S T A T E O F N E W Y O R K

3477--D

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 Consumer Protection -- 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 -- recommitted to the Committee on Consumer Protection 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 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:

Section 1. Subdivision 1 of section 401 of the agriculture and markets law is amended by adding a new paragraph (h) to read as follows:

(H) PET DEALERS SHALL DESIGNATE AND PROVIDE AN ISOLATION AREA FOR ANIMALS THAT EXHIBIT SYMPTOMS OF DISEASE OR ILLNESS. THE LOCATION OF SUCH DESIGNATED AREA MUST BE SUCH AS TO PREVENT OR REDUCE THE SPREAD OF DISEASE TO HEALTHY ANIMALS.

S 2. Paragraphs (a), (b), (c) and (d) of subdivision 5 of section 401 of the agriculture and markets law are relettered paragraphs (b), (c), (d) and (e) and a new paragraph (a) is added to read as follows:

(A) ANY PET DEALER DULY LICENSED PURSUANT TO THIS ARTICLE SHALL DESIGNATE AN ATTENDING VETERINARIAN, WHO SHALL PROVIDE VETERINARY CARE TO THE DEALER'S ANIMALS WHICH SHALL INCLUDE A WRITTEN PROGRAM OF VETERINARY CARE AND REGULARLY SCHEDULED VISITS TO THE PET DEALER'S PREMISES. SUCH PROGRAM OF VETERINARY CARE SHALL INCLUDE:

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

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

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(II) THE USE OF APPROPRIATE METHODS TO PREVENT, CONTROL, DIAGNOSE, AND TREAT DISEASES AND INJURIES, AND THE AVAILABILITY OF EMERGENCY, WEEKEND, AND HOLIDAY CARE;

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

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

(V) PRE-PROCEDURAL AND POST-PROCEDURAL CARE IN ACCORDANCE WITH ESTABLISHED VETERINARY MEDICAL AND NURSING PROCEDURES.

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

(c) Within five business days of receipt, but prior to sale of any dog, the pet dealer shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal [found to be afflicted] DIAGNOSED with a contagious disease shall be treated and caged separately from healthy animals.

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

7. EXERCISE REQUIREMENTS. PET DEALERS SHALL DEVELOP, MAINTAIN, DOCUMENT, AND IMPLEMENT AN APPROPRIATE PLAN TO PROVIDE ANIMALS WITH THE OPPORTUNITY FOR DAILY EXERCISE. IN DEVELOPING SUCH PLAN, CONSIDERATION SHOULD BE GIVEN TO PROVIDING POSITIVE PHYSICAL CONTACT WITH HUMANS THAT ENCOURAGES EXERCISE THROUGH PLAY OR OTHER SIMILAR ACTIVITIES. SUCH PLAN SHALL BE APPROVED BY THE ATTENDING VETERINARIAN AND THE DEPARTMENT.

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

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

2. All animals shall be [inoculated] VACCINATED as required by state or local law. Veterinary care appropriate to the species shall be provided without undue delay when necessary. Each animal shall be observed each day by the pet dealer or by a person working under the pet dealer's supervision.

3. No pet dealer shall knowingly sell any animal [eighteen months of age or older] that has a diagnosed congenital condition OR CONTAGIOUS

DISEASE that adversely affects the health of the animal without first informing the consumer, in writing, of such condition.

S 6. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.