

1253--A

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, AVELLA, OPPENHEIMER, STEWART-COUSINS --
read twice and ordered printed, and when printed to be committed to
the Committee on Agriculture -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the sale
of birds by pet dealers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 402 of the agriculture and
2 markets law, as added by chapter 259 of the laws of 2000, is amended to
3 read as follows:
4 1. The name and address of the person from whom each animal was
5 acquired. If the person from whom the animal was obtained is a dealer
6 licensed by the United States department of agriculture, the person's
7 name, address, and federal dealer identification number. In the case of
8 cats, if a cat is placed in the custody or possession of the pet dealer
9 and the source of origin is unknown, the pet dealer shall state the
10 source of origin as unknown, accompanied by the date, time, and location
11 of receipt. Notwithstanding the provisions of this subdivision, no pet
12 dealer shall knowingly buy, sell, exhibit, transport, or offer for sale,
13 exhibition, or transportation any stolen animal. No pet dealer shall
14 knowingly sell any cat or dog younger than eight weeks of age. NO PET
15 DEALER SHALL SELL ANY BIRD AT RETAIL THAT HAS NOT BEEN FULLY WEANED;
16 PROVIDED, HOWEVER, THAT A PET DEALER MAY SELL SUCH BIRD IF:
17 (A) DISCLOSURE IS MADE BY THE PET DEALER IN WRITING TO THE BUYER THAT
18 THE BIRD IS NOT WEANED;
19 (B) THE PET DEALER PROVIDES TRAINING TO THE BUYER ON PROPER HAND-FEED-
20 ING OF THE BIRD OR HAS A REASONABLE BELIEF THAT THE BUYER POSSESSES SUCH
21 KNOWLEDGE; AND
22 (C) THE BUYER AGREES IN WRITING TO PRODUCE THE BIRD FOR INSPECTION AND
23 WEIGHTING BY THE PET DEALER NO LESS FREQUENTLY THAN ONCE WEEKLY UNTIL

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

LBD01386-02-1

1 SUCH TIME AS THE BIRD IS FULLY WEANED. FOR PURPOSES OF THIS SUBDIVI-
2 SION, THE TERM "WEANED" SHALL MEAN A BIRD THAT DOES NOT REQUIRE
3 HAND-FEEDING OR ANIMAL ASSISTANCE TO SUSTAIN AT LEAST NINETY PERCENT OF
4 ITS OWN WEIGHT AT THE TIME OF SALE. FOR PURPOSES OF THIS SUBDIVISION,
5 THE TERM "HAND-FEEDING" OR "HAND-FED" MEANS THE PROCESS BY WHICH A BIRD
6 IS MANUALLY FED BY A HUMAN THROUGH THE USE OF HAND, SPOON, OR ORAL
7 GAVAGE. AT THE TIME OF SALE, A PET DEALER SHALL DOCUMENT THE WEIGHT OF
8 ANY HAND-FED BIRD UNDER ONE YEAR OF AGE, AND NOTE THE WEIGHT ON THE
9 SALES RECEIPT.

10 S 2. This act shall take effect on the sixtieth day after it shall
11 have become a law.