S T A T E O F N E W Y O R K

4533--B

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2015-2016 Regular Sessions

I N S E N A T E

March 26, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 391-t to read as follows:

S 391-T. SALE OF SMALL ANIMALS; INSTRUCTIONS ON CARE. 1. AS USED IN THIS SECTION, A "SMALL ANIMAL" SHALL MEAN ANY SMALL MAMMAL, EXCLUDING DOGS OR CATS, INCLUDING BUT NOT LIMITED TO, HAMSTERS, CHINCHILLAS, GUINEA PIGS, GERBILS, RABBITS, MICE, RATS, FERRETS AND ANY SMALL AMPHIBIANS OR REPTILES, INCLUDING BUT NOT LIMITED TO FROGS, SNAKES AND LIZARDS.

2. EVERY PET DEALER, AS DEFINED IN SECTION FOUR HUNDRED OF THE AGRICULTURE AND MARKETS LAW, AS WELL AS ANY RETAILER THAT SELLS SMALL ANIMALS TO THE PUBLIC, SHALL DELIVER OR PROVIDE DIGITAL ACCESS TO THE PURCHASER OF A SMALL ANIMAL, AT THE TIME OF SALE, GENERAL WRITTEN RECOMMENDATIONS FOR THE GENERALLY ACCEPTED CARE OF THE CLASS OF SUCH SMALL ANIMAL, OBTAINED FROM SOURCES INCLUDING BUT NOT LIMITED TO A STATE OR NATIONAL VETERINARIAN MEDICAL SOCIETY, THE AMERICAN VETERINARY MEDICAL ASSOCIATION, THE UNITED STATES ASSOCIATION OF REPTILE KEEPERS, OR THE PET INDUSTRY JOINT ADVISORY COUNCIL, INCLUDING INFORMATION ON HOUSING, EQUIPMENT, SANITATION, ENVIRONMENT, FEEDING AND WATERING, HANDLING, AND VETERINARY CARE. THIS WRITTEN INFORMATION SHALL BE IN A FORM DETERMINED BY THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS.

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

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3. IF A PET DEALER OR RETAILER THAT SELLS SMALL ANIMALS DISTRIBUTES MATERIAL PREPARED BY A THIRD PARTY, THE PET DEALER OR RETAILER OF SMALL ANIMALS SHALL NOT BE LIABLE FOR DAMAGES CAUSED BY ANY ERRONEOUS INFORMATION IN THAT MATERIAL UNLESS A REASONABLE PERSON EXERCISING ORDINARY CARE SHOULD HAVE KNOWN OF THE ERROR CAUSING THE DAMAGE.

4. THIS SECTION SHALL NOT APPLY TO THE SALE OF SMALL ANIMALS THAT ARE EXPRESSLY SOLD AS FEEDER ANIMALS.

5. THE PET DEALER OR RETAILER THAT SELLS SMALL ANIMALS TO THE PUBLIC SHALL FILE A COPY OF THE WRITTEN INSTRUCTIONS ON CARE ANNUALLY WITH THE DEPARTMENT OF AGRICULTURE AND MARKETS.

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