

STATE OF NEW YORK

465

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. PAULIN, JAFFEE, KAVANAGH, TITONE, ROSENTHAL, DiPIETRO, CUSICK, BRINDISI, WEPRIN -- Multi-Sponsored by -- M. of A. GLICK, M. G. MILLER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the general business law, in relation to the definition of pet dealer

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

1 Section 1. Subdivision 4 of section 400 of the agriculture and markets
2 law, as amended by chapter 687 of the laws of 2006, is amended to read
3 as follows:

4 4. "Pet Dealer" means any person who engages in the sale or offering
5 for sale of more than nine animals per year for profit to the public.
6 Such definition shall include breeders who sell or offer to sell
7 animals; provided that a breeder who sells or offers to sell directly to
8 the consumer fewer than [~~twenty-five~~] fifteen animals per year that are
9 born and raised on the breeder's residential premises shall not be
10 considered a pet dealer as a result of selling or offering to sell such
11 animals. Such definition shall [~~further~~] not include duly incorporated
12 humane societies dedicated to the care of unwanted animals which make
13 such animals available for adoption whether or not a fee for such
14 adoption is charged.

15 § 2. Subdivision 3 of section 752 of the general business law, as
16 amended by chapter 687 of the laws of 2006, is amended to read as
17 follows:

18 3. For purposes of section seven hundred fifty-three of this article,
19 a "pet dealer" shall mean any person who, in the ordinary course of
20 business, engages in the sale or offering for sale of more than nine
21 animals per year for profit to the public. Such definition shall
22 include breeders of animals who sell or offer for sale animals directly
23 to a consumer but it shall not include duly incorporated humane socie-

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

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1 ties dedicated to the care of unwanted animals which make such animals
2 available for adoption whether or not a fee for such adoption is
3 charged. For purposes of sections seven hundred fifty-three-a, seven
4 hundred fifty-three-b, seven hundred fifty-three-c[~~r~~] ~~and~~ seven hundred
5 fifty-three-d [~~and seven hundred fifty-three-e~~] of this article, "pet
6 dealer" shall mean any person who engages in the sale or offering for
7 sale of more than nine animals per year for profit to the public. Such
8 definition shall include breeders who sell animals; provided that a
9 breeder who sells or offers to sell directly to the consumer fewer than
10 [~~twenty-five~~] ~~fifteen~~ animals per year that are born and raised on the
11 breeders residential premises shall not be considered a pet dealer as a
12 result of selling or offering to sell such animals. Such definition
13 shall not include duly incorporated humane societies dedicated to the
14 care of unwanted animals which make such animals available for adoption
15 whether or not a fee for such adoption is charged.

16 § 3. This act shall take effect on the one hundred twentieth day after
17 it shall have become a law.