

STATE OF NEW YORK

1902

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

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 § 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 adverse-
15 ly 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
19 directly related to the veterinarian's certification that the animal is
20 unfit for purchase pursuant to this section;
- 21 (b) The right to return the animal and to receive an exchange animal
22 of the consumer's choice of equivalent value and reasonable veterinary
23 costs directly related to the veterinarian's certification that the
24 animal is unfit for purchase pursuant to this section; or

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

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1 (c) The right to retain the animal and to receive reimbursement from a
2 pet dealer for veterinary services from a licensed veterinarian of the
3 consumer's choosing, for the purpose of curing or attempting to cure the
4 animal during the lifetime of such animal. [~~The reasonable value of~~
5 ~~reimbursable services rendered to cure or attempting to cure the animal~~
6 ~~shall not exceed the purchase price of the animal.~~] The value of such
7 services is reasonable if comparable to the value of similar services
8 rendered by other licensed veterinarians in proximity to the treating
9 veterinarian. Such reimbursement shall not include the costs of initial
10 veterinary examination fees and diagnostic fees not directly related to
11 the veterinarian's certification that the animal is unfit for purchase
12 pursuant to this section.

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

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

29 § 3. This act shall take effect on the thirtieth day after it shall
30 have become a law and shall apply to dogs and cats purchased from a pet
31 dealer on or after such effective date.