

3410--B

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 -- again reported from said committee with amendments, 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.

LBD03800-05-6

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.