

# SENATE BILL No. 185

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-22.

**Synopsis:** Sale of companion animals. Prohibits the sale of a companion animal unless the companion animal: (1) is at least eight weeks of age; and (2) has received appropriate vaccinations. Makes a violation a Class C infraction for every animal unlawfully sold, and increases the penalty to a Class B infraction if the person has a prior judgment for an unlawful sale. Defines "unfit for sale" and provides remedies for a person who purchases a companion animal that was unfit for sale or that was the subject of misrepresentations concerning the animal's age or medical history.

**Effective:** July 1, 2020.

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## Alting

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January 13, 2020, read first time and referred to Committee on Agriculture.

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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## SENATE BILL No. 185

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-22 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2020]:

4 **ARTICLE 22. SALE OF COMPANION ANIMALS**

5 **Chapter 1. Application**

6 **Sec. 1. This chapter does not apply to the following:**

- 7 (1) A research facility registered with the United States
- 8 Department of Agriculture under the federal Animal Welfare
- 9 Act (7 U.S.C. 2131 et seq.).
- 10 (2) An animal shelter.
- 11 (3) A humane society.
- 12 (4) An animal rescue operation that is exempt from federal
- 13 income taxation under Section 501(c)(3) of the Internal
- 14 Revenue Code.
- 15 (5) An animal control agency or a governmental entity
- 16 operating another animal impounding facility.

17 **Sec. 2. The following definitions apply throughout this article:**



1 (1) "Appropriate vaccines" means:

2 (A) if the companion animal is a kitten:

3 (i) the rabies vaccine; and

4 (ii) all core vaccines recommended by the most recent  
5 report issued by the feline vaccine advisory panel of the  
6 American Association of Feline Practitioners; and

7 (B) if the companion animal is a puppy:

8 (i) the rabies vaccine; and

9 (ii) all core vaccines recommended by the most recent  
10 revision of the canine vaccination guidelines published  
11 by the American Animal Hospital Association.

12 (2) "Companion animal" has the meaning set forth in  
13 IC 15-20-4-2.

14 (3) "Person" means an individual, a corporation, a limited  
15 liability company, a partnership, or other business entity.

16 (4) "Seller" means a person who sells a companion animal.

17 (5) "Veterinarian" has the meaning set forth in  
18 IC 15-17-2-102.

19 **Chapter 2. Requirements for Sale of a Companion Animal**

20 **Sec. 1.** A seller may not sell a companion animal unless the  
21 companion animal is at least eight (8) weeks of age.

22 **Sec. 2. (a)** Except as provided in subsection (b), a seller may not  
23 sell a companion animal unless the animal has received all  
24 appropriate vaccines.

25 (b) A seller may sell a companion animal that has not received  
26 all appropriate vaccines if a veterinarian determines that one (1)  
27 or more specific vaccines should not be administered to the  
28 companion animal due to the age or condition of the companion  
29 animal.

30 **Sec. 3.** A person that violates this chapter commits a Class C  
31 infraction for every animal sold in violation of this chapter.  
32 However, the offense is a Class B infraction for every animal sold  
33 if the person has a prior unrelated judgment for a violation of this  
34 chapter.

35 **Chapter 3. Recourse if a Companion Animal is Unfit for Sale**

36 **Sec. 1.** For purposes of this chapter, a companion animal is  
37 "unfit for sale" if, in the professional opinion of a veterinarian, one  
38 (1) or more of the following apply:

39 (1) The companion animal has become ill or otherwise  
40 symptomatic due to an illness, injury, or other defect that  
41 existed in the companion animal before the purchaser took  
42 possession of the animal.



1           (2) The companion animal has a congenital or hereditary  
2           condition that adversely affects the health of the animal or  
3           that requires or is likely to require hospitalization or  
4           nonelective surgical procedures.

