

77--B

Cal. No. 7

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, TITONE, KAVANAGH, JAFFEE, CASTRO, P. RIVERA -- Multi-Sponsored by -- M. of A. GLICK, M. MILLER, WEISENBERG -- read once and referred to the Committee on Agriculture -- 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, 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:

1 Section 1. Subdivision 4 of section 404 of the agriculture and
2 markets law, as added by chapter 259 of the laws of 2000, is amended to
3 read as follows:
4 4. Before any license shall be suspended or revoked, the commission-
5 er, or any hearing officer he or she may designate, shall hold a hear-
6 ing, upon due notice to the licensee, in accordance with any regulations
7 promulgated by the department and in accordance with articles three and
8 four of the state administrative procedure act. WHERE A LICENSEE HAS
9 FAILED EITHER THREE CONSECUTIVE INSPECTIONS PURSUANT TO THIS SECTION, OR
10 THREE INSPECTIONS IN A THREE YEAR PERIOD PURSUANT TO THIS SECTION, A
11 HEARING SHALL BE HELD TO CONSIDER WHETHER SUSPENSION OR REVOCATION OF
12 THE LICENSE IS WARRANTED. NOTHING IN THIS SECTION SHALL PROHIBIT THE
13 COMMISSIONER FROM TAKING ADDITIONAL ACTIONS REGARDING SUCH LICENSES
14 PRIOR TO FAILURE BY A LICENSEE OF EITHER THREE CONSECUTIVE INSPECTIONS
15 OR THREE INSPECTIONS IN A THREE YEAR PERIOD.
16 S 2. This act shall take effect on the one hundred twentieth day
17 after it shall have become a law; provided, however, that effective
18 immediately, the addition, amendment and/or repeal of any rule or regu-
19 lation necessary for the implementation of this act on its effective
20 date are authorized to be made 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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