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:

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

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal. **Animal areas must be provided with regular diurnal light cycles of either natural or artificial light.**

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

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

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

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

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

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

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

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

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

(v) Pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures[~~.~~]**; and**

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

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

8. Grooming. All animals shall be groomed regularly to prevent excessive matting of fur, overgrown toenails and flea and tick infestation.

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