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I N   S E N A T E

May 12, 2016

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Introduced by Sen. BOYLE -- 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 the care of animals

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

1     Section 1. Paragraphs (e), (g) and (h) of subdivision 1 of section 401  
2     of the agriculture and markets law, paragraphs (e) and (g) as added by  
3     chapter 259 of the laws of 2000, and paragraph (h) as added by chapter  
4     110 of the laws of 2012, are amended to read as follows:

5     (e) The indoor facilities housing the animals shall be provided with  
6     adequate lighting sufficient to permit routine inspection and cleaning  
7     and be arranged so that each animal is protected from excessive illumina-  
8     tion which poses a health hazard to the animal. ANIMAL AREAS MUST BE  
9     PROVIDED WITH REGULAR DIURNAL LIGHT CYCLES OF EITHER NATURAL OR ARTIFI-  
10    CIAL LIGHT.

11    (g) In the event that a pet dealer has a pregnant or nursing dog on  
12    his or her premises, the pet dealer shall provide a whelping box for  
13    such dog. SEPARATE AND APART FROM THE WHELPING BOX, A PET DEALER SHALL  
14    PROVIDE A PREGNANT OR NURSING DOG WITH A SEPARATE SPACE ACCESSIBLE TO  
15    HER THAT COMPLIES WITH THE STANDARDS SET FORTH IN PARAGRAPH (B) OF THIS  
16    SUBDIVISION. EACH NURSING DOG SHALL BE PROVIDED WITH A SUFFICIENT AMOUNT  
17    OF FLOOR SPACE TO NURSE AND CARE FOR HER LITTER.

18    (h) Pet dealers shall designate and provide an isolation area for  
19    animals that exhibit symptoms of contagious disease or illness. The  
20    location of such designated area must be such as to prevent or reduce  
21    the spread of disease to healthy animals AND MUST OTHERWISE MEET ALL  
22    HOUSING REQUIREMENTS OF THIS SECTION.

23    S 2. Subdivision 2 of section 401 of the agriculture and markets law,  
24    as added by chapter 259 of the laws of 2000, is amended to read as  
25    follows:

26    2. Sanitation. Housing facilities, including primary enclosures and  
27    cages, shall be kept in a clean condition in order to maintain a healthy  
28    environment for the animal. This shall include removing and destroying  
29    any agents injurious to the health of the animal and periodic cleanings.  
30    PRIMARY ENCLOSURES MUST BE CLEANED DAILY AND SANITIZED AT LEAST ONCE  
31    EVERY TWO WEEKS USING ONE OF THE FOLLOWING METHODS: (A) LIVE STEAM UNDER

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

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1 PRESSURE; (B) WASHING WITH WATER WITH A TEMPERATURE OF AT LEAST ONE  
2 HUNDRED AND EIGHTY DEGREES FAHRENHEIT AND SOAP OR DETERGENT; (C) WASHING  
3 ALL SOILED SURFACES WITH APPROPRIATE DETERGENT SOLUTIONS AND DISINFEC-  
4 TANT OR BY USING A COMBINATION DETERGENT OR DISINFECTANT PRODUCT THAT  
5 ACCOMPLISHES THE SAME PURPOSE WITH A THOROUGH CLEANING OF THE SURFACES  
6 TO REMOVE EXCRETA, FECES, HAIR, DIRT, DEBRIS AND FOOD WASTE SO AS TO  
7 REMOVE ALL ORGANIC AND MINERAL BUILDUP AND TO PROVIDE SANITIZATION,  
8 FOLLOWED BY A CLEAN WATER RINSE. The primary enclosure or cage shall be  
9 constructed so as to eliminate excess water, excretions, and waste mate-  
10 rial. Under no circumstances shall the animal remain inside the primary  
11 enclosure or cage while it is being cleaned with LIVE STEAM, sterilizing  
12 agents or agents toxic to animals or cleaned in a manner likely to  
13 threaten the health and safety of the animal. Trash and waste products  
14 on the premises shall be properly contained and disposed of so as to  
15 minimize the risks of disease, contamination, and vermin.

16 S 3. Paragraph (c) of subdivision 3 of section 401 of the agriculture  
17 and markets law, as added by chapter 259 of the laws of 2000, is amended  
18 to read as follows:

19 (c) [Food] SANITARY FOOD receptacles shall be provided in sufficient  
20 number, of adequate size, and so located as to enable each animal in the  
21 primary enclosure or cage to be supplied with an adequate amount of  
22 food.

23 S 4. Subparagraphs (iv) and (v) of paragraph a of subdivision 5 of  
24 section 401 of the agriculture and markets law, as added by chapter 110  
25 of the laws of 2012, are amended and a new subparagraph (vi) is added to  
26 read as follows:

27 (iv) Adequate guidance to personnel involved in the care and use of  
28 animals regarding handling and immobilization; [and]

29 (v) Pre-procedural and post-procedural care in accordance with estab-  
30 lished veterinary medical and nursing procedures[.]; AND

31 (VI) IN THE CASE OF DEALERS WHO SELL OR OFFER TO SELL TWENTY-FIVE OR  
32 MORE DOGS OR CATS PER YEAR TO THE PUBLIC FOR PROFIT THAT ARE BORN AND  
33 RAISED ON THE DEALER'S RESIDENTIAL PREMISES, ANNUAL VETERINARY EXAMINA-  
34 TIONS, AT A MINIMUM, FOR ALL INTACT ADULT DOGS OR CATS ON SUCH DEALER'S  
35 PREMISES.

36 S 5. Subdivision 7 of section 401 of the agriculture and markets law,  
37 as added by chapter 110 of the laws of 2012, is amended and a new subdi-  
38 vision 8 is added to read as follows:

39 7. Exercise requirements. Pet dealers shall develop, maintain, docu-  
40 ment, and implement an appropriate plan to provide dogs with the oppor-  
41 tunity for daily exercise. In developing such plan, consideration should  
42 be given to providing positive physical contact with humans that encour-  
43 ages exercise through play or other similar activities. Such plan shall  
44 be approved by the attending veterinarian, and [must be made available  
45 to the department upon request] SHALL BE PROVIDED TO THE DEPARTMENT BY  
46 MAIL OR ELECTRONIC MEANS IN ACCORDANCE WITH ANY REGULATIONS IT MAY  
47 PROMULGATE.

48 8. GROOMING. ALL ANIMALS SHALL BE GROOMED REGULARLY TO PREVENT EXCES-  
49 SIVE MATTING OF FUR, OVERGROWN TOENAILS AND FLEA AND TICK INFESTATION.

50 S 6. This act shall take effect on the ninetieth day after it shall  
51 have become a law. Effective immediately, the addition, amendment and/or  
52 repeal of any rule or regulation necessary for the implementation of  
53 this act on its effective date are authorized to be made and completed  
54 on or before such effective date.