁴⁸ In addition, the Bureau's unofficial policy encouraged dog wardens to instruct kennel owners on how to comply with the law rather than issuing citations or closing kennels.¹⁴⁹ The Bureau allowed dog wardens to file reports even when they were unable to go into the kennel for inspection.¹⁵⁰ As a result, hundreds of kennels that had violations scored "satisfactory" grades.¹⁵¹

In an effort to increase enforcement, Pennsylvania Governor Ed Rendell has added more inspectors to the Bureau and has proposed stricter kennel regulations.¹⁵² The regulations seem to have made a difference. From 2003 through most of 2006, dog wardens gave scores of "unsatisfactory" less than one percent of the time.¹⁵³ For the last two months of 2006, after Rendell made a push for change, approximately ten percent of the kennels flunked their inspections.¹⁵⁴ Some people, however, disagree with increasing regulations.¹⁵⁵ Nina Schaefer, president of the Pennsylvania Federation of Dog Clubs, said that the regulations are excessive and would threaten small "hobby breeders."¹⁵⁶

144. *See id.*

145. *See* Omer Gillham, *Puppy Profits: State Laws Lack Bite*, THE TULSA WORLD, Oct. 23, 2007, at A1.

146. *See* Tim Darragh and Christopher Schnaars, *Who's Watching Out for Me?*, THE MORNING CALL, Mar. 11, 2007, at 1, available at <http://www.mcall.com/news/specials/all-special-kennel-031107,0,5454576.story?coll=all-news-hed>.

147. *See id.*

148. *See id.*

149. *See id.*

150. *See id.*

151. *See id.*

152. *See id.* at 2.

153. *See id.*

154. *See id.*

155. *See id.*

156. *See id.*

In addition, many people worry that tougher laws will cause Pennsylvania breeders to lose sales to breeders in other states that have more lenient laws.¹⁵⁷

2. Consumers' Problems with Returning Pets

Another problem with puppy lemon laws is that consumers reel at the idea of returning their dogs for the purchase price “just like for a pair of shoes.”¹⁵⁸ Amanda Badgley, the store manager of Animal House Pet Center, said that she never had a consumer return a pet throughout her six years of employment.¹⁵⁹ At the prospect of returning her dog, one consumer explained, “How could we possibly give her [the dog] back? What would we be telling our children? Dogs are disposable?”¹⁶⁰ Another consumer said that she could never return her dog because she gets attached.¹⁶¹ She described dogs as “little people” and her “babies.”¹⁶²

People throughout the nation have the same sentiments. John Grogan, the author of the best-selling book *Marley and Me*, took his daughter to watch filming on the movie set of *Marley and Me*.¹⁶³ A puppy named Woodson, who had finished filming his portrayal as the young Marley, befriended Grogan's daughter.¹⁶⁴ The Grogan family decided to adopt Woodson.¹⁶⁵ Within a few weeks, the family learned that Woodson's rear hips were so malformed that the balls and sockets did not connect.¹⁶⁶ Woodson could no longer leap onto furniture or even walk up the stairs.¹⁶⁷ When Grogan told the breeder about Woodson's birth defect, the breeder said Woodson could be exchanged for a new puppy.¹⁶⁸ In his blog, Grogan wrote, “I have to admit the offer was tempting, like turning in a lemon automobile for a gleaming new model.

157. *See id.*

158. *See* David Colker, *Sickly Puppies can be Returned*, LOS ANGELES TIMES, Apr. 13, 2008, at 1.

159. Robbyn Mitchell, *Store Upsets Pet Owners*, ST. PETERSBURG TIMES, June 11, 2006, at 11.

160. Colker, *An Outpouring from Readers over Tales of Puppy Problems*, *supra* note 121.

161. *See* Robbyn Mitchell, *Store's Care of Animals Upsets Pet Owners*, ST. PETERSBURG TIMES, June 11, 2006, at 12.

162. *Id.*

163. *See* John Grogan, *Woodson & Me*, USA WEEKEND, Dec. 21, 2008, at 1, available at http://www.usaweekend.com/08_issues/081221/081221pets.html.

