

STATE OF NEW YORK

6863

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

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

AN ACT to amend the general business law and the agriculture and markets law, in relation to the sale of dogs, cats, and rabbits by pet dealers; to amend chapter 681 of the laws of 2022 amending the agriculture and markets law and the general business law relating to the sale of dogs, cats and rabbits, in relation to the effectiveness thereof; and to repeal certain provisions of such laws relating thereto

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

1 Section 1. Section 753-f of the general business law is REPEALED.
2 § 2. Paragraph (d) of subdivision 3 and subdivision 8 of section 752
3 of the general business law are REPEALED.
4 § 3. The opening paragraph of subdivision 3 of section 752 of the
5 general business law, as amended by chapter 681 of the laws of 2022, is
6 amended to read as follows:
7 For purposes of section seven hundred fifty-three of this article, a
8 "pet dealer" shall mean any person who, in the ordinary course of busi-
9 ness, engages in the sale or offering for sale of more than nine animals
10 per year for profit to the public. Such definition shall include breed-
11 ers of animals who sell or offer for sale animals directly to a consumer
12 but it shall not include any [~~retail pet shop as defined in subdivision~~
13 ~~eight of this section,~~] municipal pound or shelter established and main-
14 tained pursuant to subdivision one of section one hundred fourteen of
15 the agriculture and markets law, or any duly incorporated society for
16 the prevention of cruelty to animals, duly incorporated humane society,
17 duly incorporated animal protective association or other duly incorpo-
18 rated animal adoption or animal rescue organization that is tax exempt
19 pursuant to paragraph (3) of subsection (c) of section 501 of the feder-
20 al Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding
21 sections of the federal Internal Revenue Code, as from time to time

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

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1 amended, that is registered with the department pursuant to section four
2 hundred eight of the agriculture and markets law. For purposes of
3 sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven
4 hundred fifty-three-c and seven hundred fifty-three-d of this article,
5 "pet dealer" shall mean any person who engages in the sale or offering
6 for sale of more than nine animals per year for profit to the public.
7 Such definition shall include breeders who sell animals; but it shall
8 not include the following:

9 § 4. The opening paragraph of subdivision 3 of section 752 of the
10 general business law, as separately amended by chapters 681 and 683 of
11 the laws of 2022, is amended to read as follows:

12 For purposes of section seven hundred fifty-three of this article, a
13 "pet dealer" shall mean any person who, in the ordinary course of busi-
14 ness, engages in the sale or offering for sale of more than nine animals
15 per year for profit to the public. Such definition shall include breed-
16 ers of animals who sell or offer for sale animals directly to a consumer
17 but it shall not include [~~any retail pet shop as defined in subdivision~~
18 ~~eight of this section,~~] any municipal pound or shelter established and
19 maintained pursuant to subdivision one of section one hundred fourteen
20 of the agriculture and markets law and duly licensed as an animal shel-
21 ter pursuant to article twenty-six-C of the agriculture and markets law,
22 or any duly incorporated society for the prevention of cruelty to
23 animals, duly incorporated humane society, duly incorporated animal
24 protective association or other duly incorporated animal adoption or
25 animal rescue organization that is tax exempt pursuant to paragraph (3)
26 of subsection (c) of section 501 of the federal Internal Revenue Code,
27 26 U.S.C. 501, or any subsequent corresponding sections of the federal
28 Internal Revenue Code, as from time to time amended, that duly licensed
29 as an animal shelter pursuant to article twenty-six-C of the agriculture
30 and markets law. For purposes of sections seven hundred fifty-three-a,
31 seven hundred fifty-three-b, seven hundred fifty-three-c and seven
32 hundred fifty-three-d of this article, "pet dealer" shall mean any
33 person who engages in the sale or offering for sale of more than nine
34 animals per year for profit to the public. Such definition shall include
35 breeders who sell animals; but it shall not include the following:

36 § 5. Subdivision 48 of section 16 of the agriculture and markets law,
37 as amended by chapter 681 of the laws of 2022, is amended to read as
38 follows:

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

49 § 6. Paragraph (d) of subdivision 4 of section 400 of the agriculture
50 and markets law, as added by chapter 681 of the laws of 2022, is
51 REPEALED.

52 § 7. Paragraph (g) of subdivision 4 of section 408 of the agriculture
53 and markets law is REPEALED.

