STATE OF NEW YORK

5530

2019-2020 Regular Sessions

IN SENATE

May 6, 2019

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to banning the sale of certain items relating to emotional support and therapy animals; and to amend the agriculture and markets law, in relation to penalties for improper identification of dogs

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

Section 1. The general business law is amended by adding a new section 391-u to read as follows:

§ 391-u. Sale of certain items relating to emotional support and therapy animals. 1. No person, firm, partnership, association, or corporation shall distribute, sell at retail or offer for retail sale in this state, or to any person located in this state:

(a) emotional support or therapy animal certificates;

(b) vests identifying animals as emotional support or therapy animals; or

(c) sample doctors notes authorizing an emotional support animal.

2. For purposes of this section, the following terms have the following meanings:

(a) "emotional support animal" means a companion animal, as defined in section three hundred fifty of the agriculture and markets law, that a medical professional states provides some benefit for a person disabled by a mental health condition or emotional disorder; and (b) "service animal" shall have the same meaning as defined in section 242.00 of the penal law.

3. This section shall not apply to any municipality, government agency, or non-profit entity which regulates and/or licenses emotional support or service animals or which charges fees for the licensing and/or registration of vests for emotional support or service animals.

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

LBD11278-01-9

4. Any person, firm, partnership, association, or corporation who or which violates the provisions of this section shall be subject to a civil penalty not to exceed five hundred dollars for the first violation and one thousand dollars for each subsequent violation.

§ 2. Section 118 of the agriculture and markets law is amended by adding a new subdivision 2-a to read as follows:

2-a. Notwithstanding subdivision two of this section, the fine and/or civil penalty for a violation of paragraph (c) of subdivision one of this section shall be not more than five hundred dollars for the first violation and one thousand dollars for each subsequent violation.

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