

S T A T E O F N E W Y O R K

8162--B

2009-2010 Regular Sessions

I N A S S E M B L Y

May 6, 2009

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the general business law, in relation to local laws and the regulation of pet dealers

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

1 Section 1. Section 400-a 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 400-a. Preemption of local laws. The provisions of this article
4 shall apply to all municipalities[, including cities with a population
5 of one million or more] EXCEPT AS PROVIDED IN SECTION FOUR HUNDRED-B OF
6 THIS ARTICLE, and shall supersede any local law, rule, regulation, or
7 ordinance regulating or licensing pet dealers as defined in this arti-
8 cle. Nothing in this section shall be construed to limit or restrict any
9 municipality from ENACTING OR enforcing any local law, rule, regulation
10 or ordinance of general application to businesses governing public
11 health, safety or the rights of consumers.
12 S 2. The agriculture and markets law is amended by adding a new
13 section 400-b to read as follows:
14 S 400-B. LOCAL LAWS IN CERTAIN CITIES. NOTWITHSTANDING THE PROVISIONS
15 OF SECTION FOUR HUNDRED-A OF THIS ARTICLE, CITIES WITH A POPULATION OF
16 ONE MILLION OR MORE SHALL BE AUTHORIZED TO ENACT LOCAL LAWS, RULE OR
17 REGULATIONS GOVERNING PET DEALERS PROVIDED, HOWEVER, THAT NO SUCH LOCAL
18 LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS STRINGENT THAN THIS
19 ARTICLE. ANY LOCALITY THAT ADOPTS A MORE STRINGENT LAW, RULE, OR ORDI-
20 NANCE THAN THIS ARTICLE HAS SOLE RESPONSIBILITY FOR ENFORCEMENT OF SUCH
21 MORE STRINGENT LAW, RULE, REGULATION, OR ORDINANCE, WHICH RESPONSIBILITY

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

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1 CANNOT BE ASSIGNED, DIRECTLY OR INDIRECTLY, TO A NON-GOVERNMENTAL ENTI-
2 TY. A LOCALITY WILL ONLY HAVE THE AUTHORITY TO ENFORCE SUCH MORE STRIN-
3 GENT LAW, RULE, REGULATION, OR ORDINANCE THAT HAS BEEN ENACTED BY THAT
4 LOCALITY.

5 S 3. Section 753-e of the general business law, as added by chapter
6 259 of the laws of 2000, is amended to read as follows:

7 S 753-e. Preemption of local laws. The provisions of this article
8 shall apply to all municipalities[, including cities with a population
9 of one million or more] EXCEPT AS PROVIDED IN SECTION SEVEN HUNDRED
10 FIFTY-THREE-F OF THIS ARTICLE, and shall supersede any local law, rule,
11 regulation, or ordinance regulating or licensing pet dealers as defined
12 in this article. Nothing in this section shall be construed to limit or
13 restrict any municipality from enforcing any local law, rule, regulation
14 or ordinance of general application to businesses governing public
15 health, safety or the rights of consumers.

16 S 4. The general business law is amended by adding a new section 753-f
17 to read as follows:

18 S 753-F. LOCAL LAWS IN CERTAIN CITIES. NOTWITHSTANDING THE PROVISIONS
19 OF SECTION SEVEN HUNDRED FIFTY-THREE-E OF THIS ARTICLE, CITIES WITH A
20 POPULATION OF ONE MILLION OR MORE SHALL BE AUTHORIZED TO ENACT LOCAL
21 LAWS, RULE OR REGULATIONS GOVERNING PET DEALERS PROVIDED, HOWEVER, THAT
22 NO SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS STRINGENT
23 THAN THIS ARTICLE. ANY LOCALITY THAT ADOPTS A MORE STRINGENT LAW, RULE,
24 OR ORDINANCE THAN THIS ARTICLE HAS SOLE RESPONSIBILITY FOR ENFORCEMENT
25 OF SUCH MORE STRINGENT LAW, RULE, REGULATION, OR ORDINANCE, WHICH
26 RESPONSIBILITY CANNOT BE ASSIGNED, DIRECTLY OR INDIRECTLY, TO A NON-GO-
27 VERNMENTAL ENTITY. A LOCALITY WILL ONLY HAVE THE AUTHORITY TO ENFORCE
28 SUCH MORE STRINGENT LAW, RULE, REGULATION, OR ORDINANCE THAT HAS BEEN
29 ENACTED BY THAT LOCALITY.

30 S 5. This act shall take effect immediately.