164. *See id.*

165. *See id.*

166. *See id.*

167. *See id.*

168. *See id.*

But dogs are not commodities to be discarded when they break, and I assumed that if Woodson were returned, he would be euthanized.”¹⁶⁹

Grogan was probably right because most animals that are returned are either euthanized or sold to the next unsuspecting customer.¹⁷⁰ Eilene Ribbens Rohde, executive director of the Wisconsin Puppy Mill Project, complained that puppy lemon laws may protect consumers, but the dogs end up becoming victims again if they go back to the breeder.¹⁷¹ In addition, “replacement” pets often have the same problems as the originals.¹⁷² Grogan ultimately decided that he would rather pay for Woodson’s surgery than exchange him for a new puppy because Woodson had become a member of the family.¹⁷³

Other consumers are dissatisfied with puppy lemon laws because of their time limits on the return of pets.¹⁷⁴ For example, consumers in California may use the state’s puppy lemon law if their pets become sick or die within fifteen days of purchase.¹⁷⁵ In addition, they may seek remedies if their pets are found to have congenital or hereditary conditions within one year of purchase.¹⁷⁶ Nina Austenberg, an employee of the Mid-Atlantic Regional Office of the Humane Society of the United States, explained that most puppy lemon laws do nothing to solve health problems that arise a year or more after purchase.¹⁷⁷ In addition, she expressed frustration because puppy lemon laws do not address “the proliferation of unwanted pets caused by puppy mills.”¹⁷⁸

One way to resolve the problems within puppy lemon laws is to lengthen the time limits. If the states that have puppy lemon laws increased the time limits, then consumers would have more time to discover their dogs’ health problems. Another solution could arise if the United States Congress passed a national puppy lemon law. Currently, only eighteen states have puppy lemon laws. If Congress passed a puppy lemon law that applies to all states, then there would be uniformity and less confusion for consumers. Additionally, puppy mill operators may be deterred from continuing their operations if the federal government were involved in the enforcement of puppy lemon laws.

169. *Id.*

170. *See* Sold a Sick Animal?, <http://www.petstoreabuse.com/sickpet.html> (last visited Aug. 24, 2009).

171. *See* Jones, *supra* note 67.

172. *See* Sold a Sick Animal?, *supra* note 170.

173. *See* Grogan, *supra* note 163.

174. *See* Murray, *supra* note 27.

175. CAL. HEALTH & SAFETY CODE § 122070 (West 2009).

176. *Id.*

177. *See* Murray, *supra* note 27.

178. *See id.*

3. Consumers' Problems with Excessive Veterinary Bills and Reimbursement Procedures

For many consumers throughout America, the cost of veterinary bills is prohibitive. However, many consumers are willing to pay exorbitant costs to keep their pets healthy. Sandy McKnight and Ron Nassif, both dog owners who live in California, paid \$4900 and \$5160, respectively, on surgeries for their dogs.¹⁷⁹ Another dog owner in California, Aida Akhavan, paid \$1900 when she purchased a Maltese puppy.¹⁸⁰ Akhavan soon learned that her dog had luxating patella, a congenital condition that was probably caused by overbreeding the puppy's mother.¹⁸¹ Although surgery to repair the condition was \$5500, Akhavan paid it, describing her dog as "one of us."¹⁸² Under California's puppy lemon law, Akhavan was entitled to receive the cost that she had originally paid at the store.¹⁸³ However, Akhavan could receive only fifty percent of the vet bills.¹⁸⁴ Fortunately, Akhavan was able to find a veterinarian who could perform the surgery for \$1500 rather than \$5500.¹⁸⁵ If Akhavan had paid \$5500 for the surgery, she would have had to pay at least \$2750, or fifty percent, out of her own pocket for her dog's surgery.¹⁸⁶

Jean Kelly, who lives in Buckinghamshire, England, paid ten thousand pounds,¹⁸⁷ or twenty thousand American dollars,¹⁸⁸ for surgery to repair her cat's paralyzed larynx.¹⁸⁹ Kelly said that "the money was worth it to see Cadbury [the cat] well again and happy."¹⁹⁰ Although Kelly's insurance company paid some of the bill, news sources have reported that Kelly continues to struggle to pay back the costs of Cadbury's surgery.¹⁹¹ After spending almost two thousand dollars on

179. Colker, *An Outpouring from Readers over Tales of Puppy Problems*, *supra* note 121.

180. Colker, *Sickly Puppies can be Returned*, *supra* note 158.

181. *See id.*

182. *See id.*

183. *See id.*

184. *See id.*

185. *Id.*

186. *See id.*

187. Woman Spends 10,000 pounds to hear her cat miaow again, http://www.thaindian.com/newsportal/world-news/woman-spends-10000-pounds-to-hear-her-cat-miaow-again_100104043.html (last visited Aug. 24, 2009).

188. \$20,000 Cat's Meow, <http://www.peoplepets.com/Photos/pets-in-the-news/top-10-pet-moments-of-2008/7> (last visited Aug. 24, 2009).

