

6062

2009-2010 Regular Sessions

I N S E N A T E

June 24, 2009

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

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

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

1 Section 1. Section 400-a 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 400-a. Preemption of local laws. The provisions of this article
4 shall apply to all municipalities[, including cities with a population
5 of one million or more] EXCEPT AS PROVIDED IN SECTION FOUR HUNDRED-B OF
6 THIS ARTICLE, and shall supersede any local law, rule, regulation, or
7 ordinance regulating or licensing pet dealers as defined in this arti-
8 cle. Nothing in this section shall be construed to limit or restrict any
9 municipality from ENACTING OR enforcing any local law, rule, regulation
10 or ordinance of general application to businesses governing public
11 health, safety or the rights of consumers.
12 S 2. The agriculture and markets law is amended by adding a new
13 section 400-b to read as follows:
14 S 400-B. LOCAL LAWS IN CERTAIN CITIES. NOTWITHSTANDING THE PROVISIONS
15 OF SECTION FOUR HUNDRED-A OF THIS ARTICLE, CITIES WITH A POPULATION OF
16 ONE MILLION OR MORE SHALL BE AUTHORIZED TO ENACT LOCAL LAWS, RULE OR
17 REGULATIONS GOVERNING PET DEALERS PROVIDED, HOWEVER, THAT NO SUCH LOCAL
18 LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS STRINGENT THAN THIS
19 ARTICLE. ANY LOCALITY THAT ADOPTS A MORE STRINGENT LAW, RULE, OR ORDI-
20 NANCE THAN THIS ARTICLE HAS SOLE RESPONSIBILITY FOR ENFORCEMENT OF SUCH
21 MORE STRINGENT LAW, RULE, REGULATION, OR ORDINANCE, WHICH RESPONSIBILITY
22 CANNOT BE ASSIGNED, DIRECTLY OR INDIRECTLY, TO A NON-GOVERNMENTAL ENTI-
23 TY. A LOCALITY WILL ONLY HAVE THE AUTHORITY TO ENFORCE SUCH MORE STRIN-
24 GENT LAW, RULE, REGULATION, OR ORDINANCE THAT HAS BEEN ENACTED BY THAT
25 LOCALITY.

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

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1 S 3. Section 753-e of the general business law, as added by chapter
2 259 of the laws of 2000, is amended to read as follows:

3 S 753-e. Preemption of local laws. The provisions of this article
4 shall apply to all municipalities[, including cities with a population
5 of one million or more] EXCEPT AS PROVIDED IN SECTION SEVEN HUNDRED
6 FIFTY-THREE-F OF THIS ARTICLE, and shall supersede any local law, rule,
7 regulation, or ordinance regulating or licensing pet dealers as defined
8 in this article. Nothing in this section shall be construed to limit or
9 restrict any municipality from enforcing any local law, rule, regulation
10 or ordinance of general application to businesses governing public
11 health, safety or the rights of consumers.

12 S 4. The general business law is amended by adding a new section 753-f
13 to read as follows:

14 S 753-F. LOCAL LAWS IN CERTAIN CITIES. NOTWITHSTANDING THE PROVISIONS
15 OF SECTION SEVEN HUNDRED FIFTY-THREE-E OF THIS ARTICLE, CITIES WITH A
16 POPULATION OF ONE MILLION OR MORE SHALL BE AUTHORIZED TO ENACT LOCAL
17 LAWS, RULE OR REGULATIONS GOVERNING PET DEALERS PROVIDED, HOWEVER, THAT
18 NO SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS STRINGENT
19 THAN THIS ARTICLE. ANY LOCALITY THAT ADOPTS A MORE STRINGENT LAW, RULE,
20 OR ORDINANCE THAN THIS ARTICLE HAS SOLE RESPONSIBILITY FOR ENFORCEMENT
21 OF SUCH MORE STRINGENT LAW, RULE, REGULATION, OR ORDINANCE, WHICH
22 RESPONSIBILITY CANNOT BE ASSIGNED, DIRECTLY OR INDIRECTLY, TO A NON-GO-
23 VERNMENTAL ENTITY. A LOCALITY WILL ONLY HAVE THE AUTHORITY TO ENFORCE
24 SUCH MORE STRINGENT LAW, RULE, REGULATION, OR ORDINANCE THAT HAS BEEN
25 ENACTED BY THAT LOCALITY.

26 S 5. This act shall take effect immediately.