S T A T E O F N E W Y O R K

6093--B

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. BALL, ADAMS, HANNON, OPPENHEIMER, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to dogs and cats unfit for purchase due to illness, a congenital malformation, or symptoms of a contagious or infectious disease

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as "Charlemagne's law".

S 2. Subdivision 1 of section 753 of the general business law, as added by chapter 431 of the laws of 1988, and such section as renumbered and the opening paragraph as amended by chapter 68 of the laws of 1993, is amended to read as follows:

1. If, within [fourteen business days] SIX MONTHS following the sale of an animal subject to this article or receipt of the written notice required by section seven hundred fifty-four of this article, whichever occurred last, a veterinarian of the consumer's choosing, licensed by a state certifies such animal to be unfit for purchase due to illness, a congenital malformation which adversely affects the health of the animal, or the presence of symptoms of a contagious or infectious disease, AND NOTWITHSTANDING THE PRESENCE OF EVIDENCE INDICATING THAT THE CONSUMER MAY HAVE MISTREATED THE ANIMAL IN ANY MANNER OR IF THE ANIMAL HAS BEEN RETURNED FOR NO REASON OTHER THAN A CONDITION DESCRIBED IN THIS SUBDIVISION the pet dealer shall afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including sales tax, and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase pursuant to this section AND FOR SUCH VETERINARIAN'S

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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TREATMENT OF THE ANIMAL FOR THE CONDITION THAT MAKES THE ANIMAL UNFIT FOR PURCHASE;

(b) The right to return the animal and to receive an exchange animal of the consumer's choice of equivalent value, and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase pursuant to this section AND FOR SUCH VETERINARIAN'S TREATMENT OF THE ANIMAL FOR THE CONDITION THAT MAKES THE ANIMAL UNFIT FOR PURCHASE; or

(c) The right to retain the animal and to receive reimbursement from a pet dealer for veterinary services from a licensed veterinarian of the consumer's choosing, for the purpose of curing or attempting to cure the animal DURING THE LIFETIME OF SUCH ANIMAL. [The reasonable value of reimbursable services rendered to cure or attempting to cure the animal shall not exceed the purchase price of the animal.] The value of such services is reasonable if comparable to the value of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian. [Such reimbursement shall not include the costs of initial veterinary examination fees and diagnostic fees not directly related to the veterinarian's certification that the animal is unfit for purchase pursuant to this section.]

The commissioner by regulations shall prescribe a form for, and the content of, the certification that an animal is unfit for purchase, which shall be provided by an examining veterinarian to a consumer upon the examination of an animal which is subject to the provisions of this section. Such form shall include, but not be limited to, information which identifies the type of animal, the owner, the date and diagnosis of the animal, the treatment recommended if any, and an estimate or the actual cost of such treatment. Such form shall also include the notice prescribed in section seven hundred forty-three of this article.

The commissioner by regulations shall prescribe information which shall be provided in writing by the pet dealer to the consumer upon the sale of the animal. Such information shall include, but not be limited to, a description, including breed of the animal, the date of purchase, the name, address and telephone number of the consumer, and the amount of the purchase. The pet dealer shall certify such information by signing the document in which it is contained.

S 3. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to dogs and cats purchased from a pet dealer on or after such effective date.