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

697--D

Cal. No. 618

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, MARKEY, CASTRO, JAFFEE, KAVANAGH, TITONE, ENGLEBRIGHT, ROSENTHAL, P. RIVERA, MOYA, MALLIOTAKIS -- Multi-Sponsored by -- M. of A. GLICK, McENENY, M. MILLER, WEISENBERG -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law and the general business law, in relation to the care and sale of dogs and cats by pet dealers

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

Section 1. Subdivision 1 of section 401 of the agriculture and markets law is amended by adding a new paragraph (h) to read as follows:

(H) PET DEALERS SHALL DESIGNATE AND PROVIDE AN ISOLATION AREA FOR ANIMALS THAT EXHIBIT SYMPTOMS OF CONTAGIOUS DISEASE OR ILLNESS. THE LOCATION OF SUCH DESIGNATED AREA MUST BE SUCH AS TO PREVENT OR REDUCE THE SPREAD OF DISEASE TO HEALTHY ANIMALS.

S 2. Paragraphs (a), (b), (c) and (d) of subdivision 5 of section 401 of the agriculture and markets law are relettered paragraphs (b), (c), (d) and (e) and a new paragraph (a) is added to read as follows:

(A) ANY PET DEALER DULY LICENSED PURSUANT TO THIS ARTICLE SHALL DESIGNATE AN ATTENDING VETERINARIAN, WHO SHALL PROVIDE VETERINARY CARE TO THE DEALER'S ANIMALS WHICH SHALL INCLUDE A WRITTEN PROGRAM OF VETERINARY

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

LBD00792-15-2

CARE AND REGULAR VISITS TO THE PET DEALER'S PREMISES. SUCH PROGRAM OF VETERINARY CARE SHALL INCLUDE:

(I) THE AVAILABILITY OF APPROPRIATE FACILITIES, PERSONNEL, EQUIPMENT, AND SERVICES TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;

(II) THE USE OF METHODS DETERMINED TO BE APPROPRIATE BY THE ATTENDING VETERINARIAN TO PREVENT, CONTROL, AND RESPOND TO DISEASES AND INJURIES, AND THE AVAILABILITY OF EMERGENCY, WEEKEND, AND HOLIDAY CARE;

(III) DAILY OBSERVATION OF ALL ANIMALS TO ASSESS THEIR HEALTH AND WELL-BEING; PROVIDED, HOWEVER, THAT DAILY OBSERVATION OF ANIMALS MAY BE ACCOMPLISHED BY SOMEONE OTHER THAN THE ATTENDING VETERINARIAN WHO HAS RECEIVED THE GUIDANCE IDENTIFIED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH; AND PROVIDED, FURTHER, THAT A MECHANISM OF DIRECT AND FREQUENT COMMUNICATION IS REQUIRED SO THAT TIMELY AND ACCURATE INFORMATION ON PROBLEMS OF ANIMAL HEALTH, BEHAVIOR, AND WELL-BEING IS CONVEYED TO THE ATTENDING VETERINARIAN;

(IV) ADEQUATE GUIDANCE TO PERSONNEL INVOLVED IN THE CARE AND USE OF ANIMALS REGARDING HANDLING AND IMMOBILIZATION; AND

(V) PRE-PROCEDURAL AND POST-PROCEDURAL CARE IN ACCORDANCE WITH ESTABLISHED VETERINARY MEDICAL AND NURSING PROCEDURES.

S 3. Paragraph (c) of subdivision 5 of section 401 of the agriculture and markets law, as added by chapter 259 of the laws of 2000 and as relettered by section two of this act, is amended to read as follows:

(c) Within five business days of receipt, but prior to sale of any dog, the pet dealer shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal [found to be afflicted] DIAGNOSED with a contagious disease shall be treated and caged separately from healthy animals.

S 4. Section 401 of the agriculture and markets law is amended by adding a new subdivision 7 to read as follows:

7. EXERCISE REQUIREMENTS. PET DEALERS SHALL DEVELOP, MAINTAIN, DOCUMENT, AND IMPLEMENT AN APPROPRIATE PLAN TO PROVIDE DOGS WITH THE OPPORTUNITY FOR DAILY EXERCISE. IN DEVELOPING SUCH PLAN, CONSIDERATION SHOULD BE GIVEN TO PROVIDING POSITIVE PHYSICAL CONTACT WITH HUMANS THAT ENCOURAGES EXERCISE THROUGH PLAY OR OTHER SIMILAR ACTIVITIES. SUCH PLAN SHALL BE APPROVED BY THE ATTENDING VETERINARIAN, AND MUST BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

S 5. Section 753-a of the general business law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

S 753-a. Veterinarian examination. 1. Within five business days of receipt, but prior to the sale of any dog, the pet dealer shall have a duly licensed veterinarian conduct an examination and tests appropriate to the breed and age to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal [found to be afflicted] DIAGNOSED with a contagious disease shall be treated and caged separately from healthy animals IN ACCORDANCE WITH SECTION FOUR HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

2. All animals shall be [inoculated] VACCINATED as required by state or local law. Veterinary care appropriate to the species shall be

provided without undue delay when necessary. Each animal shall be observed each day by the pet dealer or by a person working under the pet dealer's supervision.

3. No pet dealer shall knowingly sell any animal [eighteen months of age or older] that has a diagnosed congenital condition OR CONTAGIOUS DISEASE that adversely affects the health of the animal without first informing the consumer, in writing, of such condition.

S 6. Subdivision 1 of section 402 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

1. The name and address of the person from whom each animal was acquired. If the person from whom the animal was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal dealer identification number. IF THE PERSON FROM WHOM THE ANIMAL WAS OBTAINED IS A DEALER LICENSED BY THE DEPARTMENT, THE PERSON'S NAME, ADDRESS, AND STATE DEALER IDENTIFICATION NUMBER. In the case of cats, if a cat is placed in the custody or possession of the pet dealer and the source of origin is unknown, the pet dealer shall state the source of origin as unknown, accompanied by the date, time, and location of receipt. Notwithstanding the provisions of this subdivision, no pet dealer shall knowingly buy, sell, exhibit, transport, or offer for sale, exhibition, or transportation any stolen animal. No pet dealer shall knowingly sell any cat or dog younger than eight weeks of age.

S 7. This act shall take effect on the one hundred twentieth day after it shall have become a law; 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 to be made on or before such effective date.