5           Sec. 2. If a companion animal is unfit for sale, a purchaser is  
6           entitled to relief under this chapter if the purchaser notifies the  
7           seller in writing that the companion animal is unfit for sale not  
8           later than:

9           (1) fifteen (15) days from the day the purchaser took  
10          possession of the companion animal, if the companion animal  
11          is unfit for sale under section 1(1) of this chapter; or

12          (2) sixty (60) days from the day the purchaser took possession  
13          of the companion animal, if the companion animal is unfit for  
14          sale under section 1(2) of this chapter.

15          Sec. 3. Except as provided in sections 4 and 5 of this chapter, if  
16          a companion animal is unfit for sale, the purchaser may elect one  
17          (1) of the following remedies:

18          (1) Return the companion animal to the seller for a refund of  
19          the purchase price.

20          (2) If a replacement companion animal is available, exchange  
21          the companion animal for a companion animal of the same  
22          species and of equivalent value and receive reimbursement for  
23          reasonable veterinary fees for diagnosis and treatment in an  
24          amount of not more than the original purchase price of the  
25          companion animal.

26          (3) Retain the companion animal and receive reimbursement  
27          from the seller for reasonable veterinary fees for diagnosis  
28          and treatment in an amount of not more than the original  
29          purchase price of the companion animal.

30          Sec. 4. A purchaser is not entitled to a remedy described in  
31          section 3 of this chapter if one (1) or more of the following apply:

32          (1) The medical condition that makes the companion animal  
33          unfit for sale was exacerbated due to neglect, maltreatment,  
34          or injury that occurred after the purchaser took possession of  
35          the companion animal.

36          (2) The purchaser failed to carry out the recommended  
37          treatment prescribed by the veterinarian who made the initial  
38          diagnosis, unless the cost of the treatment together with the  
39          veterinarian's fees exceeds the purchase price of the  
40          companion animal.

41          (3) At the time of sale, the seller disclosed the companion  
42          animal's specific medical condition in a written document



1 prepared by a veterinarian.

2 **Sec. 5. A purchaser is not entitled to a remedy described in**  
 3 **section 3 of chapter unless the purchaser provides the seller with**  
 4 **a copy of:**

5 (1) a written diagnosis prepared by a veterinarian explaining  
 6 the reason that the companion animal was unfit for sale; and

7 (2) if applicable, an itemized statement of fees prepared by the  
 8 treating veterinarian.

9 **Sec. 6. A purchaser may bring an action in a court of competent**  
 10 **jurisdiction to obtain a remedy described in this chapter.**

11 **Chapter 4. Recourse If a Seller Misrepresents the Age or**  
 12 **Medical History of a Companion Animal**

13 **Sec. 1. This chapter applies if a seller makes a misrepresentation**  
 14 **concerning the age or medical history of a companion animal,**  
 15 **including a misrepresentation concerning vaccination.**

16 **Sec. 2. If a seller makes a misrepresentation concerning a**  
 17 **companion animal as described in section 1 of this chapter, a**  
 18 **purchaser is entitled to relief under this chapter if the purchaser**  
 19 **notifies the seller in writing of the misrepresentation not later than**  
 20 **sixty (60) days from the date the purchaser discovers the**  
 21 **misrepresentation.**

22 **Sec. 3. A purchaser entitled to relief under this chapter may**  
 23 **elect one (1) of the following remedies:**

24 (1) Return the companion animal to the seller for a refund of  
 25 the purchase price.

26 (2) If a replacement companion animal is available, exchange  
 27 the companion animal for a companion animal of the same  
 28 species and of equivalent value and receive reimbursement for  
 29 reasonable veterinary fees, if applicable, for diagnosis,  
 30 treatment, and vaccination in an amount of not more than the  
 31 original purchase price of the companion animal.

32 (3) Retain the companion animal and receive reimbursement  
 33 from the seller for reasonable veterinary fees, if applicable,  
 34 for diagnosis, treatment, and vaccination in an amount of not  
 35 more than the original purchase price of the companion  
 36 animal.

