STATE OF NEW YORK

S. 4234 A. 6298

2019-2020 Regular Sessions

SENATE - ASSEMBLY

March 5, 2019

IN SENATE -- Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

IN ASSEMBLY -- Introduced by M. of A. L. ROSENTHAL -- 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 sale of dogs, cats and rabbits

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

Section 1. Subdivision 48 of section 16 of the agriculture and markets law, as added by chapter 384 of the laws of 2015, is amended to read as follows:

48. Make available in written and electronic medium, in a manner readily accessible to police agencies and officers and district attorneys, information about animal cruelty and protection laws in this chapter, including, but not limited to, article twenty-six of this chapter **and section seven hundred fifty-three-f of the general business law**. The development of such information shall be coordinated with the division of criminal justice services, including the municipal police training council, in a manner designed to enhance training of municipal police officers and to assist such officers and district attorneys in enforcing and applying such laws.

§ 2. Subdivision 4 of section 400 of the agriculture and markets law is amended by adding a new paragraph (d) to read as follows:

(d) Any retail pet shop as defined in subdivision eight of section seven hundred fifty-two of the general business law.

§ 3. Paragraphs (e) and (f) of subdivision 4 of section 408 of the agriculture and markets law, as added by chapter 168 of the laws of 2017, are amended and a new paragraph (g) is added to read as follows:

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

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(e) The applicant or registrant is determined by the commissioner to be in violation of section twenty-one hundred forty-one of the public health law or any rule or regulation promulgated thereunder by the commissioner of health; [~~and~~]

(f) The applicant or registrant, or an officer or director has been responsible in whole or in part for any act on account of which an application for registration may be denied or a registration cancelled pursuant to the provisions of this article[~~.~~]**; and**

(g) The applicant or registrant was previously licensed as a pet dealer pursuant to this article.

§ 4. 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 and a new paragraph (d) is added 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 **retail pet shop as defined in subdivision eight of this section,** 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:

(d) Any retail pet shop as defined in subdivision eight of this section.

§ 5. Section 752 of the general business law is amended by adding a new subdivision 8 to read as follows:

8. "Retail pet shop" means a for-profit establishment open to the public that sells or offers for sale animals to be kept as household pets, pet food or supplies.

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

§ 753-f. Sale of dogs, cats and rabbits prohibited. A retail pet shop as defined in this article shall not sell, offer to sell, barter, auction, or otherwise transfer ownership of any dog, cat or rabbit, provided that this section shall not be construed to prohibit a retail pet shop from collaborating with the following entities to provide space to showcase dogs, cats or rabbits owned by these entities for the purpose of adoption; 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. Retail pet shops shall not collaborate to showcase dogs, cats or rabbits with any entity which is, or is affiliated with, or is housed on the premises of a breeder or broker, obtains dogs, cats or rabbits from a breeder or broker in exchange for payment or compensation, or resells dogs, cats or rabbits obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law.