

REFERENCE TITLE: pet dealers; purchaser remedies

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2329

Introduced by
Representatives Payne: Butler, Shah

AN ACT

AMENDING SECTION 44-1799.05, ARIZONA REVISED STATUTES; REPEALING SECTION 44-1799.11, ARIZONA REVISED STATUTES; RELATING TO PET DEALERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1799.05, Arizona Revised Statutes, is amended
3 to read:

4 44-1799.05. Purchaser remedies for sale of unfit cats or
5 dogs; requirements; exceptions

6 A. A cat or dog that is purchased from a pet dealer is considered
7 to be unfit for sale if ~~either~~ ANY of the following applies:

8 1. Within fifteen days after the purchaser takes possession of the
9 animal, a veterinarian who is licensed pursuant to title 32, chapter
10 21, states in writing that in the veterinarian's opinion the cat or dog
11 has become ill or otherwise symptomatic due to any illness, injury or
12 other defect that existed in the animal before the purchaser took
13 possession of the animal.

14 2. Within sixty days after the purchaser takes possession of the
15 animal, a veterinarian who is licensed pursuant to title 32, chapter 21
16 states in writing that the animal has a congenital or hereditary condition
17 that adversely affects the health of the animal or that requires or is
18 likely to require hospitalization or nonelective surgical procedures.

19 3. THE PURCHASER SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT THE
20 ANIMAL HAD AN ILLNESS, INJURY OR OTHER DEFECT AS DESCRIBED IN PARAGRAPH 1
21 OF THIS SUBSECTION OR A CONGENITAL OR HEREDITARY CONDITION AS DESCRIBED IN
22 PARAGRAPH 2 OF THIS SUBSECTION WHEN THE PURCHASER TOOK POSSESSION OF THE
23 ANIMAL.

24 B. The veterinary statement that is required pursuant to subsection
25 A OF THIS SECTION shall contain the following information:

26 1. The purchaser's name and address.

27 2. The date or dates on which the cat or dog was examined.

28 3. The type, breed and age of the cat or dog, if known.

29 4. A verification that the veterinarian examined the cat or dog.

30 5. A statement that the cat or dog had an illness or congenital or
31 hereditary problem that rendered the cat or dog unfit for sale or that
32 resulted in the cat's or dog's death.

33 6. The findings of the examination or necropsy, including
34 laboratory results or copies of laboratory reports, IF APPLICABLE.

35 C. If a cat or dog is unfit for sale pursuant to subsection A OF
36 THIS SECTION, the purchaser may elect one of the following remedies:

37 1. Return the animal to the pet dealer for a refund of the FULL
38 purchase price, including transaction privilege, sales or similar excise
39 tax.

40 2. If a replacement animal is available, exchange the animal for an
41 animal of the same species and of equivalent value and receive
42 reimbursement for reasonable veterinary fees for diagnosis and treatment
43 ~~in an amount of not more than the original purchase price of the animal~~ OF
44 THE DISEASE, ILLNESS OR CONDITION, including transaction privilege, sales
45 or similar excise tax.

1 3. Retain the animal and receive reimbursement from the pet dealer
2 for reasonable veterinary fees for diagnosis and treatment ~~in an amount of~~
3 ~~not more than the original purchase price of the animal~~ OF THE DISEASE,
4 ILLNESS OR CONDITION, including transaction privilege, sales or similar
5 excise tax.

6 ~~E.~~ D. If a cat or dog was unfit for sale and has died or was
7 euthanized by a veterinarian who is licensed pursuant to title 32, chapter
8 21, the pet dealer shall refund to the purchaser the FULL purchase price,
9 including transaction privilege, sales or similar excise tax.

10 ~~D.~~ E. The purchaser shall comply with all of the following
11 requirements to obtain the remedies available under this section:

12 1. Notify the pet dealer in writing that the cat or dog has a
13 medical or health problem, including a congenital or hereditary condition,
14 within ~~five~~ FIFTEEN days after a veterinarian who is licensed pursuant to
15 title 32, chapter 21 diagnoses the problem. The purchaser shall provide
16 the pet dealer with the veterinarian's name and telephone number. THE
17 PURCHASER SHALL PRESENT COPIES TO THE PET DEALER OF ALL RECORDS THAT ARE
18 AVAILABLE RELATING TO THE ANIMAL'S DIAGNOSIS, DISEASE, ILLNESS OR
19 CONDITION.

20 ~~2. If the cat or dog is ill or injured or has a congenital or~~
21 ~~hereditary condition, offer to present the cat or dog to the pet dealer,~~
22 ~~together with copies of all records that are available to the purchaser~~
23 ~~regarding the cat's or dog's diagnosis and condition.~~

24 ~~S.~~ 2. If the cat or dog dies within ~~fifteen~~ SIXTY days ~~of~~ AFTER
25 the purchase, give the pet dealer the veterinarian's written statement
26 that the cat or dog died from an illness that existed on or before the
27 DATE THE purchaser took possession of the cat or dog. The presentation of
28 the written statement is sufficient proof to claim reimbursement or
29 replacement pursuant to this section. The purchaser is not required to
30 return the ~~dead~~ DECEASED cat or dog to the pet dealer OR TO SUBMIT THE
31 ANIMAL TO A NECROPSY.

32 F. If the purchaser is requesting a refund for reasonable
33 veterinary expenses, an itemized bill of fees shall accompany the
34 veterinarian statement required pursuant to subsection A OF THIS
35 SECTION. The itemized bill shall include fees for examination, diagnosis
36 and treatment.

37 G. Unless the pet dealer contests the demand for remedies BY
38 PROVIDING WRITTEN NOTICE TO THE PURCHASER WITHIN TEN DAYS AFTER THE DATE
39 OF THE NOTICE PRESCRIBED BY SUBSECTION E, PARAGRAPH 1 OF THIS SECTION, the
40 pet dealer shall pay refunds and shall reimburse veterinary expenses
41 within thirty days after receiving the veterinarian's statement or, if
42 applicable, within thirty days after the date on which the cat or dog is
43 returned to the pet dealer.

44 H. The purchaser shall not be reimbursed for the purchase price or
45 veterinary fees if any of the following applies:

1 1. The cat's or dog's illness or death resulted from maltreatment
2 or neglect or from an injury that the cat or dog sustained after the
3 purchaser took possession of the cat or dog.

4 2. The purchaser failed to carry out the recommended treatment
5 prescribed by the veterinarian who made the initial diagnosis. ~~This~~
6 ~~paragraph does not apply if the cost of the treatment together with the~~
7 ~~veterinarian's fees would exceed the purchase price of the cat or dog,~~
8 ~~including transaction privilege, sales or similar excise tax.~~

9 3. At the time of sale, the purchaser received ~~the~~ A WRITTEN
10 veterinary statement ~~pursuant to subsection A and the statement disclosed~~
11 FROM THE PET DEALER DISCLOSING the disease, illness or condition for which
12 the purchaser seeks to return the cat or dog.

13 4. The purchaser refuses to return to the pet dealer all of the
14 documents that ~~were~~ THE PET DEALER provided to the purchaser for the
15 purpose of registering the cat or dog.

16 I. The value of veterinary medical services is deemed to be
17 reasonable if the services rendered are appropriate for the diagnosis and
18 treatment of an illness or congenital or hereditary condition and are
19 comparable to the value of similar services rendered by other licensed
20 veterinarians.

21 Sec. 2. Repeal

22 Section 44-1799.11, Arizona Revised Statutes, is repealed.