

2570--A

2013-2014 Regular Sessions

I N   S E N A T E

January 22, 2013

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Introduced by Sens. BALL, SAMPSON -- 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

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:

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     added by chapter 431 of the laws of 1988, such section as renumbered and  
5     the opening paragraph as amended by chapter 68 of the laws of 1993, is  
6     amended to read as follows:  
7     1. If, within [fourteen business days] SIX MONTHS following the sale  
8     of an animal subject to this article or receipt of the written notice  
9     required by section seven hundred fifty-four of this article, whichever  
10    occurred last, a veterinarian of the consumer's choosing, licensed by a  
11    state certifies such animal to be unfit for purchase due to illness, a  
12    congenital malformation which adversely affects the health of the  
13    animal, or the presence of symptoms of a contagious or infectious  
14    disease, AND NOTWITHSTANDING THE PRESENCE OF EVIDENCE INDICATING THAT  
15    THE CONSUMER MAY HAVE MISTREATED THE ANIMAL IN ANY MANNER OR IF THE  
16    ANIMAL HAS BEEN RETURNED FOR NO REASON OTHER THAN A CONDITION DESCRIBED  
17    IN THIS SUBDIVISION the pet dealer shall [afford the consumer the right  
18    to choose one of the following options:  
19    (a) The right to return the animal and receive a refund of the  
20    purchase price including sales tax and reasonable veterinary costs  
21    directly related to the veterinarian's certification that the animal is  
22    unfit for purchase pursuant to this section;

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

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

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

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

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

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