STATE OF NEW YORK

8653--C

2025-2026 Regular Sessions

IN ASSEMBLY

May 22, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, the agriculture and markets law, the state finance law, and the general municipal law, in relation to pet breeders; and to repeal certain provisions of the general business law relating thereto

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

Section 1. Subdivision 3 of section 752 of the general business law is REPEALED and a new subdivision 3 is added to read as follows:

3. "Pet breeder" shall mean any person who breeds animals and sells, or offers to sell, more than twenty-five animals per year, born and raised on such person's premises, directly to a consumer, provided that no pet breeder, as defined in this subdivision, shall sell or offer to sell any dog, cat or rabbit not born and raised on such breeder's premises.

§ 2. Subdivision 8 of section 752 of the general business law is REPEALED.

§ 3. Subdivisions 2 and 5 of section 752 of the general business law, subdivision 2 as added by chapter 431 of the laws of 1988, subdivision 5 as added by chapter 259 of the laws of 2000 and such section as renumbered by chapter 68 of the laws of 1993, are amended to read as follows:

2. "Consumer" means any individual purchasing an animal from a pet [~~dealer~~] **breeder**. A pet [~~dealer~~] **breeder** shall not be considered a consumer.

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

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5. "Person" means any individual, **firm,** corporation, partnership, association, municipality, or other legal entity.

§ 4. Subdivisions 1 and 2 of section 753-f of the general business law, subdivision 1 as amended and subdivision 2 as added by chapter 35 of the laws of 2023, are amended to read as follows:

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 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;~~

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

~~(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~~] **Except as provided in subdivision two of this section, the transfer of a dog, cat, or rabbit for profit, including, but not limited to, the sale, offer for sale, lease, offer for lease, arrangement, or negotiation of such animals, is hereby prohibited. No person, firm, corporation, partnership, or other legal entity shall transfer such animals in violation of this section.**

2. [~~This section~~] **The prohibition on the transfer of dogs, cats, and rabbits prescribed in subdivision one of 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~~] **apply to the following:**

(a) pet breeders, as defined in section seven hundred fifty-two of this article;

(b) any other person who breeds and sells, or offers to sell, dogs, cats, or rabbits, born and raised on such person's premises, directly to a consumer; or

(c) animal shelters, as defined in article twenty-six-C of the agriculture and markets law.

§ 5. Subdivisions 2, 3 and 4 of section 400 of the agriculture and markets law, subdivisions 2 and 3 as added by chapter 259 of the laws of 2000, subdivision 4 as amended by chapter 553 of the laws of 2022, paragraphs (b) and (c) of subdivision 4 as separately amended by chapters 681 and 683 of the laws of 2022, paragraph (d) as amended and paragraph (e) of subdivision 4 as relettered by chapter 496 of the laws of 2024, and paragraph (e) of subdivision 4 as added by chapter 681 of the laws of 2022, are amended to read as follows:

2. "Consumer" means any individual purchasing an animal from a pet [~~dealer~~] **breeder**. A pet [~~dealer~~] **breeder** shall not be considered a consumer.

3. "Person" means any individual, **firm,** corporation, partnership, association, municipality, or other legal entity.

4. "Pet [~~Dealer~~] **breeder**" means any person who [~~engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell or offer~~] **breeds animals and sells, or offers** to sell**, more than twenty-five** animals[~~; provided that it shall not include the following:~~

~~(a) Any breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises;~~

~~(b) Any municipal pound or shelter dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged, established and maintained pursuant to subdivision one of section one hundred fourteen of this chapter, and that is duly licensed as an animal shelter pursuant to article twenty-six-C of this chapter;~~

~~(c) 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 dedicated to the care of unwanted animals which makes such animals available for adoption whether or not a fee for such adoption is charged that 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 is duly licensed as an animal shelter pursuant to article twenty-six-C of this chapter; and~~

~~(d) Any public authority providing shelter services for the care of unwanted animals.~~

~~(e) Any retail pet shop as defined in subdivision eight of section seven hundred fifty-two of the general business law~~] **per year, born and raised on such person's premises, directly to a consumer. No pet breeder as defined in this subdivision shall sell or offer to sell any dog, cat or rabbit not born and raised on such breeder's premises, provided this shall not apply to an animal born to a dog, cat or rabbit, properly registered to such pet breeder, at an animal clinic, hospital, or medical facility**.

§ 6. The opening paragraph of section 401 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

Pet [~~dealers~~] **breeders** shall comply with the following minimum standards of care for every animal in their custody or possession.

