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

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:

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 and a new subdivision 5 is added 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] (A) SELLS OR OFFERS FOR SALE NINE OR MORE DOGS OR CATS BORN OR RAISED ON PREMISES OTHER THAN THE PREMISES OF SAID PERSON; (B) MAINTAINS A TOTAL OF SIX SEXUALLY INTACT FEMALE DOGS OR CATS SIX MONTHS OF AGE OR OLDER AND WHO SELLS OR OFFERS FOR SALE ANY OF THE OFFSPRING OF SUCH DOGS OR CATS; OR (C) SELLS OR OFFERS FOR SALE TO THE PUBLIC TEN OR MORE DOGS OR CATS IN A CALENDAR YEAR. 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 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], BUT 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.

5. "PREMISES" MEANS THE HOME, HOMESTEAD, PLACE OF BUSINESS OR OPERATION OF ANY INDIVIDUAL OR PERSON, INCLUDING A PET DEALER, AND INCLUDES ALL OF THE LAND, PROPERTY, HOUSING FACILITIES OR ANY COMBINATION THEREOF, ON, IN OR THROUGH WHICH ANY DOG OR CAT IS KEPT, BRED, HARBORED, BOARDED, SHELTERED, MAINTAINED, SOLD, GIVEN AWAY, EXCHANGED OR IN ANY WAY TRANSFERRED. IT SHALL INCLUDE THE LAND, BUILDINGS AND FACILITIES OF PERSONS RESIDING THEREON. IT MAY BE PUBLIC OR PRIVATE AND INCLUDES THE 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.

LBD15722-05-0

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

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] (A) SELLS OR OFFERS FOR SALE NINE OR MORE DOGS OR CATS BORN OR RAISED ON PREMISES OTHER THAN THE PREMISES OF SAID PERSON; (B) MAINTAINS A TOTAL OF SIX SEXUALLY INTACT FEMALE DOGS OR CATS SIX MONTHS OF AGE OR OLDER AND WHO SELLS OR OFFERS FOR SALE ANY OF THE OFFSPRING OF SUCH DOGS OR CATS; OR (C) SELLS OR OFFERS FOR SALE TO THE PUBLIC TEN OR MORE DOGS OR CATS IN A CALENDAR YEAR. Such definition shall include 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. Such definition shall include breeders who sell animals; provided that a breeder who sells or offers to sell directly to the consumer 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. This act shall take effect April 1, 2011.