

697--C

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 -- 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

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 CONTAGIOUS DISEASE OR ILLNESS. THE
5 LOCATION OF SUCH DESIGNATED AREA MUST BE SUCH AS TO PREVENT OR REDUCE
6 THE SPREAD OF 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 REGULAR VISITS TO THE PET DEALER'S PREMISES. SUCH PROGRAM OF
14 VETERINARY CARE SHALL INCLUDE:

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

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

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

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

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

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

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

21 (c) Within five business days of receipt, but prior to sale of any
22 dog, the pet dealer shall have a duly licensed veterinarian conduct an
23 examination and tests appropriate to the age and breed to determine if
24 the animal has any medical conditions apparent at the time of the exam-
25 ination that adversely affect the health of the animal. For animals
26 eighteen months of age or older, such examination shall include a diag-
27 nosis of any congenital conditions that adversely affect the health of
28 the animal. Any animal [found to be afflicted] DIAGNOSED with a conta-
29 gious disease shall be treated and caged separately from healthy
30 animals.

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

33 7. EXERCISE REQUIREMENTS. PET DEALERS SHALL DEVELOP, MAINTAIN, DOCU-
34 MENT, AND IMPLEMENT AN APPROPRIATE PLAN TO PROVIDE ANIMALS WITH THE
35 OPPORTUNITY FOR DAILY EXERCISE. IN DEVELOPING SUCH PLAN, CONSIDERATION
36 SHOULD BE GIVEN TO PROVIDING POSITIVE PHYSICAL CONTACT WITH HUMANS THAT
37 ENCOURAGES EXERCISE THROUGH PLAY OR OTHER SIMILAR ACTIVITIES. SUCH PLAN
38 SHALL BE APPROVED BY THE ATTENDING VETERINARIAN, AND MUST BE MADE AVAIL-
39 ABLE TO THE DEPARTMENT UPON REQUEST.

40 S 5. Section 753-a of the general business law, as added by chapter
41 259 of the laws of 2000, is amended to read as follows:

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

53 2. All animals shall be [inoculated] VACCINATED as required by state
54 or local law. Veterinary care appropriate to the species shall be
55 provided without undue delay when necessary. Each animal shall be

1 observed each day by the pet dealer or by a person working under the pet
2 dealer's supervision.

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

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

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

24 S 7. This act shall take effect on the one hundred twentieth day after
25 it shall have become a law; provided, however, that effective immediate-
26 ly, the addition, amendment and/or repeal of any rule or regulation
27 necessary for the implementation of this act on its effective date are
28 authorized to be made on or before such effective date.