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I N   S E N A T E

April 29, 2010

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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 administrative hearings and processes for pet dealers

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

1     Section 1.     Subdivision 4 of section 404 of the agriculture and  
2 markets law, as added by chapter 259 of the laws of 2000, is amended to  
3 read as follows:  
4     4.     Before any license shall be suspended or revoked, the commission-  
5 er, or any hearing officer he or she may designate, shall hold a hear-  
6 ing, upon due notice to the licensee, in accordance with any regulations  
7 promulgated by the department and in accordance with articles three and  
8 four of the state administrative procedure act.     SUCH A HEARING IS  
9 MANDATED TO BE HELD IF A LICENSEE FAILS EITHER THREE CONSECUTIVE  
10 INSPECTIONS PURSUANT TO THIS SECTION OR THREE INSPECTIONS IN A THREE  
11 YEAR PERIOD PURSUANT TO THIS SECTION. NOTHING IN THIS SECTION SHALL  
12 PROHIBIT THE COMMISSIONER FROM TAKING ADDITIONAL ACTIONS REGARDING SUCH  
13 LICENSES PRIOR TO FAILURE BY A LICENSEE OF EITHER THREE CONSECUTIVE  
14 INSPECTIONS OR THREE INSPECTIONS IN A THREE YEAR PERIOD.  
15     S 2.     This act shall take effect April 1, 2011; provided, however,  
16 that effective immediately, the addition, amendment and/or repeal of any  
17 rule or regulation necessary for the implementation of this act on its  
18 effective date are authorized and directed to be made and completed on  
19 or before such effective date.

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

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