

# STATE OF NEW YORK

3828

2019-2020 Regular Sessions

## IN SENATE

February 15, 2019

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

AN ACT to amend the agriculture and markets law, in relation to the care of animals

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

1 Section 1. Paragraphs (e), (g) and (h) of subdivision 1 of section 401  
2 of the agriculture and markets law, paragraphs (e) and (g) as added by  
3 chapter 259 of the laws of 2000, and paragraph (h) as added by chapter  
4 110 of the laws of 2012, are amended to read as follows:

5 (e) The indoor facilities housing the animals shall be provided with  
6 adequate lighting sufficient to permit routine inspection and cleaning  
7 and be arranged so that each animal is protected from excessive illumi-  
8 nation which poses a health hazard to the animal. Animal areas must be  
9 provided with regular diurnal light cycles of either natural or artifi-  
10 cial light.

11 (g) In the event that a pet dealer has a pregnant or nursing dog on  
12 his or her premises, the pet dealer shall provide a whelping box for  
13 such dog. Separate and apart from the whelping box, a pet dealer shall  
14 provide a pregnant or nursing dog with a separate space accessible to  
15 her that complies with the standards set forth in paragraph (b) of this  
16 subdivision. Each nursing dog shall be provided with a sufficient amount  
17 of floor space to nurse and care for her litter.

18 (h) Pet dealers shall designate and provide an isolation area for  
19 animals that exhibit symptoms of contagious disease or illness. The  
20 location of such designated area must be such as to prevent or reduce  
21 the spread of disease to healthy animals and must otherwise meet all  
22 housing requirements of this section.

23 § 2. Subdivision 2 of section 401 of the agriculture and markets law,  
24 as added by chapter 259 of the laws of 2000, is amended to read as  
25 follows:

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

LBD00592-01-9

1 2. Sanitation. Housing facilities, including primary enclosures and  
2 cages, shall be kept in a clean condition in order to maintain a healthy  
3 environment for the animal. This shall include removing and destroying  
4 any agents injurious to the health of the animal and periodic cleanings.  
5 Primary enclosures must be cleaned daily and sanitized at least once  
6 every two weeks by washing all soiled surfaces with appropriate deter-  
7 gent solutions and disinfectant or by using a combination detergent or  
8 disinfectant product that accomplishes the same purpose with a thorough  
9 cleaning of the surfaces to remove excreta, feces, hair, dirt, debris  
10 and food waste to permit effective sanitization, followed by a clean  
11 water rinse. The primary enclosure or cage shall be constructed so as to  
12 eliminate excess water, excretions, and waste material. Under no circum-  
13 stances shall the animal remain inside the primary enclosure or cage  
14 while it is being cleaned with sterilizing agents or agents toxic to  
15 animals or cleaned in a manner likely to threaten the health and safety  
16 of the animal. Trash and waste products on the premises shall be proper-  
17 ly contained and disposed of so as to minimize the risks of disease,  
18 contamination, and vermin.

19 § 3. Paragraph (c) of subdivision 3 of section 401 of the agriculture  
20 and markets law, as added by chapter 259 of the laws of 2000, is amended  
21 to read as follows:

22 (c) [~~Feed~~] Sanitary food receptacles shall be provided in sufficient  
23 number, of adequate size, and so located as to enable each animal in the  
24 primary enclosure or cage to be supplied with an adequate amount of  
25 food.

26 § 4. Subparagraphs (iv) and (v) of paragraph (a) of subdivision 5 of  
27 section 401 of the agriculture and markets law, as added by chapter 110  
28 of the laws of 2012, are amended and a new subparagraph (vi) is added to  
29 read as follows:

30 (iv) Adequate guidance to personnel involved in the care and use of  
31 animals regarding handling and immobilization; [~~and~~]

32 (v) Pre-procedural and post-procedural care in accordance with estab-  
33 lished veterinary medical and nursing procedures[~~-~~]; and

34 (vi) In the case of dealers who sell or offer to sell twenty-five or  
35 more dogs or cats per year to the public for profit that are born and  
36 raised on the dealer's residential premises, annual veterinary examina-  
37 tions, at a minimum, for all intact adult dogs or cats on such dealer's  
38 premises.

39 § 5. Section 401 of the agriculture and markets law is amended by  
40 adding a new subdivision 8 to read as follows:

41 8. Grooming. All animals shall be groomed regularly to prevent exces-  
42 sive matting of fur, overgrown toenails and flea and tick infestation.

43 § 6. This act shall take effect on the ninetieth day after it shall  
44 have become a law. Effective immediately, the addition, amendment and/or  
45 repeal of any rule or regulation necessary for the implementation of  
46 this act on its effective date are authorized to be made and completed  
47 on or before such effective date.