

3476--B

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to record-keeping by pet dealers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 402 of the agriculture and markets law, as added
2 by chapter 259 of the laws of 2000, is amended to read as follows:
3 S 402. Records of purchase and sale. 1. Each pet dealer shall keep
4 and maintain records for each animal purchased, acquired, held, sold, or
5 otherwise disposed of. The records shall include the following:
6 [1.] (A) The name and address of the person from whom each animal was
7 acquired. If the person from whom the animal was obtained is a dealer
8 licensed by the United States department of agriculture, the person's
9 name, address, and federal dealer identification number. In the case of
10 cats, if a cat is placed in the custody or possession of the pet dealer
11 and the source of origin is unknown, the pet dealer shall state the
12 source of origin as unknown, accompanied by the date, time, and location
13 of receipt. Notwithstanding the provisions of this subdivision, no pet
14 dealer shall knowingly buy, sell, exhibit, transport, or offer for sale,
15 exhibition, or transportation any stolen animal. No pet dealer shall
16 knowingly sell any cat or dog younger than eight weeks of age.
17 [2.] (B) The original source of each animal if different than the
18 person recorded in [subdivision one] PARAGRAPH (A) of this [section]
19 SUBDIVISION.
20 [3.] (C) The date each animal was acquired.

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

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1 [4.] (D) A description of each animal showing age, color, markings,
2 sex, breed, and any inoculation, worming, or other veterinary treatment
3 or medication information available. Records shall also include any
4 other significant identification, if known, for each animal, including
5 any official tag number, tattoo, or implant.

6 [5.] (E) The name and address of the person to whom any animal is
7 sold, given, or bartered or to whom it is otherwise transferred or
8 delivered. The records shall indicate the date and method of disposi-
9 tion.

10 [6.] 2. Records for each animal shall be maintained for a period of
11 two years from the date of sale or transfer, whichever occurs later.
12 During normal business hours, the records shall be made available to
13 persons authorized by law to enforce the provisions of this article.

14 3. NO ANIMAL MAY BE SOLD TO THE PUBLIC BY A PET DEALER WITHOUT THE
15 PET DEALER BEING IN POSSESSION OF THE RECORDS FOR THAT ANIMAL AS
16 PROVIDED IN SUBDIVISION ONE OF THIS SECTION AND THAT ANIMAL HAVING
17 UNDERGONE THE VETERINARY EXAMINATION MANDATED BY SECTION SEVEN HUNDRED
18 FIFTY-THREE-A OF THE GENERAL BUSINESS LAW.

19 4. NO PET DEALER MAY PURCHASE AN ANIMAL FROM A SOURCE THAT IS KNOWN BY
20 THE PET DEALER TO BE REQUIRED TO BE LICENSED UNDER THIS ARTICLE, OR BY
21 THE UNITED STATES DEPARTMENT OF AGRICULTURE UNDER THE FEDERAL ANIMAL
22 WELFARE ACT, AND THAT SOURCE DOES NOT POSSESS SUCH VALID LICENSE.

23 5. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE SHALL PROVIDE A
24 WRITTEN RELEASE TO HIS OR HER DESIGNATED VETERINARIAN TO ALLOW SUCH
25 VETERINARIAN TO PROVIDE THE COMMISSIONER, OR HIS OR HER AUTHORIZED
26 AGENTS, ACCESS TO ALL ANIMAL HEALTH RECORDS FOR EACH ANIMAL ACQUIRED,
27 HELD, SOLD, OR OTHERWISE DISPOSED OF.

28 6. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE WHO SELLS, OFFERS
29 FOR SALE OR NEGOTIATES THE SALE OF ANIMALS WITH A REGISTERED DOG OR CAT
30 BREED REGISTRY SHALL PROVIDE A WRITTEN RELEASE TO SUCH REGISTRY ASSOCI-
31 ATIONS TO ALLOW SUCH ASSOCIATIONS TO PROVIDE THE COMMISSIONER, OR HIS OR
32 HER AUTHORIZED AGENTS, ACCESS TO ALL ANIMAL BREED REGISTRY RECORDS FOR
33 EACH ANIMAL ACQUIRED, HELD, SOLD, OR OTHERWISE DISPOSED OF.

34 S 2. Subdivision 3 of section 403 of the agriculture and markets law,
35 as added by chapter 259 of the laws of 2000, is amended to read as
36 follows:

37 3. Each application for a license shall be accompanied by a nonrefund-
38 able fee of one hundred dollars[, except that those pet dealers who
39 engage in the sale of less than twenty-five animals in a year, shall pay
40 a nonrefundable fee of twenty-five dollars].

41 S 3. Subdivisions 10 and 11 of section 403 of the agriculture and
42 markets law, as added by chapter 259 of the laws of 2000, are amended to
43 read as follows:

44 10. Such license shall be renewable annually, together with the
45 payment of a nonrefundable fee [of one hundred dollars, or upon payment
46 of a nonrefundable fee of twenty-five dollars for those pet dealers who
47 engage in the sale of less than twenty-five animals in a year] BASED ON
48 THE GROSS SALES RECEIPTS FROM THE SALE OF ANIMALS FOR PROFIT TO THE
49 PUBLIC BY THE LICENSEE IN THE PRIOR YEAR. FOR LICENSEES WITH GROSS SALES
50 RECEIPTS FROM SUCH SALES OF UNDER FIFTY THOUSAND DOLLARS, THAT FEE SHALL
51 BE ONE HUNDRED DOLLARS; FOR LICENSEES WITH GROSS SALES RECEIPTS FROM
52 SUCH SALES OF FIFTY THOUSAND DOLLARS OR MORE, THAT FEE SHALL BE THREE
53 HUNDRED DOLLARS.

54 11. Pet dealers shall conspicuously display their license on the prem-
55 ises where the animals are kept for sale so that they may be readily
56 seen by potential consumers. ANY LICENSEE THAT FAILS TO CONSPICUOUSLY

1 POST HIS OR HER LICENSE AS REQUIRED BY THIS SUBDIVISION SHALL BE CONSID-
2 ERED IN VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET
3 FORTH IN SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

4 S 4. Subdivision 2 of section 404 of the agriculture and markets law,
5 as added by chapter 259 of the laws of 2000, is amended to read as
6 follows:

7 2. Material misstatement in or falsification of records required to
8 be kept pursuant to this article, or under any regulation promulgated
9 thereunder, or failure to allow the commissioner or his or her author-
10 ized agents to inspect records or pet dealer facilities. ANY UNREASON-
11 ABLE REFUSAL TO ALLOW THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENTS,
12 TO INSPECT RECORDS OR PET DEALER FACILITIES SHALL BE CONSIDERED A
13 VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET FORTH IN
14 SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

15 S 5. This act shall take effect on the one hundred twentieth day after
16 it shall have become a law; provided, however, that effective immediate-
17 ly, the addition, amendment and/or repeal of any rule or regulation
18 necessary for the implementation of this act on its effective date are
19 authorized to be made on or before such effective date.