STATE OF NEW YORK

4785--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. EPSTEIN, GALLAGHER, LEVENBERG -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting the production, sale and use of adhesive-based animal traps

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

Section 1. The general business law is amended by adding a new section 399-tt to read as follows:

§ 399-tt. Adhesive-based animal traps; prohibition. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Adhesive-based animal trap" shall mean any device that is designed or is capable of being used to capture an animal the size of a rodent or larger, by means of an adhesive substance, including devices commonly known as glue traps, glue boards, and any similar trap.

(b) "Distributor" shall mean any person who delivers to a person other than a purchaser, for the purpose of retail sale.

(c) "Exterminator" shall mean a person or entity that is licensed, certified, permitted or otherwise authorized under the laws of this state to provide rodent and pest control services and any employee or agent thereof engaging in the provision of such services.

(d) "Insect trap" shall mean any device that is designed to capture insects by means of an adhesive substance.

(e) "Manufacturer" shall mean any person, firm, association, partnership, limited liability company, or corporation that produces, prepares, formulates, or compounds an adhesive-based animal trap as defined in this subdivision. In the case of an adhesive-based animal trap imported into the United States, "manufacturer" shall mean the importer or first

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

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domestic distributor of such product if the entity that manufactures the product or whose brand name is affixed to the product does not have a presence in the United States.

(f) "Person" shall mean a natural person, firm, corporation, limited liability company, association, or an employee or agent of a natural person or an entity included in this definition.

(g) "Retailer" shall mean any person or entity who offers adhesive-based animal traps for sale for use or consumption by persons in this state, including any such person or entity that sells adhesive-based animal traps through catalogs, mail, the telephone, the internet, or any electronic means.

(h) "Sell" or "sale" shall mean any transfer for consideration of title or the right to use, from a manufacturer, distributor, or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means.

2. Beginning on the effective date of this section and thereafter:

(a) No adhesive-based animal traps shall be shipped into this state. Such prohibition shall apply to all shipments of adhesive-based animal traps into New York state and includes importation or distribution for commercial purposes, for personal use, or otherwise, and irrespective of whether such adhesive-based animal traps were purchased within or without the state.

(b) No manufacturer, distributor, retailer, common carrier, or other person shall bring or carry into the state any adhesive-based animal trap, nor shall any manufacturer, distributor, retailer, common carrier, or any other person accept for delivery, deliver or transport any adhesive-based animal trap to any distributor, retailer, or any other person located within this state.

(c) Paragraphs (a) and (b) of this subdivision shall apply to any adhesive-based animal trap, either in the original package or otherwise, whether intended for commercial or personal use, as well as otherwise, and to foreign, interstate, as well as intrastate, shipments or carriage, irrespective of whether such adhesive-based animal trap was purchased within or without the state.

(d) No manufacturer or distributor shall sell, offer for sale, or deliver to a retailer for subsequent sale an adhesive-based animal trap, nor shall any retailer or exterminator purchase, accept, obtain or otherwise acquire any such adhesive-based animal trap on or after the effective date of this section.

3. Beginning one year after the effective date of this section and thereafter:

(a) No person or entity, or any agent or employee thereof, shall sell or offer for sale, hold for sale or distribute to another person any adhesive-based animal trap as defined in subdivision one of this section, nor shall any person or entity, or any agent or employee thereof purchase, acquire, or possess any such adhesive-based animal trap for commercial or personal use.

(b) No person or entity, or any agent or employee thereof shall set, place, or otherwise use any such adhesive-based animal trap or permit another person to set, place or use any such adhesive-based animal trap to capture or destroy a rat, mouse or other animal.

(c) No person or entity, or any agent or employee thereof, shall set, place, or otherwise use insect traps in an outdoor environment, in which such devices are capable of capturing birds or other similarly-sized animals.

(d) Notwithstanding any contrary provision of this section:

(i) Nothing in this section shall restrict the sale, distribution, or use of insect traps, except as provided in paragraph (c) of this subdivision.

(ii) A retailer having in its possession any adhesive-based animal traps purchased or acquired by such retailer prior to the effective date of this section shall be authorized to sell such adhesive-based animal traps for one year after the effective date of this section; and

(iii) An exterminator having in its possession any adhesive-based animal traps purchased or acquired by such exterminator prior to the effective date of this section shall be authorized to set or place such adhesive-based animal traps for one year after the effective date of this section.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.