

7646

I N S E N A T E

April 28, 2010

Introduced by Sen. OPPENHEIMER -- 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 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.

26 [5.] (E) The name and address of the person to whom any animal is
27 sold, given, or bartered or to whom it is otherwise transferred or

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

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1 delivered. The records shall indicate the date and method of disposi-
2 tion.

3 [6.] 2. Records for each animal shall be maintained for a period of
4 two years from the date of sale or transfer, whichever occurs later.
5 During normal business hours, the records shall be made available to
6 persons authorized by law to enforce the provisions of this article.

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

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

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

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

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

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

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

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

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

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

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

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