

STATE OF NEW YORK

6314

2023-2024 Regular Sessions

IN SENATE

April 13, 2023

Introduced by Sens. BRISPORT, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the production, sale and use of adhesive-based rodent traps

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

1 Section 1. The general business law is amended by adding a new section
2 399-tt to read as follows:

3 § 399-tt. Adhesive-based rodent traps; prohibition. 1. For the
4 purposes of this section, the following terms shall have the following
5 meanings:

6 (a) "Adhesive-based trap" shall mean any device that is designed or is
7 capable of being used to capture a rodent by means of an adhesive
8 substance, including devices commonly known as glue traps, glue boards,
9 and any similar rodent trap.

10 (b) "Distributor" shall mean any person who delivers to a person other
11 than a purchaser, for the purpose of retail sale.

12 (c) "Exterminator" shall mean a person or entity that is licensed,
13 certified, permitted or otherwise authorized under the laws of this
14 state to provide rodent and pest control services and any employee or
15 agent thereof engaging in the provision of such services.

16 (d) "Manufacturer" shall mean any person, firm, association, partner-
17 ship, limited liability company, or corporation that produces, prepares,
18 formulates, or compounds an adhesive-based trap as defined in this
19 subdivision. In the case of an adhesive-based trap imported into the
20 United States, "manufacturer" shall mean the importer or first domestic
21 distributor of such product if the entity that manufactures the product
22 or whose brand name is affixed to the product does not have a presence
23 in the United States.

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

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1 (e) "Person" shall mean a natural person, firm, corporation, limited
2 liability company, association, or an employee or agent of a natural
3 person or an entity included in this definition.

4 (f) "Retailer" shall mean any person or entity who offers adhesive-
5 based traps for sale for use or consumption by persons in this state,
6 including any such person or entity that sells adhesive-based traps
7 through catalogs, mail, the telephone, the internet, or any electronic
8 means.

9 (g) "Sell" or "sale" shall mean any transfer for consideration of
10 title or the right to use, from a manufacturer, distributor, or retailer
11 to a person, including, but not limited to, transactions conducted
12 through retail sales outlets, catalogs, mail, the telephone, the inter-
13 net, or any electronic means.

14 2. Beginning on the effective date of this section and thereafter:

15 (a) No adhesive-based traps shall be shipped into this state. Such
16 prohibition shall apply to all shipments of adhesive-based traps into
17 New York state and includes importation or distribution for commercial
18 purposes, for personal use, or otherwise, and irrespective of whether
19 such adhesive-based traps were purchased within or without the state.

20 (b) No manufacturer, distributor, retailer, common carrier, or other
21 person shall bring or carry into the state any adhesive-based trap, nor
22 shall any manufacturer, distributor, retailer, common carrier, or any
23 other person accept for delivery, deliver or transport any adhesive-
24 based trap to any distributor, retailer, or any other person located
25 within this state.

26 (c) Paragraphs (a) and (b) of this subdivision shall apply to any
27 adhesive-based trap, either in the original package or otherwise, wheth-
28 er intended for commercial or personal use, as well as otherwise, and to
29 foreign, interstate, as well as intrastate, shipments or carriage, irre-
30 spective of whether such adhesive-based trap was purchased within or
31 without the state.

32 (d) No manufacturer or distributor shall sell, offer for sale, or
33 deliver to a retailer for subsequent sale an adhesive-based trap, nor
34 shall any retailer or exterminator purchase, accept, obtain or otherwise
35 acquire any such adhesive-based trap on or after the effective date of
36 this section.

37 3. Beginning one year after the effective date of this section and
38 thereafter:

39 (a) No person or entity, or any agent or employee thereof, shall sell
40 or offer for sale, hold for sale or distribute to another person any
41 adhesive-based trap as defined in subdivision one of this section, nor
42 shall any person or entity, or any agent or employee thereof purchase,
43 acquire, or possess any such adhesive-based trap for commercial or
44 personal use.

45 (b) No person or entity, or any agent or employee thereof shall set,
46 place, or otherwise use any such adhesive-based trap or permit another
47 person to set, place or use any such adhesive-based trap to capture or
48 destroy a rat, mouse or other rodent.

49 (c) Notwithstanding any contrary provision of this section:

50 (i) A retailer having in its possession any adhesive-based traps
51 purchased or acquired by such retailer prior to the effective date of
52 this section shall be authorized to sell such adhesive-based traps for
53 one year after the effective date of this section; and

54 (ii) An exterminator having in its possession any adhesive-based traps
55 purchased or acquired by such exterminator prior to the effective date
56 of this section shall be authorized to set or place such adhesive-based

1 traps while providing rodent control services for one year after the
2 effective date of this section.
3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.