

5279--A

2015-2016 Regular Sessions

I N   S E N A T E

May 12, 2015

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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

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.

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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.