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I N A S S E M B L Y

April 28, 2010

Introduced by M. of A. PAULIN, MARKEY, TITONE, MAYERSOHN, KOON, KAVANAGH, JAFFEE, CASTRO -- Multi-Sponsored by -- M. of A. CHRISTENSEN, GLICK, HYER-SPENCER, M. MILLER, SKARTADOS, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to record-keeping by pet dealers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 402 of the agriculture and markets law, as added  
2 by chapter 259 of the laws of 2000, is amended to read as follows:

3 S 402. Records of purchase and sale. 1. Each pet dealer shall keep  
4 and maintain records for each animal purchased, acquired, held, sold, or  
5 otherwise disposed of. The records shall include the following:

6 [1.] (A) The name and address of the person from whom each animal was  
7 acquired. If the person from whom the animal was obtained is a dealer  
8 licensed by the United States department of agriculture, the person's  
9 name, address, and federal dealer identification number. In the case of  
10 cats, if a cat is placed in the custody or possession of the pet dealer  
11 and the source of origin is unknown, the pet dealer shall state the  
12 source of origin as unknown, accompanied by the date, time, and location  
13 of receipt. Notwithstanding the provisions of this subdivision, no pet  
14 dealer shall knowingly buy, sell, exhibit, transport, or offer for sale,  
15 exhibition, or transportation any stolen animal. No pet dealer shall  
16 knowingly sell any cat or dog younger than eight weeks of age.

17 [2.] (B) The original source of each animal if different than the  
18 person recorded in [subdivision one] PARAGRAPH (A) of this [section]  
19 SUBDIVISION.

20 [3.] (C) The date each animal was acquired.

21 [4.] (D) A description of each animal showing age, color, markings,  
22 sex, breed, and any inoculation, worming, or other veterinary treatment  
23 or medication information available. Records shall also include any  
24 other significant identification, if known, for each animal, including  
25 any official tag number, tattoo, or implant.

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

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1 [5.] (E) The name and address of the person to whom any animal is  
2 sold, given, or bartered or to whom it is otherwise transferred or  
3 delivered. The records shall indicate the date and method of disposi-  
4 tion.

5 [6.] 2. Records for each animal shall be maintained for a period of  
6 two years from the date of sale or transfer, whichever occurs later.  
7 During normal business hours, the records shall be made available to  
8 persons authorized by law to enforce the provisions of this article.

9 3. NO ANIMAL MAY BE SOLD TO THE PUBLIC BY A PET DEALER WITHOUT THE  
10 PET DEALER BEING IN POSSESSION OF THE RECORDS FOR THAT ANIMAL AS  
11 PROVIDED IN SUBDIVISION ONE OF THIS SECTION AND THAT ANIMAL HAVING  
12 UNDERGONE THE VETERINARY EXAMINATION MANDATED BY SECTION SEVEN HUNDRED  
13 FIFTY-THREE-A OF THE GENERAL BUSINESS LAW.

14 4. NO PET DEALER MAY PURCHASE AN ANIMAL FROM A SOURCE THAT IS KNOWN BY  
15 THE PET DEALER TO BE REQUIRED TO BE LICENSED UNDER THIS ARTICLE, OR BY  
16 THE UNITED STATES DEPARTMENT OF AGRICULTURE UNDER THE FEDERAL ANIMAL  
17 WELFARE ACT, AND THAT SOURCE DOES NOT POSSESS SUCH VALID LICENSE.

18 5. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE SHALL PROVIDE A  
19 WRITTEN RELEASE TO HIS OR HER DESIGNATED VETERINARIAN TO ALLOW SUCH  
20 VETERINARIAN TO PROVIDE THE COMMISSIONER, OR HIS OR HER AUTHORIZED  
21 AGENTS, ACCESS TO ALL ANIMAL HEALTH RECORDS FOR EACH ANIMAL ACQUIRED,  
22 HELD, SOLD, OR OTHERWISE DISPOSED OF.

23 6. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE WHO SELLS, OFFERS  
24 FOR SALE OR NEGOTIATES THE SALE OF ANIMALS WITH A REGISTERED DOG OR CAT  
25 BREED REGISTRY SHALL PROVIDE A WRITTEN RELEASE TO SUCH REGISTRY ASSOCI-  
26 ATIONS TO ALLOW SUCH ASSOCIATIONS TO PROVIDE THE COMMISSIONER, OR HIS OR  
27 HER AUTHORIZED AGENTS, ACCESS TO ALL ANIMAL BREED REGISTRY RECORDS FOR  
28 EACH ANIMAL ACQUIRED, HELD, SOLD, OR OTHERWISE DISPOSED OF.

29 S 2. Subdivision 3 of section 403 of the agriculture and markets law,  
30 as added by chapter 259 of the laws of 2000, is amended to read as  
31 follows:

32 3. Each application for a license shall be accompanied by a nonrefund-  
33 able fee of one hundred dollars[, except that those pet dealers who  
34 engage in the sale of less than twenty-five animals in a year, shall pay  
35 a nonrefundable fee of twenty-five dollars].

36 S 3. Subdivisions 10 and 11 of section 403 of the agriculture and  
37 markets law, as added by chapter 259 of the laws of 2000, are amended to  
38 read as follows:

39 10. Such license shall be renewable annually, together with the  
40 payment of a nonrefundable fee [of one hundred dollars, or upon payment  
41 of a nonrefundable fee of twenty-five dollars for those pet dealers who  
42 engage in the sale of less than twenty-five animals in a year] BASED ON  
43 THE GROSS SALES RECEIPTS FROM THE SALE OF ANIMALS FOR PROFIT TO THE  
44 PUBLIC BY THE LICENSEE IN THE PRIOR YEAR. FOR LICENSEES WITH GROSS SALES  
45 RECEIPTS FROM SUCH SALES OF UNDER FIFTY THOUSAND DOLLARS, THAT FEE SHALL  
46 BE ONE HUNDRED DOLLARS; FOR LICENSEES WITH GROSS SALES RECEIPTS FROM  
47 SUCH SALES OF FIFTY THOUSAND DOLLARS OR MORE, THAT FEE SHALL BE THREE  
48 HUNDRED DOLLARS.

49 11. Pet dealers shall conspicuously display their license on the prem-  
50 ises where the animals are kept for sale so that they may be readily  
51 seen by potential consumers. ANY LICENSEE THAT FAILS TO CONSPICUOUSLY  
52 POST HIS OR HER LICENSE AS REQUIRED BY THIS SUBDIVISION SHALL BE CONSID-  
53 ERED IN VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET  
54 FORTH IN SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

1 S 4. Subdivision 2 of section 404 of the agriculture and markets law,  
2 as added by chapter 259 of the laws of 2000, is amended to read as  
3 follows:

4 2. Material misstatement in or falsification of records required to  
5 be kept pursuant to this article, or under any regulation promulgated  
6 thereunder, or failure to allow the commissioner or his or her author-  
7 ized agents to inspect records or pet dealer facilities. ANY UNREASON-  
8 ABLE REFUSAL TO ALLOW THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENTS,  
9 TO INSPECT RECORDS OR PET DEALER FACILITIES SHALL BE CONSIDERED A  
10 VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET FORTH IN  
11 SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

12 S 5. This act shall take effect April 1, 2011; provided, however, that  
13 effective immediately, the addition, amendment and/or repeal of any rule  
14 or regulation necessary for the implementation of this act on its effec-  
15 tive date are authorized and directed to be made and completed on or  
16 before such effective date.