

78--A

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, ROSENTHAL, P. RIVERA -- Multi-Sponsored by -- M. of A. GLICK, 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

AN ACT to amend the agriculture and markets law and the general business law, in relation to 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 400 of the agriculture and markets
2 law, as amended by chapter 687 of the laws of 2006, is amended and a new
3 subdivision 5 is added to read as follows:
4 4. "Pet Dealer" means any person who [engages in the sale or offering
5 for sale of more than nine animals per year for profit to the public]
6 (A) SELLS OR OFFERS FOR SALE NINE OR MORE DOGS OR CATS BORN OR RAISED ON
7 PREMISES OTHER THAN THE PREMISES OF SAID PERSON; (B) MAINTAINS A TOTAL
8 OF SIX SEXUALLY INTACT FEMALE DOGS OR CATS SIX MONTHS OF AGE OR OLDER
9 AND WHO SELLS OR OFFERS FOR SALE ANY OF THE OFFSPRING OF SUCH DOGS OR
10 CATS; OR (C) SELLS OR OFFERS FOR SALE TO THE PUBLIC TEN OR MORE DOGS OR
11 CATS IN A CALENDAR YEAR. Such definition shall include breeders who sell
12 or offer to sell animals[; provided that a breeder who sells or offers
13 to sell directly to the consumer fewer than twenty-five animals per year
14 that are born and raised on the breeder's residential premises shall not
15 be considered a pet dealer as a result of selling or offering to sell
16 such animals. Such definition shall further], BUT SHALL not include duly
17 incorporated humane societies dedicated to the care of unwanted animals
18 which make such animals available for adoption whether or not a fee for
19 such adoption is charged.

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

LBD00760-04-2

1 5. "PREMISES" MEANS THE HOME, HOMESTEAD, PLACE OF BUSINESS OR OPERA-
2 TION OF ANY INDIVIDUAL OR PERSON, INCLUDING A PET DEALER, AND INCLUDES
3 ALL OF THE LAND, PROPERTY, HOUSING FACILITIES OR ANY COMBINATION THERE-
4 OF, ON, IN OR THROUGH WHICH ANY DOG OR CAT IS KEPT, BRED, HARBORED,
5 BOARDED, SHELTERED, MAINTAINED, SOLD, GIVEN AWAY, EXCHANGED OR IN ANY
6 WAY TRANSFERRED. IT SHALL INCLUDE THE LAND, BUILDINGS AND FACILITIES OF
7 PERSONS RESIDING THEREON. IT MAY BE PUBLIC OR PRIVATE AND INCLUDES THE
8 LAND, BUILDINGS AND FACILITIES OF ANY PERSON WHO UTILIZES OFFSITE OR
9 TEMPORARY HOMES TO KEEP, MAINTAIN, BREED, TRAIN, HARBOR, BOARD, SHELTER,
10 SELL, GIVE AWAY, ADOPT, EXCHANGE, OR IN ANY WAY TRANSFER, DOGS OR CATS.

11 S 2. Subdivision 3 of section 752 of the general business law, as
12 amended by chapter 687 of the laws of 2006, is amended to read as
13 follows:

14 3. For purposes of [section seven hundred fifty-three of] this arti-
15 cle, a "pet dealer" shall mean any person who[, in the ordinary course
16 of business, engages in the sale or offering for sale of more than nine
17 animals per year for profit to the public] (A) SELLS OR OFFERS FOR SALE
18 NINE OR MORE DOGS OR CATS BORN OR RAISED ON PREMISES OTHER THAN THE
19 PREMISES OF SAID PERSON; (B) MAINTAINS A TOTAL OF SIX SEXUALLY INTACT
20 FEMALE DOGS OR CATS SIX MONTHS OF AGE OR OLDER AND WHO SELLS OR OFFERS
21 FOR SALE ANY OF THE OFFSPRING OF SUCH DOGS OR CATS; OR (C) SELLS OR
22 OFFERS FOR SALE TO THE PUBLIC TEN OR MORE DOGS OR CATS IN A CALENDAR
23 YEAR. Such definition shall include breeders [of animals] who sell or
24 offer for sale animals [directly to a consumer], but [it] shall not
25 include duly incorporated humane societies dedicated to the care of
26 unwanted animals which make such animals available for adoption whether
27 or not a fee for such adoption is charged. [For purposes of sections
28 seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred
29 fifty-three-c, seven hundred fifty-three-d and seven hundred fifty-
30 three-e of this article, "pet dealer" shall mean any person who engages
31 in the sale or offering for sale of more than nine animals per year for
32 profit to the public. Such definition shall include breeders who sell
33 animals; provided that a breeder who sells or offers to sell directly to
34 the consumer fewer than twenty-five animals per year that are born and
35 raised on the breeders residential premises shall not be considered a
36 pet dealer as a result of selling or offering to sell such animals. Such
37 definition shall not include duly incorporated humane societies dedi-
38 cated to the care of unwanted animals which make such animals available
39 for adoption whether or not a fee for such adoption is charged.]

40 S 3. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law.