§ 7. Paragraphs (g) and (h) of subdivision 1 of section 401 of the agriculture and markets law, as amended by chapter 149 of the laws of 2019, are amended to read as follows:

(g) In the event that a pet [~~dealer~~] **breeder** has a pregnant or nursing dog on [~~his or her~~] **such pet breeder's** premises, the pet [~~dealer~~] **breeder** shall provide a whelping box for such dog. Separate and apart from the whelping box, a pet [~~dealer~~] **breeder** shall provide a pregnant or nursing dog with a separate space accessible to her that complies with the standards set forth in paragraph (b) of this subdivision. Each nursing dog shall be provided with a sufficient amount of floor space to nurse and care for her litter.

(h) Pet [~~dealers~~] **breeders** shall designate and provide an isolation area for animals that exhibit symptoms of contagious disease or illness. The location of such designated area must be such as to prevent or

reduce the spread of disease to healthy animals and must otherwise meet all housing requirements of this section.

§ 8. Subdivision 5 of section 401 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, paragraph (a) as added and paragraphs (b), (d) and (e) as relettered by chapter 110 of the laws of 2012, subparagraphs (iv) and (v) of paragraph (a) as amended and subparagraph (vi) of paragraph (a) as added by chapter 149 of the laws of 2019, and paragraph (c) as amended by chapter 528 of the laws of 2014, is amended to read as follows:

5. Veterinary care. (a) Any pet [~~dealer~~] **breeder** duly licensed pursuant to this article shall designate an attending veterinarian, who shall provide veterinary care to the [~~dealer's~~] **breeder's** animals which shall include a written program of veterinary care and regular visits to the pet [~~dealer's~~] **breeder's** premises. Such program of veterinary care shall include:

(i) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this article;

(ii) The use of methods determined to be appropriate by the attending veterinarian to prevent, control, and respond to diseases and injuries, and the availability of emergency, weekend, and holiday care;

(iii) Daily observation of all animals to assess their health and well-being; provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian who has received the guidance identified in subparagraph (iv) of this paragraph; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(iv) Adequate guidance to personnel involved in the care and use of animals regarding handling and immobilization;

(v) Pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures; and

(vi) [~~In the case of dealers who sell or offer to sell twenty-five or more dogs or cats per year to the public for profit that are born and raised on the dealer's residential premises, annual~~] **Annual** veterinary examinations, at a minimum, for all intact adult dogs or cats on such [~~dealer's~~] **breeder's** premises.

(b) All animals shall be inoculated as required by state or local law. Veterinary care appropriate to the species shall be provided without undue delay when necessary. Each animal shall be observed each day by the pet [~~dealer~~] **breeder** or by a person working under the pet [~~dealer's~~] **breeder's** supervision.

(c) Within five business days of receipt, but prior to sale of any dog or cat, the pet [~~dealer~~] **breeder** shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from healthy animals.

(d) If an animal suffers from a congenital or hereditary condition, disease, or illness which, in the professional opinion of the pet [~~dealer's~~] **breeder's** veterinarian, requires euthanasia, the veterinarian shall humanely euthanize such animal without undue delay.

(e) In the event an animal is returned to a pet [~~dealer~~] **breeder** due to a congenital or hereditary condition, illness, or disease requiring veterinary care, the pet [~~dealer~~] **breeder** shall, without undue delay, provide the animal with proper veterinary care.

§ 9. Subdivision 7 of section 401 of the agriculture and markets law, as added by chapter 110 of the laws of 2012, is amended to read as follows:

7. Exercise requirements. Pet [~~dealers~~] **breeders** shall develop, maintain, document, and implement an appropriate plan to provide dogs with the opportunity for daily exercise. In developing such plan, consideration should be given to providing positive physical contact with humans that encourages exercise through play or other similar activities. Such plan shall be approved by the attending veterinarian, and must be made available to the department upon request.

§ 10. Section 402 of the agriculture and markets law, as added by chapter 259 of the laws of 2000 and subdivision 1 as amended by chapter 110 of the laws of 2012, is amended to read as follows:

§ 402. Records of purchase and sale. **1.** Each pet [~~dealer~~] **breeder** shall keep and maintain records for each animal [~~purchased, acquired,~~] held, sold, **offered for sale** or otherwise disposed of. The records shall include the following:

[~~1. The name and address of the person from whom each animal was acquired. If the person from whom the animal was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal dealer identification number. If the person from whom the animal was obtained is a dealer licensed by the department, the person's name, address, and state dealer identification number. In the case of cats, if a cat is placed in the custody or possession of the pet dealer and the source of origin is unknown, the pet dealer shall state the source of origin as unknown, accompanied by the date, time, and location of receipt. Notwithstanding the provisions of this subdivision, no pet dealer shall knowingly buy, sell, exhibit, transport, or offer for sale, exhibition, or transportation any stolen animal. No pet dealer shall knowingly sell any cat or dog younger than eight weeks of age.~~

~~2. The original source of each animal if different than the person recorded in subdivision one of this section.~~

~~3. The date each animal was acquired.~~

~~4.~~] **(a)** A description of each animal showing age, color, markings, sex, breed, and any inoculation, worming, or other veterinary treatment or medication information available. Records shall also include any other significant identification, if known, for each animal, including any official tag number, tattoo, or implant.

