

7510

I N S E N A T E

April 16, 2010

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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

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

1 Section 1. Subdivision 4 of section 400 of the agriculture and markets
2 law, as amended by chapter 687 of the laws of 2006, is amended and a new
3 subdivision 5 is added to read as follows:

4 4. "Pet Dealer" means any person who [engages in the sale or offering
5 for sale of more than nine animals per year for profit to the public]
6 (A) SELLS OR OFFERS FOR SALE NINE OR MORE DOGS OR CATS BORN OR RAISED ON
7 PREMISES OTHER THAN THE PREMISES OF SAID PERSON; (B) MAINTAINS A TOTAL
8 OF SIX SEXUALLY INTACT FEMALE DOGS OR CATS SIX MONTHS OF AGE OR OLDER
9 AND WHO SELLS OR OFFERS FOR SALE ANY OF THE OFFSPRING OF SUCH DOGS OR
10 CATS; OR (C) SELLS OR OFFERS FOR SALE TO THE PUBLIC TEN OR MORE DOGS OR
11 CATS IN A CALENDAR YEAR. Such definition shall include breeders who sell
12 or offer to sell animals[; provided that a breeder who sells or offers
13 to sell directly to the consumer fewer than twenty-five animals per year
14 that are born and raised on the breeder's residential premises shall not
15 be considered a pet dealer as a result of selling or offering to sell
16 such animals. Such definition shall further], BUT SHALL not include duly
17 incorporated humane societies dedicated to the care of unwanted animals
18 which make such animals available for adoption whether or not a fee for
19 such adoption is charged.

20 5. "PREMISES" MEANS THE HOME, HOMESTEAD, PLACE OF BUSINESS OR OPERA-
21 TION OF ANY INDIVIDUAL OR PERSON, INCLUDING A PET DEALER, AND INCLUDES
22 ALL OF THE LAND, PROPERTY, HOUSING FACILITIES OR ANY COMBINATION THERE-
23 OF, ON, IN OR THROUGH WHICH ANY DOG OR CAT IS KEPT, BRED, HARBORED,
24 BOARDED, SHELTERED, MAINTAINED, SOLD, GIVEN AWAY, EXCHANGED OR IN ANY
25 WAY TRANSFERRED. IT SHALL INCLUDE THE LAND, BUILDINGS AND FACILITIES OF
26 PERSONS RESIDING THEREON. IT MAY BE PUBLIC OR PRIVATE AND INCLUDES THE
27 LAND, BUILDINGS AND FACILITIES OF ANY PERSON WHO UTILIZES OFFSITE OR

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

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1 TEMPORARY HOMES TO KEEP, MAINTAIN, BREED, TRAIN, HARBOR, BOARD, SHELTER,
2 SELL, GIVE AWAY, ADOPT, EXCHANGE, OR IN ANY WAY TRANSFER, DOGS OR CATS.

3 S 2. Subdivision 3 of section 752 of the general business law, as
4 amended by chapter 687 of the laws of 2006, is amended to read as
5 follows:

6 3. For purposes of [section seven hundred fifty-three of] this arti-
7 cle, a "pet dealer" shall mean any person who[, in the ordinary course
8 of business, engages in the sale or offering for sale of more than nine
9 animals per year for profit to the public] (A) SELLS OR OFFERS FOR SALE
10 NINE OR MORE DOGS OR CATS BORN OR RAISED ON PREMISES OTHER THAN THE
11 PREMISES OF SAID PERSON; (B) MAINTAINS A TOTAL OF SIX SEXUALLY INTACT
12 FEMALE DOGS OR CATS SIX MONTHS OF AGE OR OLDER AND WHO SELLS OR OFFERS
13 FOR SALE ANY OF THE OFFSPRING OF SUCH DOGS OR CATS; OR (C) SELLS OR
14 OFFERS FOR SALE TO THE PUBLIC TEN OR MORE DOGS OR CATS IN A CALENDAR
15 YEAR. Such definition shall include breeders [of animals] who sell or
16 offer for sale animals [directly to a consumer], but [it] shall not
17 include duly incorporated humane societies dedicated to the care of
18 unwanted animals which make such animals available for adoption whether
19 or not a fee for such adoption is charged. [For purposes of sections
20 seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred
21 fifty-three-c, seven hundred fifty-three-d and seven hundred fifty-
22 three-e of this article, "pet dealer" shall mean any person who engages
23 in the sale or offering for sale of more than nine animals per year for
24 profit to the public. Such definition shall include breeders who sell
25 animals; provided that a breeder who sells or offers to sell directly to
26 the consumer fewer than twenty-five animals per year that are born and
27 raised on the breeders residential premises shall not be considered a
28 pet dealer as a result of selling or offering to sell such animals. Such
29 definition shall not include duly incorporated humane societies dedi-
30 cated to the care of unwanted animals which make such animals available
31 for adoption whether or not a fee for such adoption is charged.]

32 S 3. This act shall take effect April 1, 2011.