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I N   A S S E M B L Y

February 14, 2014

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Introduced by M. of A. TITONE -- read once and referred to the Committee  
on Consumer Affairs and Protection

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

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

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

3     S 2. Subdivision 1 of section 753 of the general business law, as  
4     amended by chapter 251 of the laws of 2013, is amended to read as  
5     follows:

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

20    (a) The right to return the animal and receive a refund of the  
21    purchase price including sales tax and reasonable veterinary costs  
22    directly related to the veterinarian's certification that the animal is  
23    unfit for purchase pursuant to this section;

24    (b) The right to return the animal and to receive an exchange animal  
25    of the consumer's choice of equivalent value and reasonable veterinary  
26    costs directly related to the veterinarian's certification that the  
27    animal is unfit for purchase pursuant to this section; or

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

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

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

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

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