

5279--B

2015-2016 Regular Sessions

I N S E N A T E

May 12, 2015

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- 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:

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] THIRTY DAYS 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 adversely
15 affects the health of the animal, the pet dealer shall afford the
16 consumer the right to choose one of the following options:
17 (a) The right to return the animal and receive a refund of the
18 purchase price including sales tax and reasonable veterinary costs

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

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1 directly related to the veterinarian's certification that the animal is
2 unfit for purchase pursuant to this section;

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

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

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

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

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