STATE OF NEW YORK

6560--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

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

AN ACT to amend the education law, in relation to disclosure of the cause of death of certain companion animals; to amend the agriculture and markets law, in relation to authorizing the inspection of pet dealers' facilities upon certain deaths of companion animals and in relation to requiring that the department develop a rating system for pet dealers and make certain information available on the department's website; and to amend the general business law, in relation to requiring pet dealers to reimburse consumers if an animal dies within six months of the sale of such animal

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

Section 1. Section 6714 of the education law is amended by adding a new subdivision 5 to read as follows:

5. A veterinarian licensed pursuant to this article shall disclose the cause of death and may disclose any other relevant records for a companion animal to the department of agriculture and markets when such companion animal's death is due to illness, disease, or congenital condition and such death occurs within six months of the owner obtaining such companion animal from a pet dealer, as defined in section four hundred of the agriculture and markets law. Such disclosure shall be made on a form provided by the department of agriculture and markets and shall include the name and address of the pet dealer from which the companion animal was obtained.

§ 2. Section 405 of the agriculture and markets law is amended by adding a new subdivision 4 to read as follows:

4. The commissioner or his or her authorized agents may conduct an inspection of pet dealers' facilities whenever in the discretion of the commissioner or his or her authorized agents a disclosure required

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

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pursuant to subdivision five of section sixty-seven hundred fourteen of the education law warrants such investigation. Where the department has received more than one such disclosure, the department may commission with the society for the prevention of cruelty to animals or animal control agency located within the county in which the office of the veterinarian making such disclosure is located to inspect the pet dealers' facilities and to audit the paperwork for all companion animals in such pet dealers' facilities to ensure such companion animals were purchased from a breeder licensed by the state.

§ 3. Subdivision 11 of section 403 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

11. Pet dealers shall conspicuously display their license on the premises where the animals are kept for sale so that they may be readily seen by potential consumers. Pet dealers shall also conspicuously display on the window of the premises a placard containing information for the department's website and where on such website customers can access such pet dealer's rating, inspection reports, and copies of documentation relating to the death of any companion animals sold by such pet dealer. Any pet dealer that does not display such placard shall be fined five hundred dollars for a first offense, one thousand dollars for a second offense, and two thousand five hundred dollars for a third and any subsequent offense.

§ 4. Section 16 of the agriculture and markets law is amended by adding a new subdivision 50-a to read as follows:

50-a. Develop a rating system for pet dealers within the state based on the results of inspections conducted pursuant to section four hundred five of this chapter and the receipt of disclosures of the cause of death and any other relevant records for a companion animal's cause of death. The rating of each pet dealer, the inspection reports of each pet dealer, and any disclosure or other record relating to the cause of death of a companion animal sold by each pet dealer shall be made available on the department's website.

§ 5. Section 753 of the general business law is amended by adding a new subdivision 1-a to read as follows:

1-a. If, within one hundred eighty calendar days following the sale of an animal subject to this article or receipt of the written notice required by section seven hundred fifty-four of this article, whichever occurred last, such animal dies, the consumer shall receive reimbursement from the pet dealer for the cost of the animal and for any veterinary services from a licensed veterinarian of the consumer's choosing, for the purpose of attempting to cure the animal. Such reimbursement shall be made by the pet dealer not later than ten business days following receipt of documentation confirming the death of such animal and a signed veterinary certification as herein required. Such documentation and veterinary certification shall be presented to the pet dealer not later than three business days following receipt thereof by the consumer.

§ 6. 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 effective date.