54 § 8. Paragraphs (e) and (f) of subdivision 4 of section 408 of the
55 agriculture and markets law, as amended by chapter 681 of the laws of
56 2022, are amended 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]~~.

§ 9. Section 7 of chapter 681 of the laws of 2022 amending the agriculture and markets law and the general business law relating to the sale of dogs, cats and rabbits, as amended by chapter 35 of the laws of 2023, is amended to read as follows:

§ 7. This act shall take effect ~~[two years after it shall have become a law]~~ immediately.

§ 10. The agriculture and markets law is amended by adding a new section 409 to read as follows:

§ 409. Sale of dogs, cats, and rabbits by pet dealers located in this state or sold online. 1. No pet dealer or breeder conducting business in this state whether in person, or through an online platform including the internet, and operating under the authority granted pursuant to this article, or any other law duly enacted by the federal government, the state or a political subdivision thereof, and which is subject to the requirements imposed upon a pet dealer of such dogs, cats or rabbits by this chapter, or any other provision of federal, state or local law, or which is not subject to all or any part of any such laws because they operate using an online platform shall sell or offer for sale, any dog, cat or rabbit, unless they can demonstrate to the satisfaction of the department, that:

(a) the breeder from which such dog, cat or rabbit has been secured has adequately attended to the normally acceptable and recognized standards of care appertaining to the physical and behavioral welfare of the source animals, including nutrition, veterinary care, genetics, housing, handling, socialization, enrichment and exercise;

(b) such source animals and dogs, cats, and rabbits being offered for sale have, as needed, been regularly treated by a licensed veterinarian who is the sole purveyor and provider of any surgeries or physical alterations performed, provided that during the life of the source animal and the life of the dog, cat or rabbit, the breeder, and pet dealer both do attest to having complied with a comprehensive plan for preventative care and treatment where required, including genetic and health screening, regular dental care and proper grooming;

(c) such source animals and such dogs, cats and rabbits, have been subjected to an acceptable behavior wellness plan, both for preventative and treatment purposes and provided with regular exercise, socialization, and enrichment opportunities;

(d) such source animals and such dogs, cats, and rabbits have been adequately provided with safe, enriched, high-quality living spaces at safe and secure locations where they are bred and raised, including spaces with access to both indoor and outdoor locations, multiple flooring surfaces, and climate and temperature controlled and regulated facilities;

(e) such source animals currently or previously utilized by a breeder have been raised in an environment where established limits and expectations for a normal and healthy life during, and going beyond breeding spans, are conducted consistent with a plan demonstrating consistent concern for the humane treatment of all animals, including animals with

1 which they come into contact, including the expectation, and proof that
2 they will not be sold, given or subjected to a facility which will
3 utilize such source animal solely for research purposes or will be
4 raised in a lifestyle that is inconsistent with the expectations
5 provided for in this article; and

6 (f) breeders shall participate in and can offer proof they have previ-
7 ously participated in and successfully completed regularly scheduled and
8 required courses in continuing education on the care and welfare of
9 animals, including dogs, cats, and rabbits, as established and may be
10 required by law, and otherwise be compliant with any other acceptable
11 standards of care which can reasonably be expected of a breeder of dogs,
12 cats and rabbits which shall be offered for sale by a pet dealer.

13 2. The department and any local department empowered by local law to
14 enforce provisions of law, rule, or regulation adopted, and entrusted
15 with the jurisdictional directives pertaining to the operations of a pet
16 dealer or breeder doing business in the state or such political subdivi-
17 sion thereof, shall be charged with the duty of enforcing compliance
18 with the provisions of this section.

19 § 11. This act shall take effect immediately; provided, however,
20 section ten of this act shall take effect one year after this act shall
21 take effect; provided, further, however, that the amendments to the
22 general business law made by section four of this act shall take effect
23 on the same date and in the same manner as chapter 683 of the laws of
24 2022, takes effect; and provided, further, that the amendments to subdi-
25 vision 4 of section 408 of the agriculture and markets law made by
26 section eight of this act shall not affect the repeal of such section
27 and shall be deemed repealed therewith. Effective immediately, the addi-
28 tion, amendment and/or repeal of any rule or regulation necessary for
29 the implementation of this act on its effective date are authorized to
30 be made and completed on or before such effective date.