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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, MAYER-SOHN, TITONE, ENGLEBRIGHT, ROSENTHAL -- Multi-Sponsored by -- M. of A. GLICK, M. MILLER, WEISENBERG -- read once and referred to the Committee on Agriculture

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:

1 Section 1. Subdivision 1 of section 401 of the agriculture and
2 markets law is amended by adding a new paragraph (h) to read as follows:
3 (H) PET DEALERS SHALL DESIGNATE AND PROVIDE AN ISOLATION AREA FOR
4 ANIMALS THAT EXHIBIT SYMPTOMS OF DISEASE OR ILLNESS. THE LOCATION OF
5 SUCH DESIGNATED AREA MUST BE SUCH AS TO PREVENT OR REDUCE THE SPREAD OF
6 DISEASE TO HEALTHY ANIMALS.
7 S 2. Paragraphs (a), (b), (c) and (d) of subdivision 5 of section 401
8 of the agriculture and markets law are relettered paragraphs (b), (c),
9 (d) and (e) and a new paragraph (a) is added to read as follows:
10 (A) ANY PET DEALER DULY LICENSED PURSUANT TO THIS ARTICLE SHALL DESIG-
11 NATE AN ATTENDING VETERINARIAN, WHO SHALL PROVIDE VETERINARY CARE TO THE
12 DEALER'S ANIMALS WHICH SHALL INCLUDE A WRITTEN PROGRAM OF VETERINARY
13 CARE AND REGULARLY SCHEDULED VISITS TO THE PET DEALER'S PREMISES. SUCH
14 PROGRAM OF VETERINARY CARE SHALL INCLUDE:
15 (I) THE AVAILABILITY OF APPROPRIATE FACILITIES, PERSONNEL, EQUIPMENT,
16 AND SERVICES TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;
17 (II) THE USE OF APPROPRIATE METHODS TO PREVENT, CONTROL, DIAGNOSE, AND
18 TREAT DISEASES AND INJURIES, AND THE AVAILABILITY OF EMERGENCY, WEEKEND,
19 AND HOLIDAY CARE;
20 (III) DAILY OBSERVATION OF ALL ANIMALS TO ASSESS THEIR HEALTH AND
21 WELL-BEING; PROVIDED, HOWEVER, THAT DAILY OBSERVATION OF ANIMALS MAY BE
22 ACCOMPLISHED BY SOMEONE OTHER THAN THE ATTENDING VETERINARIAN WHO HAS
23 RECEIVED THE GUIDANCE IDENTIFIED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH;
24 AND PROVIDED, FURTHER, THAT A MECHANISM OF DIRECT AND FREQUENT COMMUNI-
25 CATION IS REQUIRED SO THAT TIMELY AND ACCURATE INFORMATION ON PROBLEMS

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

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1 OF ANIMAL HEALTH, BEHAVIOR, AND WELL-BEING IS CONVEYED TO THE ATTENDING
2 VETERINARIAN;

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

5 (V) PRE-PROCEDURAL AND POST-PROCEDURAL CARE IN ACCORDANCE WITH ESTAB-
6 LISHED VETERINARY MEDICAL AND NURSING PROCEDURES.

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

10 (c) Within five business days of receipt, but prior to sale of any
11 dog, the pet dealer shall have a duly licensed veterinarian conduct an
12 examination and tests appropriate to the age and breed to determine if
13 the animal has any medical conditions apparent at the time of the exam-
14 ination that adversely affect the health of the animal. For animals
15 eighteen months of age or older, such examination shall include a diag-
16 nosis of any congenital conditions that adversely affect the health of
17 the animal. Any animal [found to be afflicted] DIAGNOSED with a conta-
18 gious disease shall be treated and caged separately from healthy
19 animals.

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

22 7. EXERCISE REQUIREMENTS. PET DEALERS SHALL DEVELOP, MAINTAIN, DOCU-
23 MENT, AND IMPLEMENT AN APPROPRIATE PLAN TO PROVIDE ANIMALS WITH THE
24 OPPORTUNITY FOR DAILY EXERCISE. IN DEVELOPING SUCH PLAN, CONSIDERATION
25 SHOULD BE GIVEN TO PROVIDING POSITIVE PHYSICAL CONTACT WITH HUMANS THAT
26 ENCOURAGES EXERCISE THROUGH PLAY OR OTHER SIMILAR ACTIVITIES. SUCH PLAN
27 SHALL BE APPROVED BY THE ATTENDING VETERINARIAN AND THE DEPARTMENT.

28 S 5. Section 753-a of the general business law, as added by chapter
29 259 of the laws of 2000, is amended to read as follows:

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

41 2. All animals shall be [inoculated] VACCINATED as required by state
42 or local law. Veterinary care appropriate to the species shall be
43 provided without undue delay when necessary. Each animal shall be
44 observed each day by the pet dealer or by a person working under the pet
45 dealer's supervision.

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

50 S 6. This act shall take effect April 1, 2012; provided, however, that
51 effective immediately, the addition, amendment and/or repeal of any rule
52 or regulation necessary for the implementation of this act on its effec-
53 tive date are authorized and directed to be made and completed on or
54 before such effective date.