STATE OF NEW YORK

8105

IN SENATE

March 29, 2018

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

Section 1. The opening paragraph of 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:

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 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 directly to the public.** 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

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

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definition shall include breeders who sell animals; but it shall not include the following:

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

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

§ 391-u. Sale of rabbits; rescue requirement. 1. As used in this section, "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 directly to the public.

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

3. A pet dealer who violates subdivision two of this section may 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.

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