

STATE OF NEW YORK

8526

2017-2018 Regular Sessions

IN ASSEMBLY

June 19, 2017

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Agriculture

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

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

1 Section 1. Subdivision 3 of section 752 of the general business law,
2 as amended by chapter 687 of the laws of 2006, is amended to read as
3 follows:
4 3. For purposes of section seven hundred fifty-three of this article,
5 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 duly incorporated humane societies
10 dedicated to the care of unwanted animals which make such animals avail-
11 able for adoption whether or not a fee for such adoption is charged. For
12 purposes of sections seven hundred fifty-three-a, seven hundred fifty-
13 three-b, seven hundred fifty-three-c~~[7]~~ and seven hundred fifty-three-d
14 [~~and seven hundred fifty-three-e~~] of this article, "pet dealer" shall
15 mean any person who engages in the sale or offering for sale of more
16 than nine animals per year for profit to the public. Such definition
17 shall include breeders who sell animals; provided that a breeder who
18 sells or offers to sell directly to the consumer fewer than twenty-five
19 animals per year that are born and raised on the breeders residential
20 premises shall not be considered a pet dealer as a result of selling or
21 offering to sell such animals. Such definition shall not include duly
22 incorporated humane societies dedicated to the care of unwanted animals
23 which make such animals available for adoption whether or not a fee for
24 such adoption is charged. For purposes of section seven hundred fifty-
25 three-e, a "pet dealer" shall mean a retail pet shop location primarily

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

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1 engaged in retailing pets, pet foods, and pet supplies, as defined by
2 the North American industry classification system. Such definition shall
3 not include breeders who sell animals.

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

6 § 753-e. Requirement of rescue status for certain sales. A pet dealer
7 shall not sell an animal unless such animal was obtained from a duly
8 incorporated humane society dedicated to the care of unwanted animals, a
9 public animal control agency or shelter, society for the prevention of
10 cruelty to animals shelter, or animal rescue or adoption organization.

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

13 1-a. Any person who violates any provision of section seven hundred
14 fifty-three-a, seven hundred fifty-three-b, [~~ex~~] seven hundred fifty-
15 three-c or seven hundred fifty-three-e of this article may also be
16 subject to denial, suspension, revocation of, or refusal to renew a pet
17 dealer license, in accordance with the provisions of sections four
18 hundred three and four hundred four of the agriculture and markets law.

19 § 4. The general business law is amended by adding a new section 391-u
20 to read as follows:

21 § 391-u. Sale of rabbits; rescue requirement. 1. As used in this
22 section, "pet dealer" shall mean a retail pet shop location primarily
23 engaged in retailing pets, pet foods, and pet supplies, as defined by
24 the North American industry classification system. Such definition shall
25 not include breeders who sell animals.

26 2. A pet dealer shall not sell a rabbit unless such rabbit was
27 obtained from a duly incorporated humane society dedicated to the care
28 of unwanted animals, a public animal control agency or shelter, society
29 for the prevention of cruelty to animals shelter, or animal rescue or
30 adoption organization.

31 3. A pet dealer who violates subdivision two of this section may be
32 subject to denial, suspension, revocation of, or refusal to renew a pet
33 dealer license, in accordance with the provisions of sections four
34 hundred three and four hundred four of the agriculture and markets law.

35 § 5. This act shall take effect on the ninetieth day after it shall
36 have become a law.