



Reprinted
January 28, 2020

SENATE BILL No. 185

DIGEST OF SB 185 (Updated January 27, 2020 2:54 pm - DI 138)

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.

Alting, Bohacek, Doriot, Stoops

January 13, 2020, read first time and referred to Committee on Agriculture.
January 21, 2020, reported favorably — Do Pass.
January 27, 2020, read second time, amended, ordered engrossed.

SB 185—LS 6478/DI 106



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 article 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 control agency or a governmental entity
11 operating another animal impounding facility.
12 **Sec. 2. The following definitions apply throughout this article:**
13 (1) "Appropriate vaccines" means:
14 (A) if the companion animal is a kitten:
15 (i) the rabies vaccine; and
16 (ii) all core vaccines recommended by the most recent
17 report issued by the feline vaccine advisory panel of the



- 1 American Association of Feline Practitioners; and
- 2 (B) if the companion animal is a puppy:
- 3 (i) the rabies vaccine; and
- 4 (ii) all core vaccines recommended by the most recent
- 5 revision of the canine vaccination guidelines published
- 6 by the American Animal Hospital Association.
- 7 (2) "Companion animal" has the meaning set forth in
- 8 IC 15-20-4-2.
- 9 (3) "Person" means an individual, a corporation, a limited
- 10 liability company, a partnership, or other business entity.
- 11 (4) "Seller" means a person who sells a companion animal.
- 12 (5) "Veterinarian" has the meaning set forth in
- 13 IC 15-17-2-102.

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

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

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

20 **(b) A seller may sell a companion animal that has not received**
21 **all appropriate vaccines if a veterinarian determines that one (1)**
22 **or more specific vaccines should not be administered to the**
23 **companion animal due to the age or condition of the companion**
24 **animal.**

25 **Sec. 3. A person that violates this chapter commits a Class C**
26 **infraction for every animal sold in violation of this chapter.**
27 **However, the offense is a Class B infraction for every animal sold**
28 **if the person has a prior unrelated judgment for a violation of this**
29 **chapter.**

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

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

34 **(1) The companion animal has become ill or otherwise**
35 **symptomatic due to an illness, injury, or other defect that**
36 **existed in the companion animal before the purchaser took**
37 **possession of the animal.**

38 **(2) The companion animal has a congenital or hereditary**
39 **condition that adversely affects the health of the animal or**
40 **that requires or is likely to require hospitalization or**
41 **nonelective surgical procedures.**

42 **Sec. 2. If a companion animal is unfit for sale, a purchaser is**



1 entitled to relief under this chapter if the purchaser notifies the
 2 seller in writing that the companion animal is unfit for sale not
 3 later than:

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

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

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

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

15 (2) If a replacement companion animal is available, exchange
 16 the companion animal for a companion animal of the same
 17 species and of equivalent value.

18 (3) Retain the companion animal and receive reimbursement
 19 from the seller for reasonable veterinary fees for diagnosis
 20 and treatment in an amount of not more than the original
 21 purchase price of the companion animal.

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

24 (1) The medical condition that makes the companion animal
 25 unfit for sale was exacerbated due to neglect, maltreatment,
 26 or injury that occurred after the purchaser took possession of
 27 the companion animal.

28 (2) The purchaser failed to carry out the recommended
 29 treatment prescribed by the veterinarian who made the initial
 30 diagnosis, unless the cost of the treatment together with the
 31 veterinarian's fees exceeds the purchase price of the
 32 companion animal.

33 (3) At the time of sale, the seller disclosed the companion
 34 animal's specific medical condition in a written document
 35 prepared by a veterinarian.

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

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

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



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

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

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

8 **Sec. 2. If a seller makes a misrepresentation concerning a**
9 **companion animal as described in section 1 of this chapter, a**
10 **purchaser is entitled to relief under this chapter if the purchaser**
11 **notifies the seller in writing of the misrepresentation not later than**
12 **sixty (60) days from the date the purchaser discovers the**
13 **misrepresentation.**

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

16 **(1) Return the companion animal to the seller for a refund of**
17 **the purchase price.**

18 **(2) If a replacement companion animal is available, exchange**
19 **the companion animal for a companion animal of the same**
20 **species and of equivalent value.**

21 **(3) Retain the companion animal and receive reimbursement**
22 **from the seller for reasonable veterinary fees, if applicable,**
23 **for diagnosis, treatment, and vaccination in an amount of not**
24 **more than the original purchase price of the companion**
25 **animal.**



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 185 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 9, Nays 0

SENATE MOTION

Madam President: I move that Senate Bill 185 be amended to read as follows:

Page 1, line 6, delete "chapter" and insert "**article**".

Page 1, delete lines 10 through 14.

Page 1, line 15, delete "(5)" and insert "**(2)**".

Page 3, line 22, delete "and receive reimbursement for" and insert ".".

Page 3, delete lines 23 through 25.

Page 4, line 28, delete "and receive reimbursement for" and insert ".".

Page 4, delete lines 29 through 31.

(Reference is to SB 185 as printed January 22, 2020.)

ALTING

