STATE OF NEW YORK

846

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to showcasing pets for adoption; and to amend a chapter 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 proposed in legislative bills numbers S. 1130 and A. 4283, in relation to the effectiveness thereof

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

Section 1. Section 753-f of the general business law, as added by a chapter 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 proposed in legislative bills numbers S. 1130 and A. 4283, is amended to read as follows:

§ 753-f. Sale of dogs, cats and rabbits prohibited. **1.** A retail pet shop as defined in this article shall not sell, lease, offer to lease, offer to sell, barter, auction, or otherwise transfer ownership of any dog, cat or rabbit. This section shall not be construed to prohibit a retail pet shop from collaborating with the following entities to provide space to showcase dogs, cats or rabbits owned by [~~these~~] **such** entities for the purpose of adoption; any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization that**:**

(a) is exempt from taxes pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended[~~, that~~]**;**

(b) is registered with the department pursuant to section four hundred eight of the agriculture and markets law [~~that~~]**;**

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

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(c) is not affiliated with, or housed on the premises of a breeder or broker that does not obtain dogs, cats or rabbits from a breeder or broker in exchange for payment or compensation[~~,~~]**;** and

(d) does not resell dogs, cats or rabbits obtained from a breeder or broker or provide payment or compensation to such breeder or broker.

2. This section shall not prohibit a retail pet shop from receiving a reasonable rental fee for space to showcase dogs, cats or rabbits for adoption at such retail pet shop.

§ 2. Section 7 of a chapter 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 proposed in legislative bills numbers S. 1130 and A. 4283, is amended to read as follows:

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

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter 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 proposed in legislative bills numbers S. 1130 and A. 4283, takes effect.