

8394

I N   A S S E M B L Y

January 13, 2014

---

Introduced by M. of A. ROSENTHAL -- read once and referred to the  
Committee on Agriculture

AN ACT to amend the agriculture and markets law and the general business  
law, in relation to local laws governing pet dealers

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

1     Section 1. Section 407 of the agriculture and markets law, as amended  
2     by a chapter of the laws of 2013 amending the agriculture and markets  
3     law and the general business law relating to the preemption of local  
4     laws, as proposed in legislative bills numbers S.3753-A and A.740-A, is  
5     amended to read as follows:  
6     S 407. Construction with other laws. Nothing in this article shall be  
7     construed to (a) limit or restrict agents or officers of societies for  
8     the prevention of cruelty to animals or the police from enforcing other  
9     provisions of article twenty-six of this chapter or any other law relat-  
10    ing to the humane treatment of, or cruelty to, animals, (b) limit or  
11    restrict any municipality from enacting or enforcing any authorized  
12    local law, rule, regulation or ordinance of general application to busi-  
13    nesses governing public health, safety or the rights of consumers, or  
14    (c) limit or restrict any municipality from enacting [any] OR ENFORCING  
15    A local law, rule, regulation or ordinance governing pet dealers, AS  
16    SUCH TERM IS DEFINED IN THIS ARTICLE, including A LAW, RULE, REGULATION  
17    OR ORDINANCE GOVERNING THE HEALTH OR SAFETY OF ANIMALS ACQUIRED OR MAIN-  
18    TAINED BY PET DEALERS, the source of animals SOLD OR offered for sale by  
19    pet dealers, [whether spaying or neutering of such animals is required  
20    before sale, and the health or safety of animals maintained by pet deal-  
21    ers] AND THE SPAY OR NEUTER OF SUCH ANIMALS; provided, however, that  
22    [no] ANY such local law, rule, regulation or ordinance shall be NO less  
23    stringent than the applicable provisions of this article [or essential-  
24    ly] AND MAY NOT result in [the] ESSENTIALLY banning [of] all sales of  
25    dogs or cats raised and maintained in a healthy and safe manner [and  
26    provided, further, that where a]. WHERE ANY penalty may be authorized  
27    for the violation of such a local law, rule, regulation or ordinance,  
28    the authorized penalty in such local law, rule, regulation or ordinance

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

LBD02345-05-4

1 may not exceed a civil penalty of up to five hundred dollars. Where a  
2 municipality adopts such a local law, rule, regulation or ordinance that  
3 is more stringent than the applicable provisions of this article, such  
4 municipality shall have sole responsibility for enforcement of such  
5 [specific] law, rule, regulation or ordinance that is more stringent  
6 than the applicable provisions of this article.

7 S 2. Section 753-d of the general business law, as amended by a chap-  
8 ter of the laws of 2013 amending the agriculture and markets law and the  
9 general business law relating to the preemption of local laws, as  
10 proposed in legislative bills numbers S.3753-A and A.740-A, is amended  
11 to read as follows:

12 S 753-d. Construction with other laws. Nothing in this article shall  
13 be construed to (a) limit or restrict agents or officers of societies  
14 for the prevention of cruelty to animals or the police from enforcing  
15 articles twenty-six and twenty-six-A of the agriculture and markets law  
16 or any other law relating to the humane treatment of, or cruelty to,  
17 animals, (b) limit or restrict any municipality from enacting or enforc-  
18 ing any authorized local law, rule, regulation or ordinance of general  
19 application to businesses governing public health, safety or the rights  
20 of consumers, or (c) limit or restrict any municipality from enacting  
21 [any] OR ENFORCING A local law, rule, regulation or ordinance governing  
22 pet dealers, AS SUCH TERM IS DEFINED IN THIS ARTICLE, including A LAW,  
23 RULE, REGULATION OR ORDINANCE GOVERNING THE HEALTH OR SAFETY OF ANIMALS  
24 ACQUIRED OR MAINTAINED BY PET DEALERS, the source of animals SOLD OR  
25 offered for sale by pet dealers, [whether spaying or neutering of such  
26 animals is required before sale, and the health or safety of animals  
27 maintained by pet dealers] AND THE SPAY OR NEUTER OF SUCH ANIMALS;  
28 provided, however, that [no] ANY such local law, rule, regulation or  
29 ordinance shall be NO less stringent than the applicable provisions of  
30 this article [or essentially] AND MAY NOT result in [the] ESSENTIALLY  
31 banning [of] all sales of dogs or cats raised and maintained in a heal-  
32 thy and safe manner [and provided, further, that where a]. WHERE ANY  
33 penalty may be authorized for the violation of such a local law, rule,  
34 regulation or ordinance, the authorized penalty in such local law, rule,  
35 regulation or ordinance may not exceed a civil penalty of up to five  
36 hundred dollars. Where a municipality adopts such a local law, rule,  
37 regulation or ordinance that is more stringent than the applicable  
38 provisions of this article, such municipality shall have sole responsi-  
39 bility for enforcement of such [specific] law, rule, regulation or ordi-  
40 nance that is more stringent than the applicable provisions of this  
41 article.

42 S 3. This act shall take effect on the same date and in the same  
43 manner as a chapter of the laws of 2013 amending the agriculture and  
44 markets law and the general business law relating to the preemption of  
45 local laws, as proposed in legislative bills numbers S.3753-A and  
46 A.740-A, takes effect.