

3753--A

Cal. No. 455

2013-2014 Regular Sessions

I N S E N A T E

February 13, 2013

Introduced by Sens. GRISANTI, ADDABBO, AVELLA, BALL, BRESLIN, DILAN, ESPAILLAT, GOLDEN, HOYLMAN, KRUEGER, LAVALLE, RITCHIE, SAVINO, SERRANO, SQUADRON -- 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 preemption of local laws; and to repeal section 400-a of the agriculture and markets law and section 753-e of the general business law relating thereto

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

1 Section 1. Section 400-a of the agriculture and markets law is
2 REPEALED.
3 S 2. Section 407 of the agriculture and markets law, as added by chap-
4 ter 259 of the laws of 2000, is amended to read as follows:
5 S 407. Construction with other laws. Nothing in this article shall be
6 construed to (A) limit or restrict agents or officers of societies for
7 the prevention of cruelty to animals or the police from enforcing other
8 provisions of article twenty-six of this chapter or any other law relat-
9 ing to the humane treatment of or cruelty to animals, (B) LIMIT OR
10 RESTRICT ANY MUNICIPALITY FROM ENACTING OR ENFORCING ANY AUTHORIZED
11 LOCAL LAW, RULE, REGULATION OR ORDINANCE OF GENERAL APPLICATION TO BUSI-
12 NESSES GOVERNING PUBLIC HEALTH, SAFETY OR THE RIGHTS OF CONSUMERS, OR
13 (C) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING ANY LOCAL LAW,
14 RULE, REGULATION OR ORDINANCE GOVERNING PET DEALERS, INCLUDING THE
15 SOURCE OF ANIMALS OFFERED FOR SALE BY PET DEALERS, WHETHER SPAYING OR
16 NEUTERING OF SUCH ANIMALS IS REQUIRED BEFORE SALE, AND THE HEALTH OR
17 SAFETY OF ANIMALS MAINTAINED BY PET DEALERS PROVIDED, HOWEVER, THAT NO
18 SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS STRINGENT

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

LBD02345-03-3

1 THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE OR ESSENTIALLY RESULT IN
2 THE BANNING OF ALL SALES OF DOGS OR CATS RAISED AND MAINTAINED IN A
3 HEALTHY AND SAFE MANNER AND PROVIDED, FURTHER, THAT WHERE A PENALTY MAY
4 BE AUTHORIZED FOR THE VIOLATION OF SUCH A LOCAL LAW, RULE, REGULATION OR
5 ORDINANCE, THE AUTHORIZED PENALTY IN SUCH LOCAL LAW, RULE, REGULATION OR
6 ORDINANCE MAY NOT EXCEED A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS.
7 WHERE A MUNICIPALITY ADOPTS SUCH A LOCAL LAW, RULE, REGULATION OR ORDI-
8 NANCE THAT IS MORE STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS
9 ARTICLE, SUCH MUNICIPALITY SHALL HAVE SOLE RESPONSIBILITY FOR ENFORCE-
10 MENT OF SUCH SPECIFIC LAW, RULE, REGULATION OR ORDINANCE THAT IS MORE
11 STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE.

12 S 3. Section 753-d of the general business law, as added by chapter
13 259 of the laws of 2000, is amended to read as follows:

14 S 753-d. Construction with other laws. Nothing in this article shall
15 be construed to (A) limit or restrict agents or officers of societies
16 for the prevention of cruelty to animals or the police from enforcing
17 articles twenty-six and twenty-six-A of the agriculture and markets law
18 or any other law relating to the humane treatment of, or cruelty to,
19 animals, (B) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING OR ENFORC-
20 ING ANY AUTHORIZED LOCAL LAW, RULE, REGULATION OR ORDINANCE OF GENERAL
21 APPLICATION TO BUSINESSES GOVERNING PUBLIC HEALTH, SAFETY OR THE RIGHTS
22 OF CONSUMERS, OR (C) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING
23 ANY LOCAL LAW, RULE, REGULATION OR ORDINANCE GOVERNING PET DEALERS,
24 INCLUDING THE SOURCE OF ANIMALS OFFERED FOR SALE BY PET DEALERS, WHETHER
25 SPAYING OR NEUTERING OF SUCH ANIMALS IS REQUIRED BEFORE SALE, AND THE
26 HEALTH OR SAFETY OF ANIMALS MAINTAINED BY PET DEALERS PROVIDED, HOWEVER,
27 THAT NO SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS
28 STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE OR ESSENTIALLY
29 RESULT IN THE BANNING OF ALL SALES OF DOGS OR CATS RAISED AND MAINTAINED
30 IN A HEALTHY AND SAFE MANNER AND PROVIDED, FURTHER, THAT WHERE A PENALTY
31 MAY BE AUTHORIZED FOR THE VIOLATION OF SUCH A LOCAL LAW, RULE, REGU-
32 LATION OR ORDINANCE, THE AUTHORIZED PENALTY IN SUCH LOCAL LAW, RULE,
33 REGULATION OR ORDINANCE MAY NOT EXCEED A CIVIL PENALTY OF UP TO FIVE
34 HUNDRED DOLLARS. WHERE A MUNICIPALITY ADOPTS SUCH A LOCAL LAW, RULE,
35 REGULATION OR ORDINANCE THAT IS MORE STRINGENT THAN THE APPLICABLE
36 PROVISIONS OF THIS ARTICLE, SUCH MUNICIPALITY SHALL HAVE SOLE RESPONSI-
37 BILITY FOR ENFORCEMENT OF SUCH SPECIFIC LAW, RULE, REGULATION OR ORDI-
38 NANCE THAT IS MORE STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS
39 ARTICLE.

40 S 4. Section 753-e of the general business law is REPEALED.

41 S 5. This act shall take effect immediately.