

# STATE OF NEW YORK

465--A

Cal. No. 40

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. PAULIN, JAFFEE, TITONE, L. ROSENTHAL, DiPIETRO, CUSICK, BRINDISI, WEPRIN, McDONALD, MURRAY -- Multi-Sponsored by -- M. of A. GLICK, M. G. MILLER -- read once and referred to the Committee on Agriculture -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. Subdivision 4 of section 400 of the agriculture and markets law, as amended by chapter 168 of the laws of 2017, is amended to read as follows:

4. "Pet Dealer" means any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; provided that it shall not include the following:

(a) Any breeder who sells or offers to sell directly to the consumer fewer than ~~twenty-five~~ **fifteen** animals per year that are born and raised on the breeder's residential premises;

(b) Any municipal pound or shelter dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged, established and maintained pursuant to subdivision one of section one hundred fourteen of this chapter; and

(c) Any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged that is exempt from taxes pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the

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

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1 federal Internal Revenue Code, as from time to time amended, that is  
2 registered with the department pursuant to section four hundred eight of  
3 this article.

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

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

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

32 (b) Any municipal pound or shelter established and maintained pursuant  
33 to subdivision one of section one hundred fourteen of the agriculture  
34 and markets law.

35 (c) Any duly incorporated society for the prevention of cruelty to  
36 animals, duly incorporated humane society, duly incorporated animal  
37 protective association or other duly incorporated animal adoption or  
38 animal rescue organization that is exempt from taxes pursuant to para-  
39 graph (3) of subsection (c) of section 501 of the federal Internal  
40 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of  
41 the federal Internal Revenue Code, as from time to time amended, that is  
42 registered with the department pursuant to section four hundred eight of  
43 the agriculture and markets law.

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