

3410--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. TITONE -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- 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] ONE HUNDRED EIGHTY DAYS follow-
7 ing the sale of an animal subject to this article or receipt of the
8 written notice required by section seven hundred fifty-four of this
9 article, whichever occurred last, a veterinarian of the consumer's
10 choosing, licensed by a state certifies such animal to be unfit for
11 purchase due to illness or the presence of symptoms of a contagious or
12 infectious disease, or if, within one hundred eighty calendar days
13 following such sale or receipt, whichever occurred last, a licensed
14 veterinarian certifies such animal to be unfit for purchase due to a
15 congenital malformation which adversely affects the health of the
16 animal, AND NOTWITHSTANDING THE PRESENCE OF EVIDENCE INDICATING THAT THE
17 CONSUMER MAY HAVE MISTREATED THE ANIMAL IN ANY MANNER OR IF THE ANIMAL
18 HAS BEEN RETURNED FOR NO REASON OTHER THAN A CONDITION DESCRIBED IN THIS
19 SUBDIVISION the pet dealer shall [afford the consumer the right to
20 choose one of the following options:

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

LBD03800-03-6

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

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

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

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

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

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