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

4965

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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, the general business law and the general municipal law, in relation to the definition of pet dealer

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

Section 1. Subdivision 4 of section 400 of the agriculture and markets law, as amended by chapter 687 of the laws of 2006, is amended to read as follows:

4. "Pet Dealer" means any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public OR TO ANY BROKER, WHOLESALE DEALER, EXHIBITOR, MEDICAL FACILITY OR PET DEALER LICENSED PURSUANT TO THIS ARTICLE. Such definition shall include breeders who sell or offer to sell animals; provided that a breeder who sells or offers to sell directly to the consumer OR TO ANY BROKER, WHOLESALE DEALER, EXHIBITOR, MEDICAL FACILITY OR PET DEALER LICENSED PURSUANT TO THIS ARTICLE fewer than twenty-five animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer as a result of selling or offering to sell such animals. Such definition shall further not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged.

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

3. For purposes of section seven hundred fifty-three of this article, a "pet dealer" shall mean any person who, in the ordinary course of business, engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include

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

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breeders of animals who sell or offer for sale animals directly to a consumer but it shall not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged. For purposes of sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c, seven hundred fifty-three-d and seven hundred fifty-three-e of this article, "pet dealer" shall mean any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public OR TO ANY BROKER, WHOLESALE DEALER, EXHIBITOR, MEDICAL FACILITY OR PET DEALER LICENSED PURSUANT TO ARTICLE TWENTY-SIX-A OF THE AGRICULTURE AND MARKETS LAW. Such definition shall include breeders who sell animals; provided that a breeder who sells or offers to sell directly to the consumer OR TO ANY BROKER, WHOLESALE DEALER, EXHIBITOR, MEDICAL FACILITY OR PET DEALER LICENSED PURSUANT TO ARTICLE TWENTY-SIX-A OF THE AGRICULTURE AND MARKETS LAW fewer than twenty-five animals per year that are born and raised on the breeders residential premises shall not be considered a pet dealer as a result of selling or offering to sell such animals. Such definition shall not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged.

S 3. Subdivision 4 of section 209-cc of the general municipal law, as separately amended by chapters 289 and 538 of the laws of 2005, is amended to read as follows:

4. Except for pet dealers as defined in section seven hundred [fifty-two-a] FIFTY-TWO of the general business law WHO SELL OR OFFER ANIMALS FOR SALE PURSUANT TO SECTIONS SEVEN HUNDRED FIFTY-THREE-A, SEVEN HUNDRED FIFTY-THREE-B, SEVEN HUNDRED FIFTY-THREE-C, SEVEN HUNDRED FIFTY-THREE-D AND SEVEN HUNDRED FIFTY-THREE-E OF THE GENERAL BUSINESS LAW and zoological facilities and other exhibitors licensed pursuant to title 7 U.S.C. sections 2133 and 2134, and in the case of dangerous dogs except for licensed veterinarians in temporary possession of such dogs, every person owning, possessing, or harboring a wild animal or a dangerous dog within this state shall report the presence thereof to the clerk of the city, town, or village in which such wild animal or dangerous dog is owned, possessed, or harbored. Such report shall be filed annually on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. A separate report shall be filed for each street address at which any such wild animal or dangerous dog may be found.

S 4. This act shall take effect April 1, 2011.