

4623--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- 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[, and shall supersede any local law, rule, regu-
6 lation, or ordinance regulating or licensing pet dealers as defined in
7 this article]. Nothing in this section shall be construed to limit or
8 restrict any municipality from ENACTING OR enforcing any local law,
9 rule, regulation or ordinance [of general application to businesses
10 governing public health, safety or the rights of consumers] GOVERNING
11 PET DEALERS PROVIDED, HOWEVER, THAT NO SUCH LOCAL LAW, RULE, REGULATION
12 OR ORDINANCE SHALL BE LESS STRINGENT THAN THIS ARTICLE. ANY LOCALITY
13 THAT ADOPTS A MORE STRINGENT LAW, RULE, OR ORDINANCE THAN THIS ARTICLE
14 HAS SOLE RESPONSIBILITY FOR ENFORCEMENT OF SUCH MORE STRINGENT LAW,
15 RULE, REGULATION, OR ORDINANCE, WHICH RESPONSIBILITY CANNOT BE ASSIGNED,
16 DIRECTLY OR INDIRECTLY, TO A NON-GOVERNMENTAL ENTITY. A LOCALITY WILL
17 ONLY HAVE THE AUTHORITY TO ENFORCE SUCH MORE STRINGENT LAW, RULE, REGU-
18 LATION, OR ORDINANCE THAT HAS BEEN ENACTED BY THAT LOCALITY.
19 S 2. Section 753-e of the general business law, as added by chapter
20 259 of the laws of 2000, is amended to read as follows:
21 S 753-e. Preemption of local laws. The provisions of this article
22 shall apply to all municipalities, including cities with a population of
23 one million or more[, and shall supersede any local law, rule, regu-

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

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2 this article]. Nothing in this section shall be construed to limit or
3 restrict any municipality from ENACTING OR enforcing any local law,
4 rule, regulation or ordinance [of general application to businesses
5 governing public health, safety or the rights of consumers] GOVERNING
6 PET DEALERS PROVIDED, HOWEVER, THAT NO SUCH LOCAL LAW, RULE, REGULATION
7 OR ORDINANCE SHALL BE LESS STRINGENT THAN THIS ARTICLE. ANY LOCALITY
8 THAT ADOPTS A MORE STRINGENT LAW, RULE, OR ORDINANCE THAN THIS ARTICLE
9 HAS SOLE RESPONSIBILITY FOR ENFORCEMENT OF SUCH MORE STRINGENT LAW,
10 RULE, REGULATION, OR ORDINANCE, WHICH RESPONSIBILITY CANNOT BE ASSIGNED,
11 DIRECTLY OR INDIRECTLY, TO A NON-GOVERNMENTAL ENTITY. A LOCALITY WILL
12 ONLY HAVE THE AUTHORITY TO ENFORCE SUCH MORE STRINGENT LAW, RULE, REGU-
13 LATION, OR ORDINANCE THAT HAS BEEN ENACTED BY THAT LOCALITY.
14 S 3. This act shall take effect immediately.