

STATE OF NEW YORK

8526--A

2017-2018 Regular Sessions

IN ASSEMBLY

June 19, 2017

Introduced by M. of A. O'DONNELL, FAHY, ENGLEBRIGHT -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

1 Section 1. The opening paragraph of subdivision 3 of section 752 of
2 the general business law, as amended by chapter 168 of the laws of 2017,
3 is amended to read as follows:
4 For purposes of section seven hundred fifty-three of this article, a
5 "pet dealer" shall mean any person who, in the ordinary course of busi-
6 ness, engages in the sale or offering for sale of more than nine animals
7 per year for profit to the public. Such definition shall include breed-
8 ers of animals who sell or offer for sale animals directly to a consumer
9 but it shall not include any municipal pound or shelter established and
10 maintained pursuant to subdivision one of section one hundred fourteen
11 of the agriculture and markets law, or any duly incorporated society for
12 the prevention of cruelty to animals, duly incorporated humane society,
13 duly incorporated animal protective association or other duly incorpo-
14 rated animal adoption or animal rescue organization that is tax exempt
15 pursuant to paragraph (3) of subsection (c) of section 501 of the feder-
16 al Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding
17 sections of the federal Internal Revenue Code, as from time to time
18 amended, that is registered with the department pursuant to section four
19 hundred eight of the agriculture and markets law. For purposes of
20 section seven hundred fifty-three-e, a "pet dealer" shall mean a retail
21 pet shop location primarily engaged in retailing pets, pet foods, and
22 pet supplies, as defined by the North American industry classification

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

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1 system. Such definition shall not include breeders who sell animals
2 directly to the public. For purposes of sections seven hundred fifty-
3 three-a, seven hundred fifty-three-b, seven hundred fifty-three-c and
4 seven hundred fifty-three-d of this article, "pet dealer" shall mean any
5 person who engages in the sale or offering for sale of more than nine
6 animals per year for profit to the public. Such definition shall include
7 breeders who sell animals; but it shall not include the following:

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

10 § 753-e. Requirement of rescue status for certain sales. A pet dealer
11 shall not sell an animal unless such animal was obtained from a duly
12 incorporated humane society dedicated to the care of unwanted animals, a
13 public animal control agency or shelter, society for the prevention of
14 cruelty to animals shelter, or animal rescue or adoption organization
15 that has tax exempt status under paragraph 3 of subsection (c) of
16 section 501 of the Internal Revenue Code and does not obtain dogs or
17 cats from breeders or brokers in exchange for payment or compensation.

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

20 1-a. Any person who violates any provision of section seven hundred
21 fifty-three-a, seven hundred fifty-three-b, [~~or~~] seven hundred fifty-
22 three-c or seven hundred fifty-three-e of this article may also be
23 subject to denial, suspension, revocation of, or refusal to renew a pet
24 dealer license, in accordance with the provisions of sections four
25 hundred three and four hundred four of the agriculture and markets law.

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

28 § 391-u. Sale of rabbits; rescue requirement. 1. As used in this
29 section, "pet dealer" shall mean a retail pet shop location primarily
30 engaged in retailing pets, pet foods, and pet supplies, as defined by
31 the North American industry classification system. Such definition shall
32 not include breeders who sell animals directly to the public.

33 2. A pet dealer shall not sell a rabbit unless such rabbit was
34 obtained from a duly incorporated humane society dedicated to the care
35 of unwanted animals, a public animal control agency or shelter, society
36 for the prevention of cruelty to animals shelter, or animal rescue or
37 adoption organization that has tax exempt status under paragraph 3 of
38 subsection (c) of section 501 of the Internal Revenue Code and does not
39 obtain rabbits from breeders or brokers in exchange for payment or
40 compensation.

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

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