

STATE OF NEW YORK

7711--A

IN SENATE

February 9, 2018

Introduced by Sens. GIANARIS, BRESLIN, BROOKS, HAMILTON, HOYLMAN, KRUEGER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- 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:

1 Section 1. Subdivision 3 of section 752 of the general business law,
2 as amended by chapter 168 of the laws of 2017, is amended to read as
3 follows:
4 3. (a) For purposes of section seven hundred fifty-three of this arti-
5 cle, 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 any municipal pound or shelter estab-
10 lished and maintained pursuant to subdivision one of section one hundred
11 fourteen of the agriculture and markets law, or any duly incorporated
12 society for the prevention of cruelty to animals, duly incorporated
13 humane society, duly incorporated animal protective association or other
14 duly incorporated animal adoption or animal rescue organization that is
15 tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of
16 the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent
17 corresponding sections of the federal Internal Revenue Code, as from
18 time to time amended, that is registered with the department pursuant to
19 section four hundred eight of the agriculture and markets law. For
20 purposes of sections seven hundred fifty-three-a, seven hundred fifty-
21 three-b, seven hundred fifty-three-c and seven hundred fifty-three-d of
22 this article, "pet dealer" shall mean any person who engages in the sale
23 or offering for sale of more than nine animals per year for profit to
24 the public. Such definition shall include breeders who sell animals; but
25 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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1 [~~(a)~~] (i) Any breeder who sells or offers to sell directly to the
2 consumer fewer than twenty-five animals per year that are born and
3 raised on the breeders residential premises.

4 [~~(b)~~] (ii) Any municipal pound or shelter established and maintained
5 pursuant to subdivision one of section one hundred fourteen of the agri-
6 culture and markets law.

7 [~~(e)~~] (iii) Any duly incorporated society for the prevention of cruel-
8 ty to animals, duly incorporated humane society, duly incorporated
9 animal protective association or other duly incorporated animal adoption
10 or animal rescue organization that is exempt from taxes pursuant to
11 paragraph (3) of subsection (c) of section 501 of the federal Internal
12 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of
13 the federal Internal Revenue Code, as from time to time amended, that is
14 registered with the department pursuant to section four hundred eight of
15 the agriculture and markets law.

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

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

23 § 753-e. Requirement of rescue status for certain dispositions. 1. A
24 pet dealer shall not sell or take ownership of any animal as defined in
25 section seven hundred fifty-two of this article.

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

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

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

39 1-a. Any person who violates any provision of section seven hundred
40 fifty-three-a, seven hundred fifty-three-b, [~~ex~~] seven hundred fifty-
41 three-c or seven hundred fifty-three-e of this article may also 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 § 4. This act shall take effect on the ninetieth day after it shall
46 have become a law.