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

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:

Section 1. Section 402 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

S 402. Records of purchase and sale. 1. Each pet dealer shall keep and maintain records for each animal purchased, acquired, held, sold, or otherwise disposed of. The records shall include the following:

[1.] (A) The name and address of the person from whom each animal was acquired. If the person from whom the animal was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal dealer identification number. In the case of cats, if a cat is placed in the custody or possession of the pet dealer and the source of origin is unknown, the pet dealer shall state the source of origin as unknown, accompanied by the date, time, and location of receipt. Notwithstanding the provisions of this subdivision, no pet dealer shall knowingly buy, sell, exhibit, transport, or offer for sale, exhibition, or transportation any stolen animal. No pet dealer shall knowingly sell any cat or dog younger than eight weeks of age.

[2.] (B) The original source of each animal if different than the person recorded in [subdivision one] PARAGRAPH (A) of this [section] SUBDIVISION.

[3.] (C) The date each animal was acquired.

[4.] (D) A description of each animal showing age, color, markings, sex, breed, and any inoculation, worming, or other veterinary treatment or medication information available. Records shall also include any other significant identification, if known, for each animal, including any official tag number, tattoo, or implant.

[5.] (E) The name and address of the person to whom any animal is 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.

LBD15725-04-0

delivered. The records shall indicate the date and method of disposition.

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

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

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

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

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

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

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

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

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

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

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

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

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