189. *See* Woman Spends 10,000 pounds to hear her cat miaow again, *supra* note 187.

190. Amanda Perthen, *Cadbury the Cat Gets His Miaow Back—for £ 10,000*, <http://www.dailymail.co.uk/news/article-1068529/Cadbury-cat-gets-miaow-10-000.html> (last visited Aug. 24, 2009).

191. *See id.*

surgery for her dog, Jamie McKnight expressed her frustrations with puppy lemon laws.¹⁹² McKnight said, “Luckily, I’m fortunate enough to be able to shell out thousands of dollars in medical bills. But what happens to the person who just spent \$1,000 for a dog and can’t afford proper care?”¹⁹³

In Pennsylvania, reimbursement for veterinary bills may not exceed the purchase price, not including the sales tax, of the dog.¹⁹⁴ Pennsylvanian Colleen Shelly was dismayed when she learned that Pennsylvania’s puppy lemon law does not cover all the costs incurred for a sick dog, let alone the emotional toll that it takes on a buyer.¹⁹⁵ Shelly was “disheartened” to have such limited options because the idea of returning her dog was unthinkable.¹⁹⁶ Shelly bought her dog, Milton, for \$371.¹⁹⁷ Milton developed pneumonia less than one day after Shelly’s purchase.¹⁹⁸ The cost of veterinary bills totaled \$1457, but Shelly’s reimbursement could not exceed the purchase price of Milton.¹⁹⁹ As a result, Shelly had to pay nearly \$1100 in unreimbursed veterinary bills within the first few weeks of ownership.²⁰⁰ Another Pennsylvania resident, Jean Kennedy-Krupa, had to pay one thousand dollars out of her pocket in veterinary bills when her dog got pneumonia.²⁰¹

When consumers seek reimbursement for their veterinary bills, they may have difficulties receiving their reimbursement from pet stores. After Jamie McKnight’s dog had a two-month bout with kennel cough, the pet store refused to pay \$1884 in medical bills because the store covers bills only “within reason.”²⁰² If consumers have difficulties receiving reimbursement for their veterinary bills, they can fill out a small claims form at the local courthouse.²⁰³ After filing the form, which costs approximately six dollars, the consumer will be given a court date.²⁰⁴ At the hearing, the consumer should present all veterinary and related bills.²⁰⁵ Consumers may also file a complaint with their states’

192. See Mitchell, *Store Upsets Pet Owners*, *supra* note 159.

193. *Id.*

194. 73 PA. CONS. STAT. § 201-9.3 (2009).

195. See Darragh, *Lemon Law Can’t Take the Bite out of Buying a Sick Dog*, *supra* note 56.

196. *See id.*

197. *Id.*

198. *See id.*

199. *See id.*

200. *Id.*

201. *Id.*

202. See Mitchell, *Store Upsets Pet Owners*, *supra* note 159.

203. See Sold a Sick Animal?, *supra* note 170.

204. *See id.*

205. *See id.*

attorney general's office or with their Better Business Bureau.²⁰⁶ In addition, consumers should file complaints with the pet store licensing department, which is usually the department of agriculture or the health department.²⁰⁷ If the department receives a high volume of complaints about a particular pet store, it is more likely to investigate the store and its practices.²⁰⁸

Unfortunately, some consumers may have to file lawsuits to receive their reimbursements,²⁰⁹ which is a time-consuming inconvenience to most consumers. For example, Maria Cahill sought damages for the surgery that was needed to correct her puppy's hip dysplasia.²¹⁰ To correct the puppy's multiple orthopedic problems, Cahill's veterinarian recommended several surgeries.²¹¹ The veterinarian estimated that the surgeries would cost between two and five thousand dollars.²¹² An additional surgery to correct the hip dysplasia would be between \$2493 and \$3265.²¹³ Ivan Blume, the owner of Stillwell Pets n Quality Pups, refused to pay for the surgery.²¹⁴ Instead, Blume told Cahill that he would replace the puppy with a new one.²¹⁵ Cahill declined because she and her family had become attached to the dog.²¹⁶ The court held that Cahill was to be awarded \$760.37, the purchase price of the puppy.²¹⁷ Not only did Cahill have to go through the inconvenience of filing a lawsuit against Blume, she also received a very small amount in money damages. Although Cahill received \$760.37, she may still have difficulties paying for the surgeries that were estimated to be several thousands of dollars.²¹⁸

Consumers may face additional difficulties if the puppy they purchased was shipped in from a state that does not have puppy lemon laws.²¹⁹ For example, Peg Henry of California spent more than four thousand dollars in medical costs on her puppy.²²⁰ Although California

206. *See id.*

207. *See id.*

208. *See id.*

209. *See Cahill v. Blume*, 801 N.Y.S.2d 776 (N.Y. Civ. Ct. 2005).

