

STATE OF NEW YORK

351

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PAULIN, JAFFEE, L. ROSENTHAL, DiPIETRO, CUSICK, WEPRIN, GLICK, M. G. MILLER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the general business law, in relation to the definition of pet dealer

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

1 Section 1. Subdivision 4 of section 400 of the agriculture and markets
2 law, as amended by chapter 168 of the laws of 2017, is amended to read
3 as follows:

4 4. "Pet Dealer" means any person who engages in the sale or offering
5 for sale of more than nine animals per year for profit to the public.
6 Such definition shall include breeders who sell or offer to sell
7 animals; provided that it shall not include the following:

8 (a) Any breeder who sells or offers to sell directly to the consumer
9 fewer than [~~twenty-five~~] fifteen animals per year that are born and
10 raised on the breeder's residential premises;

11 (b) Any municipal pound or shelter dedicated to the care of unwanted
12 animals which makes such animals available for adoption whether or not a
13 fee for such adoption is charged, established and maintained pursuant to
14 subdivision one of section one hundred fourteen of this chapter; and

15 (c) Any duly incorporated society for the prevention of cruelty to
16 animals, duly incorporated humane society, duly incorporated animal
17 protective association or other duly incorporated animal adoption or
18 animal rescue organization dedicated to the care of unwanted animals
19 which makes such animals available for adoption whether or not a fee for
20 such adoption is charged that is exempt from taxes pursuant to paragraph
21 (3) of subsection (c) of section 501 of the federal Internal Revenue
22 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the
23 federal Internal Revenue Code, as from time to time amended, that is

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

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1 registered with the department pursuant to section four hundred eight of
2 this article.

3 § 2. Subdivision 3 of section 752 of the general business law, as
4 amended by chapter 168 of the laws of 2017, is amended to read as
5 follows:

6 3. For purposes of section seven hundred fifty-three of this article,
7 a "pet dealer" shall mean any person who, in the ordinary course of
8 business, engages in the sale or offering for sale of more than nine
9 animals per year for profit to the public. Such definition shall include
10 breeders of animals who sell or offer for sale animals directly to a
11 consumer but it shall not include any municipal pound or shelter estab-
12 lished and maintained pursuant to subdivision one of section one hundred
13 fourteen of the agriculture and markets law, or any duly incorporated
14 society for the prevention of cruelty to animals, duly incorporated
15 humane society, duly incorporated animal protective association or other
16 duly incorporated animal adoption or animal rescue organization that is
17 tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of
18 the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent
19 corresponding sections of the federal Internal Revenue Code, as from
20 time to time amended, that is registered with the department pursuant to
21 section four hundred eight of the agriculture and markets law. For
22 purposes of sections seven hundred fifty-three-a, seven hundred fifty-
23 three-b, seven hundred fifty-three-c and seven hundred fifty-three-d of
24 this article, "pet dealer" shall mean any person who engages in the sale
25 or offering for sale of more than nine animals per year for profit to
26 the public. Such definition shall include breeders who sell animals; but
27 it shall not include the following:

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

31 (b) Any municipal pound or shelter established and maintained pursuant
32 to subdivision one of section one hundred fourteen of the agriculture
33 and markets law.

34 (c) Any duly incorporated society for the prevention of cruelty to
35 animals, duly incorporated humane society, duly incorporated animal
36 protective association or other duly incorporated animal adoption or
37 animal rescue organization that is exempt from taxes pursuant to para-
38 graph (3) of subsection (c) of section 501 of the federal Internal
39 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of
40 the federal Internal Revenue Code, as from time to time amended, that is
41 registered with the department pursuant to section four hundred eight of
42 the agriculture and markets law.

43 § 3. This act shall take effect on the one hundred twentieth day after
44 it shall have become a law.