

4204

2013-2014 Regular Sessions

I N   S E N A T E

March 14, 2013

---

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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.  
24    [3.] (C) The date each animal was acquired.

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

LBD05098-01-3

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

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

10 [6.] 2. Records for each animal shall be maintained for a period of  
11 two years from the date of sale or transfer, whichever occurs later.  
12 During normal business hours, the records shall be made available to  
13 persons authorized by law to enforce the provisions of this article.

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

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

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

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

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

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

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

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

54 11. Pet dealers shall conspicuously display their license on the prem-  
55 ises where the animals are kept for sale so that they may be readily  
56 seen by potential consumers. ANY LICENSEE THAT FAILS TO CONSPICUOUSLY

1 POST HIS OR HER LICENSE AS REQUIRED BY THIS SUBDIVISION SHALL BE CONSID-  
2 ERED IN VIOLATION OF THIS ARTICLE, AND BE SUBJECT TO A PENALTY AS SET  
3 FORTH IN SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

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

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

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