

9204

I N A S S E M B L Y

February 3, 2016

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

AN ACT to amend the general business law, in relation to requiring pet
dealers to provide instructions on the care of small animals

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

1 Section 1. Section 391-t of the general business law, as added by a
2 chapter of the laws of 2015, amending the general business law, relating
3 to requiring pet dealers to provide instructions on the care of small
4 animals, as proposed in legislative bills numbers S. 5946 and A. 8058-B,
5 is amended to read as follows:
6 S 391-t. Sale of small animals; instructions on care. 1. As used in
7 this section, a "small animal" shall mean any small mammal, excluding
8 dogs or cats, including but not limited to, hamsters, chinchillas,
9 guinea pigs, gerbils, rabbits, mice, rats, ferrets and any small amphi-
10 bians or reptiles, including but not limited to frogs, snakes and
11 lizards, BUT SHALL NOT INCLUDE ANY SMALL ANIMALS THAT ARE EXPRESSLY SOLD
12 FOR THE PURPOSE OF FEEDING OTHER ANIMALS.
13 2. AS USED IN THIS SECTION, A "RETAILER" SHALL MEAN ANY PERSON WHO
14 CONDUCTS A BUSINESS OF SELLING OR OFFERING FOR SALE SMALL ANIMALS AT
15 RETAIL FOR PROFIT TO THE PUBLIC.
16 3. Every [pet dealer, as defined in section four hundred of the agri-
17 culture and markets law, as well as any] retailer that sells small
18 animals to the public, shall, AT THE TIME OF SALE, deliver or provide
19 digital access to the purchaser of a small animal, [at the time of sale,
20 general] written CARE recommendations for [the generally accepted care
21 of] the class of [such] small animal[, obtained from sources] BEING
22 PURCHASED, WHICH RECOMMENDATIONS SHALL: (A) INCLUDE GENERALLY ACCEPTED
23 INFORMATION INTENDED FOR AN INEXPERIENCED PET OWNER ON HOUSING, EQUIP-
24 MENT, SANITATION, ENVIRONMENT, FEEDING AND WATERING, HANDLING, AND
25 VETERINARY CARE; AND (B) HAVE BEEN CREATED OR PUBLISHED BY A RELIABLE
26 SOURCE including but not limited to: a state or national[:] professional
27 VETERINARY association; AN ASSOCIATION established [to further the
28 veterinary professions; association established] for the preservation

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

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1 and care of [reptiles] ANY SUCH SMALL ANIMAL; or [pet industry organiza-
2 tion] AN ASSOCIATION representing pet retailers[, including information
3 on housing, equipment, sanitation, environment, feeding and watering,
4 handling, and veterinary care. This written information shall be in a
5 form determined by the commissioner of the department of agriculture and
6 markets].

7 [3. This section shall not apply to the sale of small animals that are
8 expressly sold as feeder animals.]

9 4. [The pet dealer or retailer that sells small animals to the public
10 shall file a copy of the written instructions on care annually with the
11 department of agriculture and markets.] ALL RETAILERS THAT SELL SMALL
12 ANIMALS TO THE PUBLIC SHALL MAINTAIN A COPY OF THE WRITTEN CARE RECOM-
13 MENDATIONS FOR EACH CLASS OF SMALL ANIMAL THEY SELL, WHICH SHALL BE
14 AVAILABLE FOR INSPECTION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS.

15 S 2. This act shall take effect on the same date and in the same
16 manner as a chapter of the laws of 2015, amending the general business
17 law, relating to requiring pet dealers to provide instructions on the
18 care of small animals, as proposed in legislative bills numbers S. 5946
19 and A. 8058-B, takes effect.