STATE OF NEW YORK

4283

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. L. ROSENTHAL, BARNWELL, EPSTEIN, CRUZ, HUNTER, GOTTFRIED, GLICK, SEAWRIGHT, FERNANDEZ, PAULIN, LAVINE, FAHY, KIM, WALLACE, JACOBSON, DINOWITZ, DICKENS, BENEDETTO, COLTON, SCHMITT, WEPRIN, QUART, ENGLEBRIGHT, FRONTUS, OTIS, BRONSON, DE LA ROSA, REYES, NIOU, RAMOS, BICHOTTE HERMELYN -- Multi-Sponsored by -- M. of A. HEVESI, SIMON, THIELE -- 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 sale of dogs, cats and rabbits

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

Section 1. Subdivision 48 of section 16 of the agriculture and markets law, as added by chapter 384 of the laws of 2015, is amended to read as follows:

48. Make available in written and electronic medium, in a manner readily accessible to police agencies and officers and district attorneys, information about animal cruelty and protection laws in this chapter, including, but not limited to, article twenty-six of this chapter **and section seven hundred fifty-three-f of the general business law**. The development of such information shall be coordinated with the division of criminal justice services, including the municipal police training council, in a manner designed to enhance training of municipal police officers and to assist such officers and district attorneys in enforcing and applying such laws.

§ 2. Paragraphs (b) and (c) of subdivision 4 of section 400 of the agriculture and markets law, as added by chapter 168 of the laws of 2017, are amended and a new paragraph (d) is added to read as follows:

(b) Any municipal pound or shelter dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged, established and maintained pursuant to subdivision one of section one hundred fourteen of this chapter;[~~—and~~]

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

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(c) 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 dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged 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 this article[~~.~~]**; and**

(d) Any retail pet shop as defined in subdivision eight of section seven hundred fifty-two of the general business law.

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

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

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

(g) The applicant or registrant was previously licensed as a pet dealer pursuant to this article.

§ 4. 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 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.

§ 5. Section 752 of the general business law is amended by adding a new subdivision 8 to read as follows:

8. "Retail pet shop" means any for-profit place of business that sells or offers for sale animals to be kept as household pets, pet food or supplies, but shall not include breeders who sell or offer to sell directly to the consumer animals that are born and raised on the breeder's residential premises.

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

§ 753-f. Sale of dogs, cats and rabbits prohibited. A retail pet shop as defined in this article shall not sell, lease, offer to lease, offer to sell, barter, auction, or otherwise transfer ownership of any dog, cat or rabbit. This section shall not be construed to prohibit a retail pet shop from collaborating with the following entities to provide space to showcase dogs, cats or rabbits 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 that is not affiliated with, or housed on the premises of a breeder or broker that does not obtain dogs, cats or rabbits from a breeder or broker in exchange for payment or compensation, and does not resell dogs, cats or rabbits obtained from a breeder or broker or provide payment or compensation to such breeder or broker.

§ 7. This act shall take effect one year after it shall have become a law.