STATE OF NEW YORK

3892

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to requiring pet dealers and pet shops to provide certain breeder and health information to purchasers of animals

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

Section 1. This act shall be known and may be cited as "Byron's law".

§ 2. Section 402 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, subdivision 1 as amended by chapter 110 of the laws of 2012, is amended to read as follows:

§ 402. Records of purchase and sale. Each pet dealer shall keep and maintain records for each animal purchased, acquired, held, sold, or otherwise disposed of. The records shall include the following:

1. The name and address of **and a telephone contact number for** the person from whom each animal was acquired. If the person from whom the animal was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal dealer identification number. If the person from whom the animal was obtained is a dealer licensed by the department, the person's name, address, and state dealer identification number. In the case of cats, if a cat is placed in the custody or possession of the pet dealer and the source of origin is unknown, the pet dealer shall state the source of origin as unknown, accompanied by the date, time, and location of receipt. Notwithstanding the provisions of this subdivision, no pet dealer shall knowingly buy, sell, exhibit, transport, or offer for sale, exhibition, or transportation any stolen animal. No pet dealer shall knowingly sell any cat or dog younger than eight weeks of age.

2. The original source of each animal if different than the person recorded in subdivision one of this section.

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

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3. The date each animal was acquired.

4. A description of each animal showing age, color, markings, sex, breed **of the animal and of the dam and sire of the animal**, [~~and~~] any inoculation, worming, or other veterinary treatment or medication information available **and any information available concerning hereditary, genetic or congenital defects in the animal's lineage**. Records shall also include any other significant identification, if known, for each animal, including any official tag number, tattoo, or implant.

5. The name and address of the person to whom any animal is sold, given, or bartered or to whom it is otherwise transferred or delivered. The records shall indicate the date and method of disposition.

6. Records for each animal shall be maintained for a period of two years from the date of sale or transfer, whichever occurs later. During normal business hours, the records shall be made available to persons authorized by law to enforce the provisions of this article.

7. Upon the sale, giving, barter or other transfer or delivery of an animal as provided in subdivision five of this section, the pet dealer shall provide the person to whom the animal is sold, given, bartered, transferred or delivered with a copy of the information required by subdivisions one, two, three and four of this section.

§ 3. Section 17-1704 of the administrative code of the city of New York, as added by local law number 5 of the city of New York for the year 2015, subdivision a and paragraphs 2 and 8 of subdivision b as amended by local law number 53 of the city of New York for the year 2015, is amended to read as follows:

§17-1704 Recordkeeping. a. Each pet shop shall keep and maintain records and documentation for each dog or cat purchased, acquired, held, sold, or otherwise disposed of with respect to the purchase, sale, dealers, transportation, breeding, medical care and condition, identification, and previous ownership of such animal. Each pet shop shall keep and maintain such records and documentation for a period of five years from the date such pet shop acquired each such dog or cat.

b. Such documentation and records shall be made available upon request for inspection and copying by the department or other persons authorized by law to enforce the provisions of this chapter. Consistent with the New York state technology law, the department may promulgate rules for the production, receipt, acceptance, acquisition, recording, filing, transmission, forwarding, and storage of such records and documentation by use of electronic means. Such records and documentation shall include the following information:

1. Proof of purchase, adoption, or acceptance of such animal evincing the source from which such pet shop obtained such animal;

2. The breeder's name, address, **telephone contact number** and federal identification number;

3. Such animal's individual identifying tag, tattoo, or collar number;

4. The date of the animal's birth, the date the pet shop received the animal, and the location where the animal was received. If the animal is not advertised or sold as a purebred, registered or registerable, the date of birth may be approximated if not known by the seller;

5. The animal's breed, sex, color and identifying marks at the time of sale. If the breed is unknown or mixed, the record shall so indicate **and state the breed or breeds of the animal's dam and sire, if known**;

6. A copy of any written statement provided to the purchaser pursuant to section 17-1703 of this title; and

7. The name and address of the person to whom the animal was sold or given for adoption.

8. Any statement or certification provided to the pet store by the source from which it obtained the animal stating that such animal has been implanted with a microchip for permanent identification.

9. A copy of any statement or certificate of registration relating to microchip identification provided to the purchaser pursuant to section 17-815 of this title.

10. A copy of any record a dealer is required to include with the shipment of an animal pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law, and the rules promulgated thereunder.

11. Such other records and documentation as deemed necessary by the commissioner in accordance with rules promulgated by the department.

12. Any information available concerning hereditary, genetic or congenital defects in the animal's lineage.

c. In addition to the documentation and records required under subdivision a of this section, every pet shop shall keep and maintain the following records for transactions involving one or more dogs:

1. If such a dog is being sold as registered or capable of being registered with an animal pedigree registry organization, the names and registration numbers of the sire and dam, and the litter number, if known;

2. If the pet shop has released a dog to a purchaser without first submitting a license application, a written statement provided by the purchaser stating that the dog is to be harbored outside the city and such proof as the commissioner may require indicating that such purchaser resides outside the city.

d. Upon the sale, giving, barter or other transfer or delivery of an animal to a purchaser as provided in paragraph seven of subdivision b of this section, the pet dealer shall provide the purchaser with a copy of the information required by paragraphs two, five and twelve of subdivision b of this section.

§ 4. This act shall take effect on the sixtieth 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 date.