

By: Senator(s) Dearing

To: Judiciary;
Agriculture

SENATE BILL NO. 2243

1 AN ACT TO IMPOSE CERTAIN RESTRICTIONS UPON THE SALE OF
2 ANIMALS FOR PROFIT; TO PROVIDE A CAUSE OF ACTION AND DAMAGES FOR
3 ANY PURCHASER OF AN ANIMAL HAVING ANY HEREDITARY OR CONGENITAL
4 DEFECT AS CERTIFIED BY A LICENSED VETERINARIAN WHICH WERE NOT
5 DISCLOSED BY THE SELLER; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. As used in this act:

8 (a) "Animal" means any dog or cat.

9 (b) "Breeder" means any person or business which owns,
10 breeds, raises and sells animals for profit.

11 (c) "Purchaser" means any person who purchases an
12 animal for personal use or enjoyment and not for resale.

13 (d) "Seller" means any person or business, including
14 breeders, which sells animals as a business for profit.

15 SECTION 2. (1) Any animal sold by a seller shall be at
16 least six (6) weeks old.

17 (2) Any animal sold or transferred for sale by a breeder
18 shall be treated in accordance with all usual veterinary
19 requirements for an animal of its age, including but not limited
20 to, immunization against rabies and distemper.

21 (3) Any person or business which acquires an animal for
22 resale shall have an order signed by a purchaser, requesting that
23 person or business to obtain an animal for that purchaser.

24 (4) The name, address and any breeder identification number
25 or numbers of the breeder shall be given in writing to the
26 purchaser of any animal.

27 SECTION 3. (1) If a purchaser of an animal proves within

28 one (1) year of the date of purchase that the animal has any
29 hereditary or congenital defect as certified in writing by a
30 licensed veterinarian which was not specifically denoted by the
31 seller, though known by the seller, at the date of purchase as a
32 current or potential problem or a contagious disease certified in
33 writing by a licensed veterinarian as having been contracted
34 before transfer from the breeder and known by the seller at the
35 date of purchase, the purchaser shall have a right of action
36 against the seller of the animal.

37 (2) Any person who violates these provisions shall pay to
38 the owner an amount of actual damages not to exceed Two Thousand
39 Five Hundred Dollars (\$2,500.00), as determined by the court, for
40 losses incurred by the owner for any special care and any medical
41 attention and treatment required as a direct result of the defect
42 or disease as certified in writing by a licensed veterinarian,
43 plus a full refund of the purchase price.

44 (3) In any action against the seller, the purchaser shall
45 have the option to either return or keep the animal.

46 SECTION 4. This act shall take effect and be in force from
47 and after July 1, 1999.