

# STATE OF NEW YORK

5556

2017-2018 Regular Sessions

## IN SENATE

April 12, 2017

Introduced by Sen. TEDISCO -- 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 and the general business law, in relation to the definition of pet dealer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 400 of the agriculture and markets  
2 law, as amended by chapter 687 of the laws of 2006, is amended to read  
3 as follows:

4 4. "Pet Dealer" means any person who engages in the sale or offering  
5 for sale of more than nine animals per year for profit to the public.  
6 Such definition shall include breeders who sell or offer to sell  
7 animals; provided that a breeder who sells or offers to sell directly to  
8 the consumer fewer than [~~twenty-five~~] **fifteen** animals per year that are  
9 born and raised on the breeder's residential premises shall not be  
10 considered a pet dealer as a result of selling or offering to sell such  
11 animals. Such definition shall [~~further~~] not include duly incorporated  
12 humane societies dedicated to the care of unwanted animals which make  
13 such animals available for adoption whether or not a fee for such  
14 adoption is charged.

15 § 2. Subdivision 3 of section 752 of the general business law, as  
16 amended by chapter 687 of the laws of 2006, is amended to read as  
17 follows:

18 3. For purposes of section seven hundred fifty-three of this article,  
19 a "pet dealer" shall mean any person who, in the ordinary course of  
20 business, engages in the sale or offering for sale of more than nine  
21 animals per year for profit to the public. Such definition shall  
22 include breeders of animals who sell or offer for sale animals directly  
23 to a consumer but it shall not include duly incorporated humane socie-  
24 ties dedicated to the care of unwanted animals which make such animals  
25 available for adoption whether or not a fee for such adoption is

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

LBD01078-01-7

1 charged. For purposes of sections seven hundred fifty-three-a, seven  
2 hundred fifty-three-b, seven hundred fifty-three-c<sup>7</sup> and seven hundred  
3 fifty-three-d [~~and seven hundred fifty-three-e~~] of this article, "pet  
4 dealer" shall mean any person who engages in the sale or offering for  
5 sale of more than nine animals per year for profit to the public. Such  
6 definition shall include breeders who sell animals; provided that a  
7 breeder who sells or offers to sell directly to the consumer fewer than  
8 [~~twenty-five~~] fifteen animals per year that are born and raised on the  
9 breeders residential premises shall not be considered a pet dealer as a  
10 result of selling or offering to sell such animals. Such definition  
11 shall not include duly incorporated humane societies dedicated to the  
12 care of unwanted animals which make such animals available for adoption  
13 whether or not a fee for such adoption is charged.

14 § 3. This act shall take effect on the one hundred twentieth day after  
15 it shall have become a law.