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

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2013-2014 Regular Sessions

I N  S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 402 of the agriculture and markets law, as amended by chapter 110 of the laws of 2012, is amended to read as follows:

1. The name and address of the person from whom each animal was acquired. If the person from whom the animal was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal dealer identification number. If the person from whom the animal was obtained is a dealer licensed by the department, the person's name, address, and state dealer identification number. In the case of cats, if a cat is placed in the custody or possession of the pet dealer and the source of origin is unknown, the pet dealer shall state the source of origin as unknown, accompanied by the date, time, and location of receipt. Notwithstanding the provisions of this subdivision, no pet dealer shall knowingly buy, sell, exhibit, transport, or offer for sale, exhibition, or transportation any stolen animal. No pet dealer shall knowingly sell any cat or dog younger than eight weeks of age. NO PET DEALER SHALL SELL ANY BIRD AT RETAIL THAT HAS NOT BEEN FULLY WEANED; PROVIDED, HOWEVER, THAT A PET DEALER MAY SELL SUCH BIRD IF:

(A) DISCLOSURE IS MADE BY THE PET DEALER IN WRITING TO THE BUYER THAT THE BIRD IS NOT WEANED;

(B) THE PET DEALER PROVIDES TRAINING TO THE BUYER ON PROPER HAND-FEEDING OF THE BIRD OR HAS A REASONABLE BELIEF THAT THE BUYER POSSESSES SUCH KNOWLEDGE; AND

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

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(C) THE BUYER AGREES IN WRITING TO PRODUCE THE BIRD FOR INSPECTION AND WEIGHTING BY THE PET DEALER NO LESS FREQUENTLY THAN ONCE WEEKLY UNTIL SUCH TIME AS THE BIRD IS FULLY WEANED. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "WEANED" SHALL MEAN A BIRD THAT DOES NOT REQUIRE HAND-FEEDING OR ANIMAL ASSISTANCE TO SUSTAIN AT LEAST NINETY PERCENT OF ITS OWN WEIGHT AT THE TIME OF SALE. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "HAND-FEEDING" OR "HAND-FED" MEANS THE PROCESS BY WHICH A BIRD IS MANUALLY FED BY A HUMAN THROUGH THE USE OF HAND, SPOON, OR ORAL GAVAGE. AT THE TIME OF SALE, A PET DEALER SHALL DOCUMENT THE WEIGHT OF ANY HAND-FED BIRD UNDER ONE YEAR OF AGE, AND NOTE THE WEIGHT ON THE SALES RECEIPT.

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