

4690

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to a limit on intact animals and the definition of pet dealers

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

- 1 Section 1. The agriculture and markets law is amended by adding a new
2 section 380 to read as follows:
3 S 380. LIMIT ON INTACT ANIMALS. NO PERSON OR BUSINESS BUYING, SELLING,
4 OR OFFERING FOR SALE DOGS OR CATS TO THE PUBLIC OR AT WHOLESALE SHALL
5 OWN, POSSESS, CONTROL OR OTHERWISE HAVE CHARGE OR CUSTODY OF MORE THAN
6 FIFTY DOGS AND CATS WITH INTACT SEXUAL ORGANS. A VIOLATION OF THIS
7 SECTION IS A CLASS A MISDEMEANOR. NOTHING IN THIS SECTION SHALL BE
8 CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO DOGS, CATS, OR OTHER
9 ANIMALS UNDER ANY OTHER PROVISIONS OF THIS ARTICLE.
10 S 2. Section 373 of the agriculture and markets law is amended by
11 adding a new subdivision 2-a to read as follows:
12 2-A. ANY SUCH AGENT OR OFFICER MAY ALSO LAWFULLY TAKE POSSESSION OF
13 ANY ANIMALS KEPT IN VIOLATION OF SECTION THREE HUNDRED EIGHTY OF THIS
14 ARTICLE, PROVIDED THAT A COMPLAINT STATING JUST AND REASONABLE GROUNDS
15 IS MADE UNDER OATH OR AFFIRMATION TO ANY MAGISTRATE AUTHORIZED TO ISSUE
16 WARRANTS IN CRIMINAL CASES, AND THAT SUCH WARRANT AUTHORIZING ENTRY AND
17 SEARCH IS ISSUED AND DELIVERED BY SUCH MAGISTRATE; IF JUST AND REASON-
18 ABLE CAUSE IS SHOWN, THE MAGISTRATE SHALL IMMEDIATELY ISSUE SUCH
19 WARRANT.
20 S 3. Subdivision 4 of section 400 of the agriculture and markets law,
21 as amended by chapter 687 of the laws of 2006, is amended to read as
22 follows:
23 4. "Pet Dealer" means any person who engages in the sale or offering
24 for sale of more than nine animals per year for profit AT WHOLESALE OR
25 to the public. Such definition shall include breeders who sell or offer

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

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1 to sell animals DIRECTLY TO CONSUMERS OR AT WHOLESALE; provided that a
2 breeder who sells or offers to sell directly to the consumer fewer than
3 twenty-five animals per year that are born and raised on the breeder's
4 residential premises shall not be considered a pet dealer as a result of
5 selling or offering to sell such animals. Such definition shall further
6 not include duly incorporated humane societies dedicated to the care of
7 unwanted animals which make such animals available for adoption whether
8 or not a fee for such adoption is charged.
9 S 4. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.