210. *See id.*

211. *See id.*

212. *Id.*

213. *Id.*

214. *See id.*

215. *See id.*

216. *See id.*

217. *Id.* at 3.

218. *See id.*

219. *See Colker, An Outpouring from Readers over Tales of Puppy Problems*, *supra* note 121.

220. *Id.*

has a puppy lemon law,²²¹ Texas does not.²²² Henry's puppy had been shipped from Texas to California, so Henry was not reimbursed for her veterinary bills because Texas does not have a puppy lemon law.²²³

To resolve the reimbursement problems of puppy lemon laws, states should increase the amount of reimbursement that consumers may receive. States should allow consumers to receive reimbursement for the entire amount, or even half, of all veterinary bills. If the United States Congress were to adopt a national puppy lemon law, then it should ensure that consumers are able to receive adequate reimbursement. If offenders were required to provide consumers with more reimbursement, then many may have to shut down. Therefore, increasing reimbursement may have the effect of not only satisfying consumers, but also of shutting down puppy mills.

C. *How Consumers Can Help*

Consumers should do their research before they buy their pets. Journalist Ted Kerasote explained that if every dog buyer did some research, it would help to shut down the five thousand puppy mills that provide most of the dogs sold through pet stores and the internet.²²⁴ He wrote that "puppy mills survive because people get charmed by that puppy in the window."²²⁵

One way consumers can avoid purchasing pets from puppy mills is to insist that they visit the seller's house where the puppy was raised.²²⁶ A seller's refusal to allow consumers to see the house where the puppy was raised is a red flag to the consumers.²²⁷ Consumers may use the internet and newspaper advertisements to see what dogs are available, but consumers should not buy puppies without seeing them.²²⁸ It is also a good idea to ask to meet the puppy's mother and father because temperament can be inherited.²²⁹ Consumers should be suspicious if the owners try to sell their dogs at all costs because this can be a sign that the owners are desperate.²³⁰ In addition, consumers should be cautious if

221. CAL. HEALTH & SAFETY CODE § 122070 (West 2009).

222. Colker, *An Outpouring from Readers over Tales of Puppy Problems*, *supra* note 121.

223. *See id.*

224. *See* Ted Kerasote, *Dogs Like Us*, N.Y. TIMES, Feb. 13, 2006, at 23, *available at* <http://www.kerasote.com/dogslikeus.html>.

225. *Id.*

226. Ryman, *supra* note 136.

227. *Id.*

228. *Id.*

229. Hamilton, *supra* note 52.

230. Ryman, *supra* note 136.

someone is selling several different breeds.²³¹ Representatives of the American Society for the Prevention of Cruelty to Animals have said that reputable breeders typically sell only one breed.²³² To ensure that a seller's intentions are authentic, consumers can check the seller's name through the local Better Business Bureau.²³³ Consumers should report any violations that they notice to their local law-enforcement agencies.²³⁴

Finally, consumers should consider adopting pets that have been rescued.²³⁵ Adopting dogs from local shelters would save some of the estimated three million dogs that are euthanized each year.²³⁶ In addition, consumers may find purebred dogs at local shelters because about a quarter of dogs that are at local shelters are purebreds.²³⁷ Employees at local shelters ensure that all animals have had their shots and were checked by a veterinarian.²³⁸ If consumers do choose to adopt a dog from a local shelter, they should be aware that puppy lemon laws do not usually apply.²³⁹ However, because most dogs at shelters cost less than \$100 to adopt, the puppy lemon law would not provide consumers with much monetary protection even if it did apply.²⁴⁰ Many dogs at local shelters are mixed breeds, or mutts.²⁴¹ Consumers who choose to adopt mixed breeds may not have many health problems with their dogs because mixed breeds are less susceptible to congenital conditions than purebreds.²⁴²

IV. CONCLUSION

Legislators who draft puppy lemon laws seem to have good intentions. However, legislators need to resolve the flaws that exist within puppy lemon laws.

