STATE OF NEW YORK

3651

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sen. MURRAY -- 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 and the agriculture and markets law, in relation to the sale of dogs, cats, and rabbits by pet dealers; and to repeal certain provisions of such laws relating thereto

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

Section 1. Section 753-f of the general business law is REPEALED.

§ 2. Paragraph (d) of subdivision 3 and subdivision 8 of section 752 of the general business law are REPEALED.

§ 3. The opening paragraph of subdivision 3 of section 752 of the general business law, as amended by chapter 681 of the laws of 2022, is amended to read as follows:

For purposes of section seven hundred fifty-three of this article, a "pet dealer" shall mean any person who, in the ordinary course of business, engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders of animals who sell or offer for sale animals directly to a consumer but it shall not include any [~~retail pet shop as defined in subdivision eight of this section,~~] municipal pound or shelter established and maintained pursuant to subdivision one of section one hundred fourteen of the agriculture and markets law, or any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization that is tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended, that is registered with the department pursuant to section four hundred eight of the agriculture and markets law. For purposes of sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven

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

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hundred fifty-three-c and seven hundred fifty-three-d of this article, "pet dealer" shall mean any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell animals; but it shall not include the following:

§ 4. The opening paragraph of subdivision 3 of section 752 of the general business law, as separately amended by chapters 681 and 683 of the laws of 2022, is amended to read as follows:

For purposes of section seven hundred fifty-three of this article, a "pet dealer" shall mean any person who, in the ordinary course of business, engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders of animals who sell or offer for sale animals directly to a consumer but it shall not include [~~any retail pet shop as defined in subdivision eight of this section,~~] any municipal pound or shelter established and maintained pursuant to subdivision one of section one hundred fourteen of the agriculture and markets law and duly licensed as an animal shelter pursuant to article twenty-six-C of the agriculture and markets law, or any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization that is tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended, that duly licensed as an animal shelter pursuant to article twenty-six-C of the agriculture and markets law. For purposes of sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c and seven hundred fifty-three-d of this article, "pet dealer" shall mean any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell animals; but it shall not include the following:

§ 5. Subdivision 48 of section 16 of the agriculture and markets law, as amended by chapter 681 of the laws of 2022, is amended to read as follows:

48. Make available in written and electronic medium, in a manner readily accessible to police agencies and officers and district attorneys, information about animal cruelty and protection laws in this chapter, including, but not limited to, article twenty-six of this chapter [~~and section seven hundred fifty-three-f of the general business law~~]. The development of such information shall be coordinated with the division of criminal justice services, including the municipal police training council, in a manner designed to enhance training of municipal police officers and to assist such officers and district attorneys in enforcing and applying such laws.

§ 6. Paragraph (d) of subdivision 4 of section 400 of the agriculture and markets law is REPEALED.

§ 7. Paragraph (g) of subdivision 4 of section 408 of the agriculture and markets law is REPEALED.

§ 8. Paragraphs (e) and (f) of subdivision 4 of section 408 of the agriculture and markets law, as amended by chapter 681 of the laws of 2022, are amended to read as follows:

(e) The applicant or registrant is determined by the commissioner to be in violation of section twenty-one hundred forty-one of the public health law or any rule or regulation promulgated thereunder by the commissioner of health; **and**

(f) The applicant or registrant, or an officer or director has been responsible in whole or in part for any act on account of which an application for registration may be denied or a registration cancelled pursuant to the provisions of this article[~~; and~~].

§ 9. The agriculture and markets law is amended by adding a new section 409 to read as follows:

§ 409. Sale of dogs, cats, and rabbits by pet dealers located in this state or sold online. 1. No pet dealer or breeder conducting business in this state whether in person, or through an online platform including the internet, and operating under the authority granted pursuant to this article, or any other law duly enacted by the federal government, the state or a political subdivision thereof, and which is subject to the requirements imposed upon a pet dealer of such dogs, cats or rabbits by this chapter, or any other provision of federal, state or local law, or which is not subject to all or any part of any such laws because they operate using an online platform shall sell or offer for sale, any dog, cat or rabbit, unless they can demonstrate to the satisfaction of the department, that:

(a) the breeder from which such dog, cat or rabbit has been secured has adequately attended to the normally acceptable and recognized standards of care appertaining to the physical and behavioral welfare of the source animals, including nutrition, veterinary care, genetics, housing, handling, socialization, enrichment and exercise;

(b) such source animals and dogs, cats, and rabbits being offered for sale have, as needed, been regularly treated by a licensed veterinarian who is the sole purveyor and provider of any surgeries or physical alterations performed, provided that during the life of the source animal and the life of the dog, cat or rabbit, the breeder, and pet dealer both do attest to having complied with a comprehensive plan for preventative care and treatment where required, including genetic and health screening, regular dental care and proper grooming;

(c) such source animals and such dogs, cats and rabbits, have been subjected to an acceptable behavior wellness plan, both for preventative and treatment purposes and provided with regular exercise, socialization, and enrichment opportunities;

(d) such source animals and such dogs, cats, and rabbits have been adequately provided with safe, enriched, high-quality living spaces at safe and secure locations where they are bred and raised, including spaces with access to both indoor and outdoor locations, multiple flooring surfaces, and climate and temperature controlled and regulated facilities;

(e) such source animals currently or previously utilized by a breeder have been raised in an environment where established limits and expectations for a normal and healthy life during, and going beyond breeding spans, are conducted consistent with a plan demonstrating consistent concern for the humane treatment of all animals, including animals with which they come into contact, including the expectation, and proof that they will not be sold, given or subjected to a facility which will utilize such source animal solely for research purposes or will be raised in a lifestyle that is inconsistent with the expectations provided for in this article; and

(f) breeders shall participate in and can offer proof they have previously participated in and successfully completed regularly scheduled and required courses in continuing education on the care and welfare of animals, including dogs, cats, and rabbits, as established and may be required by law, and otherwise be compliant with any other acceptable

standards of care which can reasonably be expected of a breeder of dogs, cats and rabbits which shall be offered for sale by a pet dealer.

2. The department and any local department empowered by local law to enforce provisions of law, rule, or regulation adopted, and entrusted with the jurisdictional directives pertaining to the operations of a pet dealer or breeder doing business in the state or such political subdivision thereof, shall be charged with the duty of enforcing compliance with the provisions of this section.

§ 10. This act shall take effect immediately; provided, however, section nine of this act shall take effect one year after this act shall have become a law; provided, further, however, that the amendments to the general business law made by section four of this act shall take effect on the same date and in the same manner as chapter 683 of the laws of 2022, takes effect; and provided, further, that the amendments to subdivision 4 of section 408 of the agriculture and markets law made by section eight of this act shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.