

2115--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. PAULIN, MARKEY, JAFFEE, KAVANAGH, TITONE, ROSEN-  
THAL, DiPIETRO -- Multi-Sponsored by -- M. of A. GLICK, MILLER, WEIS-  
ENBERG -- read once and referred to the Committee on Agriculture --  
committee discharged, bill amended, ordered reprinted as amended and  
recommitted to said committee -- recommitted to the Committee on Agri-  
culture 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 the definition of pet dealer

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 to read  
3     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     Such definition shall include breeders who sell or offer to sell  
7     animals; provided that a breeder who sells or offers to sell directly to  
8     the consumer fewer than [twenty-five] FIFTEEN animals per year that are  
9     born and raised on the breeder's residential premises shall not be  
10    considered a pet dealer as a result of selling or offering to sell such  
11    animals. Such definition shall [further] not include duly incorporated  
12    humane societies dedicated to the care of unwanted animals which make  
13    such animals available for adoption whether or not a fee for such  
14    adoption is charged.  
15    S 2.     Subdivision 3 of section 752 of the general business law, as  
16    amended by chapter 687 of the laws of 2006, is amended to read as  
17    follows:

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

LBD06128-04-4

1     3. For purposes of section seven hundred fifty-three of this article,  
2 a "pet dealer" shall mean any person who, in the ordinary course of  
3 business, engages in the sale or offering for sale of more than nine  
4 animals per year for profit to the public. Such definition shall  
5 include breeders of animals who sell or offer for sale animals directly  
6 to a consumer but it shall not include duly incorporated humane socie-  
7 ties dedicated to the care of unwanted animals which make such animals  
8 available for adoption whether or not a fee for such adoption is  
9 charged. For purposes of sections seven hundred fifty-three-a, seven  
10 hundred fifty-three-b, seven hundred fifty-three-c[, ] AND seven hundred  
11 fifty-three-d [and seven hundred fifty-three-e] of this article, "pet  
12 dealer" shall mean any person who engages in the sale or offering for  
13 sale of more than nine animals per year for profit to the public. Such  
14 definition shall include breeders who sell animals; provided that a  
15 breeder who sells or offers to sell directly to the consumer fewer than  
16 [twenty-five] FIFTEEN animals per year that are born and raised on the  
17 breeders residential premises shall not be considered a pet dealer as a  
18 result of selling or offering to sell such animals. Such definition  
19 shall not include duly incorporated humane societies dedicated to the  
20 care of unwanted animals which make such animals available for adoption  
21 whether or not a fee for such adoption is charged.  
22     S 3. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law.