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I N A S S E M B L Y

March 3, 2016

Introduced by M. of A. PAULIN, CERETTO, GALEF, GOTTFRIED, KAMINSKY,
LINARES, PICHARDO, TITONE, ZEBROWSKI, McDONOUGH, MURRAY, RAIA --
Multi-Sponsored by -- M. of A. COOK, DAVILA, MAGEE, RA -- read once
and referred 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 ASSEM-
BLY, 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 illumi-
8 nation 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, BASED ON HER BREED AND
18 BEHAVIORAL CHARACTERISTICS AND IN ACCORDANCE WITH GENERALLY ACCEPTED
19 HUSBANDRY PRACTICES.
20 (h) Pet dealers shall designate and provide an isolation area for
21 animals that exhibit symptoms of contagious disease or illness. The
22 location of such designated area must be such as to prevent or reduce
23 the spread of disease to healthy animals AND MUST OTHERWISE MEET ALL
24 HOUSING REQUIREMENTS OF THIS SECTION.

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

LBD14436-02-6

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

4 2. Sanitation. Housing facilities, including primary enclosures and
5 cages, shall be kept in a clean condition in order to maintain a healthy
6 environment for the animal. This shall include removing and destroying
7 any agents injurious to the health of the animal and periodic cleanings.
8 PRIMARY ENCLOSURES MUST BE CLEANED DAILY AND SANITIZED AT LEAST ONCE
9 EVERY TWO WEEKS USING ONE OF THE FOLLOWING METHODS: (A) LIVE STEAM UNDER
10 PRESSURE; (B) WASHING WITH WATER WITH A TEMPERATURE OF AT LEAST ONE
11 HUNDRED AND EIGHTY DEGREES FAHRENHEIT AND SOAP OR DETERGENT; (C) WASHING
12 ALL SOILED SURFACES WITH APPROPRIATE DETERGENT SOLUTIONS AND DISINFEC-
13 TANT OR BY USING A COMBINATION DETERGENT OR DISINFECTANT PRODUCT THAT
14 ACCOMPLISHES THE SAME PURPOSE WITH A THOROUGH CLEANING OF THE SURFACES
15 TO REMOVE EXCRETA, FECES, HAIR, DIRT, DEBRIS AND FOOD WASTE SO AS TO
16 REMOVE ALL ORGANIC AND MINERAL BUILDUP AND TO PROVIDE SANITIZATION,
17 FOLLOWED BY A CLEAN WATER RINSE. The primary enclosure or cage shall be
18 constructed so as to eliminate excess water, excretions, and waste mate-
19 rial. Under no circumstances shall the animal remain inside the primary
20 enclosure or cage while it is being cleaned with LIVE STEAM, sterilizing
21 agents or agents toxic to animals or cleaned in a manner likely to
22 threaten the health and safety of the animal. Trash and waste products
23 on the premises shall be properly contained and disposed of so as to
24 minimize the risks of disease, contamination, and vermin.

25 S 3. Paragraphs (c) and (d) of subdivision 3 of section 401 of the
26 agriculture and markets law, as added by chapter 259 of the laws of
27 2000, are amended to read as follows:

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

32 (d) Animals shall be provided with [regular] CONSTANT access to clean,
33 fresh water, supplied in a sanitary manner sufficient for its needs,
34 except when there are instructions from a duly licensed veterinarian to
35 withhold water for medical reasons.

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

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

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

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

49 S 5. Subdivisions 6 and 7 of section 401 of the agriculture and
50 markets law, subdivision 6 as added by chapter 259 of the laws of 2000,
51 subdivision 7 as added by chapter 110 of the laws of 2012, are amended
52 and two new subdivisions 8 and 9 are added to read as follows:

53 6. Humane euthanasia. Humane euthanasia of an animal shall be carried
54 out ONLY BY A LICENSED VETERINARIAN AND in accordance with section three
55 hundred seventy-four of this chapter.

1 7. Exercise requirements. Pet dealers shall develop, maintain, docu-
2 ment, and implement an appropriate WRITTEN plan to provide dogs with the
3 opportunity for daily exercise. In developing such plan, consideration
4 should be given to providing positive physical contact with humans that
5 encourages exercise through play or other similar activities. Such plan
6 shall be approved by the attending veterinarian, and [must be made
7 available to the department upon request] SHALL BE PROVIDED TO THE
8 DEPARTMENT ANNUALLY AND IN ACCORDANCE WITH ANY REGULATIONS IT MAY
9 PROMULGATE.

10 8. FIRE SAFETY. ALL PET DEALER PREMISES MUST BE EQUIPPED WITH A SMOKE
11 ALARM THAT IS OPERATING PROPERLY AND MUST HAVE A MEANS OF FIRE
12 SUPPRESSION, SUCH AS FIRE EXTINGUISHERS, ON THE PREMISES AND IN GOOD
13 REPAIR. PET DEALERS, EXCEPT THOSE WHO SELL OR OFFER TO SELL ANIMALS
14 SOLELY WITHIN THEIR PRIMARY RESIDENCE, MUST ALSO HAVE AN AUTOMATIC MEANS
15 OF FIRE SUPPRESSION, SUCH AS A SPRINKLER SYSTEM, ON THE PREMISES AND IN
16 GOOD REPAIR.

17 9. GROOMING. ALL ANIMALS SHALL BE GROOMED REGULARLY TO PREVENT EXCES-
18 SIVE MATTING OF FUR, OVERGROWN TOENAILS AND FLEA AND TICK INFESTATION.

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