STATE OF NEW YORK

9946--A

IN ASSEMBLY

February 27, 2018

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

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

3. **(a)** For purposes of section seven hundred fifty-three of this article, a "pet dealer" shall mean any person who, in the ordinary course of business, 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 of animals who sell or offer for sale animals directly to a consumer but it shall not include any municipal pound or shelter established and maintained pursuant to subdivision one of section one hundred fourteen of the agriculture and markets law, or 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 that is tax exempt 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 federal Internal Revenue Code, as from time to time amended, that is registered with the department pursuant to section four hundred eight of the agriculture and markets law. For purposes of sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c and seven hundred fifty-three-d of this article, "pet dealer" shall mean 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 animals; but it shall not include the following:

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

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

[~~(b)~~] (ii) Any municipal pound or shelter established and maintained pursuant to subdivision one of section one hundred fourteen of the agriculture and markets law.

[~~(c)~~] (iii) 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 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 federal Internal Revenue Code, as from time to time amended, that is registered with the department pursuant to section four hundred eight of the agriculture and markets law.

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

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

§ 753-e. Requirement of rescue status for certain dispositions. 1. A pet dealer shall not sell or take ownership of any animal as defined in section seven hundred fifty-two of this article.

2. (a) Nothing in this section shall be deemed to prohibit a pet dealer from possessing an animal under the ownership and control of a duly incorporated humane society dedicated to the care of unwanted animals, a public animal control agency or shelter, a society for the prevention of cruelty to animals shelter, or an animal rescue or adoption organization in order to facilitate the adoption of such animal by a consumer.

(b) Nothing in this section shall be deemed to prohibit a pet dealer from retaining a reasonable portion of the adoption fees normally charged by any such organization or shelter, subject to approval of such organization or shelter, when the ownership of an animal is transferred by adoption to a consumer.

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

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

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