

STATE OF NEW YORK

7711

IN SENATE

February 9, 2018

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring dogs and cats sold by certain pet dealers to be rescue animals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 752 of the general business law,
2 as amended by chapter 168 of the laws of 2017, is amended to read as
3 follows:

4 3. (a) For purposes of section seven hundred fifty-three of this arti-
5 cle, a "pet dealer" shall mean any person who, in the ordinary course of
6 business, engages in the sale or offering for sale of more than nine
7 animals per year for profit to the public. Such definition shall include
8 breeders of animals who sell or offer for sale animals directly to a
9 consumer but it shall not include any municipal pound or shelter estab-
10 lished and maintained pursuant to subdivision one of section one hundred
11 fourteen of the agriculture and markets law, or any duly incorporated
12 society for the prevention of cruelty to animals, duly incorporated
13 humane society, duly incorporated animal protective association or other
14 duly incorporated animal adoption or animal rescue organization that is
15 tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of
16 the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent
17 corresponding sections of the federal Internal Revenue Code, as from
18 time to time amended, that is registered with the department pursuant to
19 section four hundred eight of the agriculture and markets law. For
20 purposes of sections seven hundred fifty-three-a, seven hundred fifty-
21 three-b, seven hundred fifty-three-c and seven hundred fifty-three-d of
22 this article, "pet dealer" shall mean any person who engages in the sale
23 or offering for sale of more than nine animals per year for profit to
24 the public. Such definition shall include breeders who sell animals; but
25 it shall not include the following:

26 [~~(a)~~] (i) Any breeder who sells or offers to sell directly to the
27 consumer fewer than twenty-five animals per year that are born and
28 raised on the breeders residential premises.

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

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1 ~~(b)~~ (ii) Any municipal pound or shelter established and maintained
2 pursuant to subdivision one of section one hundred fourteen of the agri-
3 culture and markets law.

4 ~~(c)~~ (iii) Any duly incorporated society for the prevention of cruel-
5 ty to animals, duly incorporated humane society, duly incorporated
6 animal protective association or other duly incorporated animal adoption
7 or animal rescue organization that is exempt from taxes pursuant to
8 paragraph (3) of subsection (c) of section 501 of the federal Internal
9 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of
10 the federal Internal Revenue Code, as from time to time amended, that is
11 registered with the department pursuant to section four hundred eight of
12 the agriculture and markets law.

13 (b) For purposes of section seven hundred fifty-three-e of this arti-
14 cle, a "pet dealer" shall mean a retail pet shop location primarily
15 engaged in retailing pets, pet foods, and pet supplies, as defined by
16 the North American industry classification system. Such definition shall
17 not include breeders who sell animals.

18 § 2. The general business law is amended by adding a new section 753-e
19 to read as follows:

20 § 753-e. Requirement of rescue status for certain dispositions. A pet
21 dealer shall not sell or transfer for ownership any animal unless such
22 animal was obtained from a duly incorporated humane society dedicated to
23 the care of unwanted animals, a public animal control agency or shelter,
24 society for the prevention of cruelty to animals shelter, or animal
25 rescue or adoption organization. No pet dealer shall take ownership of
26 any such animal from any such duly incorporated humane society, public
27 animal control agency or shelter, society for the prevention of cruelty
28 to animals shelter, or animal rescue or adoption organization, which
29 shall retain ownership of the animal while it is in the possession of
30 the pet dealer. Nothing in this section shall be deemed to prohibit a
31 pet dealer from retaining a portion of the adoption fees normally
32 charged by any such organization or shelter when the ownership of an
33 animal is transferred to a consumer.

34 § 3. Subdivision 1-a of section 755 of the general business law, as
35 added by chapter 259 of the laws of 2000, is amended to read as follows:

36 1-a. Any person who violates any provision of section seven hundred
37 fifty-three-a, seven hundred fifty-three-b, ~~(c)~~ seven hundred fifty-
38 three-c or seven hundred fifty-three-e of this article may also be
39 subject to denial, suspension, revocation of, or refusal to renew a pet
40 dealer license, in accordance with the provisions of sections four
41 hundred three and four hundred four of the agriculture and markets law.

42 § 4. This act shall take effect on the ninetieth day after it shall
43 have become a law.