STATE OF NEW YORK

3669

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

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

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

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

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

(h) The number of animals currently harbored by the applicant**, including a statement of where each animal was obtained**;

§ 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 is determined by the commissioner to have obtained animals from a breeder or a broker that has received:

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

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

(iii) 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 described in this subparagraph shall not include the violations pursuant to subparagraph (ii) of this paragraph; or

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

§ 3-a. Paragraphs (f) and (g) of subdivision 4 of section 408 of the agriculture and markets law, paragraph (f) as amended and paragraph (g) as added by chapter 681 of the laws of 2022, are amended and a new paragraph (h) is added to read as follows:

(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[~~.~~]**; and**

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

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

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

(iii) 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 described in this subparagraph shall not include the violations pursuant to subparagraph (ii) of this paragraph; or

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

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that if chapter 681 of the laws of 2022, shall not have taken effect on or before such date then section three-a of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2022, takes effect; provided, further, however, that the amendments to section 408 of the agriculture and markets law made by sections two, three, and three-a of this act shall not affect the repeal of such section and shall be deemed repealed therewith.