

STATE OF NEW YORK

593

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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

AN ACT to amend the agriculture and markets law and the general business law, in relation to the prohibition on the sale of dogs and/or cats by retail pet shops

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 is amended by adding a new paragraph (d) to read as follows:

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

5 § 2. The opening paragraph of subdivision 3 of section 752 of the
6 general business law, as amended by chapter 168 of the laws of 2017, is
7 amended and a new paragraph (d) is added to read as follows:

8 For purposes of section seven hundred fifty-three of this article, a
9 "pet dealer" shall mean any person who, in the ordinary course of busi-
10 ness, engages in the sale or offering for sale of more than nine animals
11 per year for profit to the public. Such definition shall include breed-
12 ers of animals who sell or offer for sale animals directly to a consumer
13 but it shall not include any retail pet shop as defined in subdivision
14 eight of this section, municipal pound or shelter established and main-
15 tained pursuant to subdivision one of section one hundred fourteen of
16 the agriculture and markets law, or any duly incorporated society for
17 the prevention of cruelty to animals, duly incorporated humane society,
18 duly incorporated animal protective association or other duly incorpo-
19 rated animal adoption or animal rescue organization that is tax exempt
20 pursuant to paragraph (3) of subsection (c) of section 501 of the feder-
21 al Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding
22 sections of the federal Internal Revenue Code, as from time to time

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

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1 amended, that is registered with the department pursuant to section four
2 hundred eight of the agriculture and markets law. For purposes of
3 sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven
4 hundred fifty-three-c and seven hundred fifty-three-d of this article,
5 "pet dealer" shall mean any person who engages in the sale or offering
6 for sale of more than nine animals per year for profit to the public.
7 Such definition shall include breeders who sell animals; but it shall
8 not include the following:

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

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

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

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

18 § 753-f. Prohibition on sale of dogs or cats by retail pet shops. A
19 retail pet shop shall not sell, offer to sell, barter, auction, or
20 otherwise transfer ownership of any dog or cat, provided that this
21 section shall not be construed to prohibit a retail pet shop from
22 collaborating with the following entities to provide space to showcase
23 cats or dogs owned by these entities for the purpose of adoption: any
24 duly incorporated society for the prevention of cruelty to animals, duly
25 incorporated humane society, duly incorporated animal protective associ-
26 ation or other duly incorporated animal adoption or animal rescue organ-
27 ization that is exempt from taxes pursuant to paragraph (3) of
28 subsection (c) of section 501 of the federal Internal Revenue Code, 26
29 U.S.C. 501, or any subsequent corresponding sections of the federal
30 Internal Revenue Code, as from time to time amended, that is registered
31 with the department pursuant to section four hundred eight of the agri-
32 culture and markets law.

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