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

6428--A

Cal. No. 39

I N S E N A T E

January 8, 2016

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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. Section 391-t of the general business law, as added by a chapter of the laws of 2015, amending the general business law, relating to requiring pet dealers to provide instructions on the care of small animals, as proposed in legislative bills numbers S. 5946 and A. 8058-B, is amended 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, BUT SHALL NOT INCLUDE ANY SMALL ANIMALS THAT ARE EXPRESSLY SOLD FOR THE PURPOSE OF FEEDING OTHER ANIMALS.

2. AS USED IN THIS SECTION, A "RETAILER" SHALL MEAN ANY PERSON WHO CONDUCTS A BUSINESS OF SELLING OR OFFERING FOR SALE SMALL ANIMALS AT RETAIL FOR PROFIT TO THE PUBLIC.

3. 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, AT THE TIME OF SALE, deliver or provide digital access to the purchaser of a small animal, [at the time of sale, general] written CARE recommendations for [the generally accepted care of] the class of [such] small animal[, obtained from sources] BEING PURCHASED, WHICH RECOMMENDATIONS SHALL: (A) INCLUDE GENERALLY ACCEPTED INFORMATION INTENDED FOR AN INEXPERIENCED PET OWNER ON HOUSING, EQUIPMENT, SANITATION, ENVIRONMENT, FEEDING AND WATERING, HANDLING, AND

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

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VETERINARY CARE; AND (B) HAVE BEEN CREATED OR PUBLISHED BY A RELIABLE SOURCE including but not limited to: a state or national[:] professional VETERINARY association; AN ASSOCIATION established [to further the veterinary professions; association established] for the preservation and care of [reptiles] ANY SUCH SMALL ANIMAL; or [pet industry organization] AN ASSOCIATION representing pet retailers[, 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].

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

4. [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.] ALL RETAILERS THAT SELL SMALL ANIMALS TO THE PUBLIC SHALL MAINTAIN A COPY OF THE WRITTEN CARE RECOMMENDATIONS FOR EACH CLASS OF SMALL ANIMAL THEY SELL, WHICH SHALL BE AVAILABLE FOR INSPECTION BY THE DEPARTMENT OF AGRICULTURE AND MARKETS.

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