

5279

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

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] 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 adversely
15 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;

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 fifty-four 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.