

738

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the agriculture and markets law, in relation to the sale
of birds by pet dealers

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

1 Section 1. Subdivision 1 of section 402 of the agriculture and
2 markets law, as amended by chapter 110 of the laws of 2012, is amended
3 to read as follows:
4 1. The name and address of the person from whom each animal was
5 acquired. If the person from whom the animal was obtained is a dealer
6 licensed by the United States department of agriculture, the person's
7 name, address, and federal dealer identification number. If the person
8 from whom the animal was obtained is a dealer licensed by the depart-
9 ment, the person's name, address, and state dealer identification
10 number. In the case of cats, if a cat is placed in the custody or
11 possession of the pet dealer and the source of origin is unknown, the
12 pet dealer shall state the source of origin as unknown, accompanied by
13 the date, time, and location of receipt. Notwithstanding the provisions
14 of this subdivision, no pet dealer shall knowingly buy, sell, exhibit,
15 transport, or offer for sale, exhibition, or transportation any stolen
16 animal. No pet dealer shall knowingly sell any cat or dog younger than
17 eight weeks of age. NO PET DEALER SHALL SELL ANY BIRD AT RETAIL THAT HAS
18 NOT BEEN FULLY WEANED; PROVIDED, HOWEVER, THAT A PET DEALER MAY SELL
19 SUCH BIRD IF:
20 (A) DISCLOSURE IS MADE BY THE PET DEALER IN WRITING TO THE BUYER THAT
21 THE BIRD IS NOT WEANED;
22 (B) THE PET DEALER PROVIDES TRAINING TO THE BUYER ON PROPER HAND-FEED-
23 ING OF THE BIRD OR HAS A REASONABLE BELIEF THAT THE BUYER POSSESSES SUCH
24 KNOWLEDGE; AND

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

LBD02332-01-3

1 (C) THE BUYER AGREES IN WRITING TO PRODUCE THE BIRD FOR INSPECTION AND
2 WEIGHTING BY THE PET DEALER NO LESS FREQUENTLY THAN ONCE WEEKLY UNTIL
3 SUCH TIME AS THE BIRD IS FULLY WEANED. FOR PURPOSES OF THIS SUBDIVI-
4 SION, THE TERM "WEANED" SHALL MEAN A BIRD THAT DOES NOT REQUIRE
5 HAND-FEEDING OR ANIMAL ASSISTANCE TO SUSTAIN AT LEAST NINETY PERCENT OF
6 ITS OWN WEIGHT AT THE TIME OF SALE. FOR PURPOSES OF THIS SUBDIVISION,
7 THE TERM "HAND-FEEDING" OR "HAND-FED" MEANS THE PROCESS BY WHICH A BIRD
8 IS MANUALLY FED BY A HUMAN THROUGH THE USE OF HAND, SPOON, OR ORAL
9 GAVAGE. AT THE TIME OF SALE, A PET DEALER SHALL DOCUMENT THE WEIGHT OF
10 ANY HAND-FED BIRD UNDER ONE YEAR OF AGE, AND NOTE THE WEIGHT ON THE
11 SALES RECEIPT.

12 S 2. This act shall take effect on the sixtieth day after it shall
13 have become a law.