

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

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

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

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

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

18 (a) No adhesive-based animal traps shall be shipped into this state.
19 Such prohibition shall apply to all shipments of adhesive-based animal
20 traps into New York state and includes importation or distribution for
21 commercial purposes, for personal use, or otherwise, and irrespective of
22 whether such adhesive-based animal traps were purchased within or with-
23 out the state.

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

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

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

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

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

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

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

1 (d) Notwithstanding any contrary provision of this section:

2 (i) Nothing in this section shall restrict the sale, distribution, or
3 use of insect traps, except as provided in paragraph (c) of this subdi-
4 vision.

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

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

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