

697--D

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I N A S S E M B L Y

(PREFILED)

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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:

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

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

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

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

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

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

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

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

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

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

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

35 7. EXERCISE REQUIREMENTS. PET DEALERS SHALL DEVELOP, MAINTAIN, DOCU-  
36 MENT, AND IMPLEMENT AN APPROPRIATE PLAN TO PROVIDE DOGS WITH THE OPPOR-  
37 TUNITY FOR DAILY EXERCISE. IN DEVELOPING SUCH PLAN, CONSIDERATION SHOULD  
38 BE GIVEN TO PROVIDING POSITIVE PHYSICAL CONTACT WITH HUMANS THAT ENCOUR-  
39 AGES EXERCISE THROUGH PLAY OR OTHER SIMILAR ACTIVITIES. SUCH PLAN SHALL  
40 BE APPROVED BY THE ATTENDING VETERINARIAN, AND MUST BE MADE AVAILABLE TO  
41 THE DEPARTMENT UPON REQUEST.

42 S 5. Section 753-a of the general business law, as added by chapter  
43 259 of the laws of 2000, is amended to read as follows:

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

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

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

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

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

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

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