

STATE OF NEW YORK

7522

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Agriculture

AN ACT to amend the general business law and the agriculture and markets law, in relation to retail pet shops

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

1 Section 1. Section 752 of the general business law is amended by
2 adding a new subdivision 8 to read as follows:

3 8. "Retail pet shop" means a for profit establishment open to the
4 public that sells or offers for sale animals to be kept as household
5 pets, pet food or supplies.

6 § 2. The general business law is amended by adding a new section 753-f
7 to read as follows:

8 § 753-f. Retail pet shop animal sourcing. 1. Retail pet shops shall
9 only source animals for sale from United States department of agricul-
10 ture licensed class A breeders and class B brokers. Animals intended for
11 sale shall not be sourced from private or exempt breeders through a
12 United States department of agriculture licensed class B broker, hobby
13 breeder, or any other unregulated source. No pet dealer shall obtain or
14 be in possession of animals intended for sale originating from a breeder
15 or a broker that has received:

16 (a) a direct or critical violation from the United States department
17 of agriculture within the past two years;

18 (b) "no access" violations on the two most recent United States
19 department of agriculture inspection reports;

20 (c) three or more indirect or noncritical violations, other than "no
21 access" violations on any United States department of agriculture
22 inspection reports within the past two years;

23 (d) one or more reoccurring indirect or noncritical violations on any
24 United States department of agriculture inspection report within the
25 past two years;

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

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1 (e) any violation of section 2.40 of the United States department of
2 agriculture's animal welfare regulations on any Animal and Plant Health
3 Inspection Service inspection report within the past two years, except
4 violations for unused and used expired medications having an expiration
5 date no more than fifty-nine days from the inspection date; and

6 (f) any violations on a state inspection report related to the health
7 and welfare of the animal from the breeder's or broker's state of origin
8 within the past two years, if applicable.

9 2. Any retail pet shop offering animals for sale shall, upon request
10 of the prospective consumer, make available a copy of the most recent
11 inspection reports conducted by the United States department of agricul-
12 ture and the animal's state of origin of the breeder and/or broker
13 and/or the transporter from which the subject animal came. Retail pet
14 shops shall post the statement "USDA inspection reports are available
15 upon request" on the bottom of the posting required pursuant to subdivi-
16 sion four of section seven hundred fifty-three-b of this article, such
17 statement shall be subject to the same standards of readability.

18 3. Any retail pet shop offering animals for sale shall retain each
19 invoice it receives from the broker or breeder from whom it obtains its
20 animals for a period of at least two years. A copy of the invoice must
21 be provided to the department of agriculture and markets upon such
22 department's request.

23 4. Retail pet shops shall place all animals purchased from a breeder
24 or broker in isolation upon their arrival at the retail pet shop for a
25 minimum of six days. After the six-day isolation is complete, all cages
26 used for isolation shall be cleaned and sterilized. Animals shall be
27 examined by a New York state licensed veterinarian within four days of
28 commencing isolation, during which all tests appropriate for the
29 animal's age and breed are to be conducted. Upon completing the examina-
30 tion, a report, signed by the veterinarian, shall be issued to the
31 retail pet shop detailing the condition of the animal on the date of
32 examination, including any medical or physical conditions present in the
33 animal, illnesses the animal had or has, diagnoses for the animal, as
34 well as veterinary treatments, vaccines and/or medications provided to
35 the animal. At the time of inspection, the veterinarian must certify, in
36 writing, if the examined animal is fit for sale in the state. Retail
37 pet shops shall maintain all veterinarian reports for a period of two
38 years. These reports shall be provided to the division of consumer
39 protection during inspections and to prospective purchasers as part of
40 the animal's medical history. In the event that an animal tests positive
41 for a communicable disease, the animal must receive treatment from the
42 veterinarian and remain in isolation until appropriate testing comes
43 back negative and the animal is found to be healthy by the veterinarian.

44 5. Retail pet shops shall maintain an affidavit executed by the indi-
45 vidual who holds the New York state pet dealer license, or at least one
46 partner in the case of a limited liability partnership holding the
47 license, or the president or executive director in the case of corpo-
48 rations and/or limited liability corporations holding the license. Such
49 affidavit, which shall be updated by January thirty-first of each year
50 and provided to the division of consumer protection at each inspection,
51 shall contain the following information:

52 (a) a list containing the name, address and United States department
53 of agriculture license number of every breeder and broker from which the
54 retail pet shop sourced animals in the preceding calendar year;

55 (b) the total number of animals obtained from each source during the
56 preceding calendar year;

1 (c) the individual identifying tag, tattoo or collar number for each
2 animal obtained from each source during the preceding calendar year; and
3 (d) a certification that the retail pet shop received a health certifi-
4 cate from the breeder and broker, if applicable, for each animal it
5 obtained during the preceding calendar year, issued by the animal's
6 state of origin and signed by a licensed veterinarian within ten days of
7 the animal being provided to the pet dealer, which shall be completed in
8 its entirety and contain all applicable animal health information,
9 including, but not limited to, details pertaining to:

10 (i) rabies vaccination date, tag number and serial number;
11 (ii) any tests, vaccinations or treatment with corresponding dates;
12 and
13 (iii) complete transporter information.

14 6. Retail pet shops shall not do business with any person who was
15 previously licensed by the United States department of agriculture as a
16 breeder or broker but had such license revoked or who voluntarily relin-
17 quished same.

18 7. Retail pet shops shall not obtain animals from any individual who
19 is convicted in New York state of any crime involving animal abuse.

20 8. Retail pet shops shall not obtain or be in possession of any
21 animals intended for retail sale that are obtained from sources not
22 authorized pursuant to this article.

23 § 3. Paragraphs (b) and (c) of subdivision 4 of section 400 of the
24 agriculture and markets law, as added by chapter 168 of the laws of
25 2017, are amended and a new paragraph (d) is added to read as follows:

26 (b) Any municipal pound or shelter dedicated to the care of unwanted
27 animals which makes such animals available for adoption whether or not a
28 fee for such adoption is charged, established and maintained pursuant to
29 subdivision one of section one hundred fourteen of this chapter; ~~and~~

30 (c) Any duly incorporated society for the prevention of cruelty to
31 animals, duly incorporated humane society, duly incorporated animal
32 protective association or other duly incorporated animal adoption or
33 animal rescue organization dedicated to the care of unwanted animals
34 which makes such animals available for adoption whether or not a fee for
35 such adoption is charged that is exempt from taxes pursuant to paragraph
36 (3) of subsection (c) of section 501 of the federal Internal Revenue
37 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the
38 federal Internal Revenue Code, as from time to time amended, that is
39 registered with the department pursuant to section four hundred eight of
40 this article~~[-]~~; and

41 (d) Any retail pet shop as such term is defined in subdivision eight
42 of section seven hundred fifty-two of the general business law.

43 § 4. This act shall take effect immediately.