S T A T E O F N E W Y O R K

1262--A

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. ADDABBO, AVELLA, KENNEDY, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the general business law, in relation to the preemption of local laws; and to repeal section 400-a of the agriculture and markets law and section 753-e of the general business law relating thereto

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

Section 1. Section 400-a of the agriculture and markets law is REPEALED.

S 2. Section 407 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

S 407. Construction with other laws. Nothing in this article shall be construed to (A) limit or restrict agents or officers of societies for the prevention of cruelty to animals or the police from enforcing other provisions of article twenty-six of this chapter or any other law relating to the humane treatment of or cruelty to animals, (B) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING OR ENFORCING ANY LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES OF GENERAL APPLICATION TO BUSINESSES GOVERNING PUBLIC HEALTH, SAFETY OR THE RIGHTS OF CONSUMERS, OR (C) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING ANY LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES GOVERNING PET DEALERS PROVIDED, HOWEVER, THAT NO SUCH LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES SHALL BE LESS STRINGENT THAN THIS ARTICLE. ANY MUNICIPALITY THAT ADOPTS LAWS, RULES, REGULATIONS OR ORDINANCES THAT ARE MORE STRINGENT THAN THE PROVISIONS IN THIS ARTICLE, OR THAT CONCERN PUBLIC HEALTH, SAFETY OR THE RIGHTS OF CONSUMERS, HAS SOLE RESPONSIBILITY FOR ENFORCEMENT OF SUCH LAWS, RULES, REGULATIONS, OR ORDINANCES.

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

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S 3. Section 753-d of the general business law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

S 753-d. Construction with other laws. Nothing in this article shall be construed to (A) limit or restrict agents or officers of societies for the prevention of cruelty to animals or the police from enforcing articles twenty-six and twenty-six-A of the agriculture and markets law or any other law relating to the humane treatment of, or cruelty to, animals, (B) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING OR ENFORCING ANY LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES OF GENERAL APPLICATION TO BUSINESSES GOVERNING PUBLIC HEALTH, SAFETY OR THE RIGHTS OF CONSUMERS, OR (C) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING ANY LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES GOVERNING PET DEALERS PROVIDED, HOWEVER, THAT NO SUCH LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES SHALL BE LESS STRINGENT THAN THIS ARTICLE. ANY MUNICIPALITY THAT ADOPTS LAWS, RULES, REGULATIONS OR ORDINANCES THAT ARE MORE STRINGENT THAN THE PROVISIONS IN THIS ARTICLE, OR THAT CONCERN PUBLIC HEALTH, SAFETY OR THE RIGHTS OF CONSUMERS, HAS SOLE RESPONSIBILITY FOR ENFORCEMENT OF SUCH LAWS, RULES, REGULATIONS, OR ORDINANCES.

S 4. Section 753-e of the general business law is REPEALED.

S 5. This act shall take effect immediately.