STATE OF NEW YORK

6299

2019-2020 Regular Sessions

IN ASSEMBLY

March 5, 2019

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 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:

Section 1. 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.

§ 2. 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

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

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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.

§ 3. 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.

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

§ 753-f. Prohibition on sale of dogs or cats by retail pet shops. A retail pet shop shall not sell, offer to sell, barter, auction, or otherwise transfer ownership of any dog or cat, 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 cats or dogs 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.

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