

STATE OF NEW YORK

4785

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to prohibiting the production, sale and use of adhesive-based rodent 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 rodent traps; prohibition. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Adhesive-based trap" shall mean any device that is designed or is capable of being used to capture a rodent by means of an adhesive substance, including devices commonly known as glue traps, glue boards, and any similar rodent 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) "Manufacturer" shall mean any person, firm, association, partnership, limited liability company, or corporation that produces, prepares, formulates, or compounds an adhesive-based trap as defined in this subdivision. In the case of an adhesive-based trap imported into the United States, "manufacturer" shall mean the importer or first 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.

(e) "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.

(f) "Retailer" shall mean any person or entity who offers adhesive-based traps for sale for use or consumption by persons in this state,

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

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1 including any such person or entity that sells adhesive-based traps
2 through catalogs, mail, the telephone, the internet, or any electronic
3 means.

4 (g) "Sell" or "sale" shall mean any transfer for consideration of
5 title or the right to use, from a manufacturer, distributor, or retailer
6 to a person, including, but not limited to, transactions conducted
7 through retail sales outlets, catalogs, mail, the telephone, the inter-
8 net, or any electronic means.

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

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

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

21 (c) Paragraphs (a) and (b) of this subdivision shall apply to any
22 adhesive-based trap, either in the original package or otherwise, wheth-
23 er intended for commercial or personal use, as well as otherwise, and to
24 foreign, interstate, as well as intrastate, shipments or carriage, irre-
25 spective of whether such adhesive-based trap was purchased within or
26 without the state.

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

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

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

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

44 (c) Notwithstanding any contrary provision of this section:

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

49 (ii) An exterminator having in its possession any adhesive-based traps
50 purchased or acquired by such exterminator prior to the effective date
51 of this section shall be authorized to set or place such adhesive-based
52 traps while providing rodent control services for one year after the
53 effective date of this section.

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