

STATE OF NEW YORK

7522--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to licensed pet breeders and brokers

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

Section 1. The agriculture and markets law is amended by adding a new section 409 to read as follows:

§ 409. Licensed pet breeders and brokers. Notwithstanding any provision of law to the contrary, a pet dealer shall only purchase a dog or cat for resale from a breeder or broker licensed by the United States department of agriculture or exempt from United States department of agriculture licensing per United States department of agriculture regulation, and such breeder or broker shall be in possession of all other licenses required for a breeder or broker by the state in which such breeder or broker is located. No pet dealer shall obtain or be in possession of an animal intended for sale originating from a breeder or a broker that has received:

1. A direct or critical violation of the Animal Welfare Act from the United States department of agriculture within the past two years;

2. An indirect no access violation on each of the two most recent inspection reports issued by the United States department of agriculture;

3. Three or more indirect or non-critical violations, provided such violations pertain to the health and welfare of an animal and were not administrative in nature. The indirect violations pursuant to this subdivision shall not include the violations pursuant to subdivision two of this section; or

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

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1 4. Any violations on a state inspection report related to the health
2 and welfare of the animal from the breeder or broker's state of origin
3 within the past two years, if applicable.

4 § 2. Paragraph (h) of subdivision 2 of section 408 of the agriculture
5 and markets law, as added by chapter 168 of the laws of 2017, is amended
6 to read as follows:

7 (h) The number of animals currently harbored by the applicant, includ-
8 ing a statement of where each animal was obtained;

9 § 3. Paragraphs (e) and (f) of subdivision 4 of section 408 of the
10 agriculture and markets law, as added by chapter 168 of the laws of
11 2017, are amended and a new paragraph (g) is added to read as follows:

12 (e) The applicant or registrant is determined by the commissioner to
13 be in violation of section twenty-one hundred forty-one of the public
14 health law or any rule or regulation promulgated thereunder by the
15 commissioner of health; ~~and~~

16 (f) The applicant or registrant, or an officer or director has been
17 responsible in whole or in part for any act on account of which an
18 application for registration may be denied or a registration cancelled
19 pursuant to the provisions of this article~~[-]~~; and

20 (g) The applicant or registrant is determined by the commissioner to
21 have obtained animals from a breeder or a broker that has received:

22 (i) A direct or critical violation of the Animal Welfare Act from the
23 United States department of agriculture within the past two years;

24 (ii) An indirect no access violation on each of the two most recent
25 inspection reports issued by the United States department of agricul-
26 ture;

27 (iii) Three or more indirect or non-critical violations, provided such
28 violations pertain to the health and welfare of an animal and were not
29 administrative in nature. The indirect violations described in this
30 subparagraph shall not include the violations pursuant to subparagraph
31 (ii) of this paragraph; or

32 (iv) Any violations on a state inspection report related to the health
33 and welfare of the animal from the breeder or broker's state of origin
34 within the past two years, if applicable.

35 § 4. This act shall take effect on the one hundred eightieth day after
36 it shall have become a law.