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

7655

I N S E N A T E

April 29, 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 administrative hearings and processes for 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 404 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

4. Before any license shall be suspended or revoked, the commissioner, or any hearing officer he or she may designate, shall hold a hearing, upon due notice to the licensee, in accordance with any regulations promulgated by the department and in accordance with articles three and four of the state administrative procedure act. SUCH A HEARING IS MANDATED TO BE HELD IF A LICENSEE FAILS EITHER THREE CONSECUTIVE INSPECTIONS PURSUANT TO THIS SECTION OR THREE INSPECTIONS IN A THREE YEAR PERIOD PURSUANT TO THIS SECTION. NOTHING IN THIS SECTION SHALL PROHIBIT THE COMMISSIONER FROM TAKING ADDITIONAL ACTIONS REGARDING SUCH LICENSES PRIOR TO FAILURE BY A LICENSEE OF EITHER THREE CONSECUTIVE INSPECTIONS OR THREE INSPECTIONS IN A THREE YEAR PERIOD.

S 2. 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.

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

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