First, legislators from states that do not have puppy lemon laws should draft puppy lemon laws for their states. If every state in the country had a puppy lemon law, then there would be more uniformity throughout the country. In addition, consumers could avoid problems if they cross state lines to buy a puppy in a state that has a puppy lemon

231. *Id.*

232. *Id.*

233. *Id.*

234. *Id.*

235. *Id.*

236. Hamilton, *supra* note 52.

237. *Id.*

238. *Id.*

239. Colker, *An Outpouring from Readers over Tales of Puppy Problems*, *supra* note 121.

240. *Id.*

241. *Id.*

242. *Id.*

law. In the ideal nation, consumers would do their research before purchasing their pets. Unfortunately, however, the reality is that many consumers do not do any research. If every state had a puppy lemon law, then consumers would not have to face the heartache of learning that the state where they purchased their pets does not have a puppy lemon law.

Second, the United States Congress could adopt a puppy lemon law. Adopting a nationwide puppy lemon law would ensure uniformity throughout the country. In addition, consumers would not be confused by the many variances of puppy lemon laws that currently exist.

Third, measures must be taken to resolve the problems involved with time limits that are in puppy lemon law. Every state has a different time limit that enables the consumer to be protected under the puppy lemon law. Some states, like Connecticut, provide protection to consumers only if the dog becomes sick or dies within fifteen days of purchase.²⁴³ Connecticut's law, along with several other states' laws, does not provide a remedy for consumers who have pets that develop congenital or hereditary conditions.²⁴⁴ Every puppy lemon law that currently exists in the United States includes a time limit. If the pet becomes sick or dies after that time limit has ended, then the remedies of the puppy lemon law are no longer available to the consumer. For example, if a consumer purchased a pet in Connecticut that becomes sick or dies sixteen days after purchase, then the consumer cannot seek protection under Connecticut's puppy lemon law.²⁴⁵ One way to resolve this problem is to increase the time limits within puppy lemon laws. If the United States Congress were to adopt a puppy lemon law, then it could include lengthier time limits that would be uniform throughout the nation.

Fourth, state legislators should increase the amount of money that consumers receive under puppy lemon laws. For example, consumers in Maine are reimbursed for half of their veterinary bills, but the reimbursement cannot exceed half of the original purchase price of the pet.²⁴⁶ In Connecticut, the reimbursement for veterinary bills cannot exceed two hundred dollars.²⁴⁷ These states are just two examples of inadequate reimbursement measures. Pets purchased on the internet or in pet stores tend to be inexpensive. If a consumer bought a pet in Maine for one hundred dollars, then he or she would receive only fifty dollars as reimbursement for veterinary bills. Veterinary bills often cost thousands of dollars, a price that most consumers are willing to pay. Receiving

243. CONN. GEN. STAT. § 22-344b (2008).

244. *Id.*

245. *Id.*

246. ME. REV. STAT. ANN. tit. 7 § 4155 (2009).

247. CONN. GEN. STAT. § 22-344b (2008).

only half of the purchase price, or two hundred dollars for consumers in Connecticut, as reimbursement seems inadequate because veterinary bills are expensive. Because the costs are low, most pet store owners and puppy mill operators view reimbursing consumers for veterinary bills as a cost of doing business. If states were to require full, or even half, reimbursement of veterinary bills, then the costs may become prohibitive for pet stores and puppy mill operators. As a result, many would have to shut down and cease operations.

Fifth, state legislators need to draft legislation to stop the proliferation of puppy mills because puppy mills are the heart of the problem. If puppy mills did not exist, then consumers would rarely, if ever, need to use the protections that puppy lemon laws offer. Although some states already have regulations, many are not efficient. For example, the Pennsylvania Bureau of Dog Law did not know how to analyze its own data.²⁴⁸ As a result, hundreds of kennels that had violations were given “satisfactory” grades.²⁴⁹ After the bureau recognized its problems, more kennels failed their inspections.²⁵⁰ If other states take the same steps that Pennsylvania did, then more kennels may fail their inspections and may be forced to close.

Finally, the state governments, the federal government, and the citizens need to work together to increase awareness about puppy mills and puppy lemon laws. Consumers often purchase pets without doing research and without realizing that their pets have been bred in puppy mills. By increasing awareness, consumers will be more educated and will avoid buying their pets on the internet or in pet stores. As the demand decreases, then many puppy mills will be forced to close. It is also important to ensure that consumers know their rights in the event that they do purchase dogs that have been bred in puppy mills. Although many pet stores and puppy mill operators view the puppy lemon law as a cost of doing business, they still lose money when they have to pay for refunds and veterinary bills. If citizens throughout the country work together to increase awareness about puppy mills and puppy lemon laws, then they may be able to bring an end to puppy mills.

248. Darraugh and Schnaars, *supra* note 146.

249. *Id.*

250. *Id.*