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

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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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal. ANIMAL AREAS MUST BE PROVIDED WITH REGULAR DIURNAL LIGHT CYCLES OF EITHER NATURAL OR ARTIFICIAL LIGHT.

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

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

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

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

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

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

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

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

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

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

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

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

7. Exercise requirements. Pet dealers shall develop, maintain, document, and implement an appropriate plan to provide dogs with the opportunity for daily exercise. In developing such plan, consideration should be given to providing positive physical contact with humans that encourages exercise through play or other similar activities. Such plan shall be approved by the attending veterinarian, and [must be made available to the department upon request] SHALL BE PROVIDED TO THE DEPARTMENT BY MAIL OR ELECTRONIC MEANS IN ACCORDANCE WITH ANY REGULATIONS IT MAY PROMULGATE.

8. GROOMING. ALL ANIMALS SHALL BE GROOMED REGULARLY TO PREVENT EXCESSIVE MATTING OF FUR, OVERGROWN TOENAILS AND FLEA AND TICK INFESTATION.

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