

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. PAULIN, MARKEY, TITONE, KAVANAGH, JAFFEE, CASTRO
-- Multi-Sponsored by -- M. of A. GLICK, MILLER, WEISENBERG -- read
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to record-
keeping by pet dealers

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

1 Section 1. Section 402 of the agriculture and markets law, as added
2 by chapter 259 of the laws of 2000, subdivision 1 as amended by chapter
3 110 of the laws of 2012, is amended to read as follows:
4 S 402. Records of purchase and sale. 1. Each pet dealer shall keep
5 and maintain records for each animal purchased, acquired, held, sold, or
6 otherwise disposed of. The records shall include the following:
7 [1.] (A) The name and address of the person from whom each animal was
8 acquired. If the person from whom the animal was obtained is a dealer
9 licensed by the United States department of agriculture, the person's
10 name, address, and federal dealer identification number. If the person
11 from whom the animal was obtained is a dealer licensed by the depart-
12 ment, the person's name, address, and state dealer identification
13 number. In the case of cats, if a cat is placed in the custody or
14 possession of the pet dealer and the source of origin is unknown, the
15 pet dealer shall state the source of origin as unknown, accompanied by
16 the date, time, and location of receipt. Notwithstanding the provisions
17 of this subdivision, no pet dealer shall knowingly buy, sell, exhibit,
18 transport, or offer for sale, exhibition, or transportation any stolen
19 animal. No pet dealer shall knowingly sell any cat or dog younger than
20 eight weeks of age.
21 [2.] (B) The original source of each animal if different than the
22 person recorded in [subdivision one] PARAGRAPH (A) of this [section]
23 SUBDIVISION.

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

LBD05098-01-3

1 [3.] (C) The date each animal was acquired.

2 [4.] (D) A description of each animal showing age, color, markings,
3 sex, breed, and any inoculation, worming, or other veterinary treatment
4 or medication information available. Records shall also include any
5 other significant identification, if known, for each animal, including
6 any official tag number, tattoo, or implant.

7 [5.] (E) The name and address of the person to whom any animal is
8 sold, given, or bartered or to whom it is otherwise transferred or
9 delivered. The records shall indicate the date and method of disposi-
10 tion.

11 [6.] 2. Records for each animal shall be maintained for a period of
12 two years from the date of sale or transfer, whichever occurs later.
13 During normal business hours, the records shall be made available to
14 persons authorized by law to enforce the provisions of this article.

15 3. NO ANIMAL MAY BE SOLD TO THE PUBLIC BY A PET DEALER WITHOUT THE
16 PET DEALER BEING IN POSSESSION OF THE RECORDS FOR THAT ANIMAL AS
17 PROVIDED IN SUBDIVISION ONE OF THIS SECTION AND THAT ANIMAL HAVING
18 UNDERGONE THE VETERINARY EXAMINATION MANDATED BY SECTION SEVEN HUNDRED
19 FIFTY-THREE-A OF THE GENERAL BUSINESS LAW.

20 4. NO PET DEALER MAY PURCHASE AN ANIMAL FROM A SOURCE THAT IS KNOWN BY
21 THE PET DEALER TO BE REQUIRED TO BE LICENSED UNDER THIS ARTICLE, OR BY
22 THE UNITED STATES DEPARTMENT OF AGRICULTURE UNDER THE FEDERAL ANIMAL
23 WELFARE ACT, AND THAT SOURCE DOES NOT POSSESS SUCH VALID LICENSE.

24 5. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE SHALL PROVIDE A
25 WRITTEN RELEASE TO HIS OR HER DESIGNATED VETERINARIAN TO ALLOW SUCH
26 VETERINARIAN TO PROVIDE THE COMMISSIONER, OR HIS OR HER AUTHORIZED
27 AGENTS, ACCESS TO ALL ANIMAL HEALTH RECORDS FOR EACH ANIMAL ACQUIRED,
28 HELD, SOLD, OR OTHERWISE DISPOSED OF.

29 6. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE WHO SELLS, OFFERS
30 FOR SALE OR NEGOTIATES THE SALE OF ANIMALS WITH A REGISTERED DOG OR CAT
31 BREED REGISTRY SHALL PROVIDE A WRITTEN RELEASE TO SUCH REGISTRY ASSOCI-
32 ATIONS TO ALLOW SUCH ASSOCIATIONS TO PROVIDE THE COMMISSIONER, OR HIS OR
33 HER AUTHORIZED AGENTS, ACCESS TO ALL ANIMAL BREED REGISTRY RECORDS FOR
34 EACH ANIMAL ACQUIRED, HELD, SOLD, OR OTHERWISE DISPOSED OF.

35 S 2. Subdivision 3 of section 403 of the agriculture and markets law,
36 as added by chapter 259 of the laws of 2000, is amended to read as
37 follows:

38 3. Each application for a license shall be accompanied by a nonrefund-
39 able fee of one hundred dollars[, except that those pet dealers who
40 engage in the sale of less than twenty-five animals in a year, shall pay
41 a nonrefundable fee of twenty-five dollars].

42 S 3. Subdivisions 10 and 11 of section 403 of the agriculture and
43 markets law, as added by chapter 259 of the laws of 2000, are amended to
44 read as follows:

45 10. Such license shall be renewable annually, together with the
46 payment of a nonrefundable fee [of one hundred dollars, or upon payment
47 of a nonrefundable fee of twenty-five dollars for those pet dealers who
48 engage in the sale of less than twenty-five animals in a year] BASED ON
49 THE GROSS SALES RECEIPTS FROM THE SALE OF ANIMALS FOR PROFIT TO THE
50 PUBLIC BY THE LICENSEE IN THE PRIOR YEAR. FOR LICENSEES WITH GROSS SALES
51 RECEIPTS FROM SUCH SALES OF UNDER FIFTY THOUSAND DOLLARS, THAT FEE SHALL
52 BE ONE HUNDRED DOLLARS; FOR LICENSEES WITH GROSS SALES RECEIPTS FROM
53 SUCH SALES OF FIFTY THOUSAND DOLLARS OR MORE, THAT FEE SHALL BE THREE
54 HUNDRED DOLLARS.

55 11. Pet dealers shall conspicuously display their license on the prem-
56 ises where the animals are kept for sale so that they may be readily

1 seen by potential consumers. ANY LICENSEE THAT FAILS TO CONSPICUOUSLY
2 POST HIS OR HER LICENSE AS REQUIRED BY THIS SUBDIVISION SHALL BE CONSID-
3 ERED IN VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET
4 FORTH IN SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

5 S 4. Subdivision 2 of section 404 of the agriculture and markets law,
6 as added by chapter 259 of the laws of 2000, is amended to read as
7 follows:

8 2. Material misstatement in or falsification of records required to
9 be kept pursuant to this article, or under any regulation promulgated
10 thereunder, or failure to allow the commissioner or his or her author-
11 ized agents to inspect records or pet dealer facilities. ANY UNREASON-
12 ABLE REFUSAL TO ALLOW THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENTS,
13 TO INSPECT RECORDS OR PET DEALER FACILITIES SHALL BE CONSIDERED A
14 VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET FORTH IN
15 SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

16 S 5. This act shall take effect on the one hundred twentieth day after
17 it shall have become a law; provided, however, that effective immediate-
18 ly, the addition, amendment and/or repeal of any rule or regulation
19 necessary for the implementation of this act on its effective date are
20 authorized to be made on or before such effective date.