

7268--A

Cal. No. 752

I N S E N A T E

May 2, 2012

Introduced by Sens. BALL, SKELOS, GRISANTI, LAVALLE, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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
13 CARE AND REGULAR VISITS TO THE PET DEALER'S PREMISES. SUCH PROGRAM OF
14 VETERINARY CARE SHALL INCLUDE:
15 (I) THE AVAILABILITY OF APPROPRIATE FACILITIES, PERSONNEL, EQUIPMENT,
16 AND SERVICES TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;
17 (II) THE USE OF METHODS DETERMINED TO BE APPROPRIATE BY THE ATTENDING
18 VETERINARIAN TO PREVENT, CONTROL, AND RESPOND TO DISEASES AND INJURIES,
19 AND THE AVAILABILITY OF EMERGENCY, WEEKEND, AND HOLIDAY CARE;
20 (III) DAILY OBSERVATION OF ALL ANIMALS TO ASSESS THEIR HEALTH AND
21 WELL-BEING; PROVIDED, HOWEVER, THAT DAILY OBSERVATION OF ANIMALS MAY BE
22 ACCOMPLISHED BY SOMEONE OTHER THAN THE ATTENDING VETERINARIAN WHO HAS
23 RECEIVED THE GUIDANCE IDENTIFIED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH;
24 AND PROVIDED, FURTHER, THAT A MECHANISM OF DIRECT AND FREQUENT COMMUNI-

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

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1 CATION IS REQUIRED SO THAT TIMELY AND ACCURATE INFORMATION ON PROBLEMS
2 OF ANIMAL HEALTH, BEHAVIOR, AND WELL-BEING IS CONVEYED TO THE ATTENDING
3 VETERINARIAN;

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

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

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

11 (c) Within five business days of receipt, but prior to sale of any
12 dog, the pet dealer shall have a duly licensed veterinarian conduct an
13 examination and tests appropriate to the age and breed to determine if
14 the animal has any medical conditions apparent at the time of the exam-
15 ination that adversely affect the health of the animal. For animals
16 eighteen months of age or older, such examination shall include a diag-
17 nosis of any congenital conditions that adversely affect the health of
18 the animal. Any animal [found to be afflicted] DIAGNOSED with a conta-
19 gious disease shall be treated and caged separately from healthy
20 animals.

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

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

30 S 5. Section 753-a of the general business law, as added by chapter
31 259 of the laws of 2000, is amended to read as follows:

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

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

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

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

55 1. The name and address of the person from whom each animal was
56 acquired. If the person from whom the animal was obtained is a dealer

1 licensed by the United States department of agriculture, the person's
2 name, address, and federal dealer identification number. IF THE PERSON
3 FROM WHOM THE ANIMAL WAS OBTAINED IS A DEALER LICENSED BY THE DEPART-
4 MENT, THE PERSON'S NAME, ADDRESS, AND STATE DEALER IDENTIFICATION
5 NUMBER. In the case of cats, if a cat is placed in the custody or
6 possession of the pet dealer and the source of origin is unknown, the
7 pet dealer shall state the source of origin as unknown, accompanied by
8 the date, time, and location of receipt. Notwithstanding the provisions
9 of this subdivision, no pet dealer shall knowingly buy, sell, exhibit,
10 transport, or offer for sale, exhibition, or transportation any stolen
11 animal. No pet dealer shall knowingly sell any cat or dog younger than
12 eight weeks of age.

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