[~~5.~~] **(b)** The name and address of the person to whom any animal is sold, given, or bartered or to whom it is otherwise transferred or delivered. The records shall indicate the date and method of disposition.

[~~6.~~] **2.** Records for each animal shall be maintained for a period of two years from the date of sale or transfer, whichever occurs later. During normal business hours, the records shall be made available to persons authorized by law to enforce the provisions of this article.

3. No pet breeder shall knowingly buy, sell, exhibit, transport, or offer for sale, exhibition, or transportation any stolen animal. No pet breeder shall knowingly sell any cat or dog younger than eight weeks of age. This provision shall not be construed to prohibit a pet breeder from accepting a deposit from a consumer for future possession of a cat

or dog that is younger than eight weeks of age, provided the transfer of possession and ownership shall not occur for a cat or dog that is younger than eight weeks of age.

§ 11. The opening paragraph and subdivisions 2 and 4 of section 404 of the agriculture and markets law, the opening paragraph and subdivision 2 as added by chapter 259 of the laws of 2000 and subdivision 4 as amended by chapter 256 of the laws of 2013, are amended to read as follows:

The commissioner may decline to grant or renew or may suspend or revoke a pet [~~dealer~~] breeder license, on any one of the following grounds:

2. Material misstatement in or falsification of records required to be kept pursuant to this article, or under any regulation promulgated thereunder, or failure to allow the commissioner or [~~his or her~~] such commissioner's authorized agents to inspect records or pet [~~dealer~~] breeder facilities.

4. Before any license shall be suspended or revoked, the commissioner, or any hearing officer [~~he or she~~] such commissioner may designate, shall hold a hearing, upon due notice to the licensee, in accordance with any regulations promulgated by the department and in accordance with articles three and four of the state administrative procedure act. Where a licensee has three consecutive inspections in which the licensee has failed to correct deficiencies of a critical nature, pursuant to this section, the commissioner shall hold a hearing to consider the suspension or revocation of the pet [~~dealer~~] breeder license. Nothing in this section shall prohibit the commissioner from taking additional actions as otherwise permitted by this section regarding such licenses prior to the occurrence of three consecutive inspections in which the licensee has failed to correct deficiencies of a critical nature.

§ 12. Section 405 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

§ 405. Inspection of pet [~~dealers~~] breeders. 1. The commissioner or [~~his or her~~] such commissioner's authorized agents shall, at a minimum, make yearly inspections of pet [~~dealers'~~] breeders' facilities to ensure compliance with the provisions of this article and with the provisions of article thirty-five-D of the general business law[~~, except for those pet dealers who engage in the sale of less than twenty-five animals in a year, in which case inspections shall~~]. Additional inspections of pet breeders may be made whenever in the discretion of the commissioner or [~~his or her~~] such commissioner's authorized agents, a complaint warrants such investigation.

2. The commissioner may, pursuant to an agreement entered into with a county or city delegate the authority to conduct inspections of pet [~~dealers~~] breeders and to respond to complaints concerning pet [~~dealers~~] breeders to such county or city where the pet [~~dealer~~] breeder is located; provided however such delegation of inspection authority shall only be permitted where the commissioner has delegated [~~his or her~~] such commissioner's authority to issue licenses pursuant to section four hundred three of this article.

3. Any person conducting an inspection of a pet [~~dealer~~] breeder or responding to a complaint concerning a pet [~~dealer~~] breeder shall be specifically trained in the proper care of cats and dogs and in the investigation and identification of cruelty to animals.

§ 13. Subdivision 1 of section 406 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

1. In addition to the penalties provided for elsewhere in this section, a pet [~~dealer~~] **breeder** who violates any provisions of this article may be subject to denial, revocation, suspension, or refusal of renewal of [~~his or her~~] **such pet breeder's** license in accordance with the provisions of section four hundred four of this article.

§ 14. Section 407 of the agriculture and markets law, as amended by chapter 5 of the laws of 2014, is amended to read as follows:

§ 407. Construction with other laws. Nothing in this article shall be construed to (a) limit or restrict agents or officers of societies for the prevention of cruelty to animals or the police from enforcing other provisions of article twenty-six of this chapter or any other law relating to the humane treatment of, or cruelty to, animals, (b) limit or restrict any municipality from enacting or enforcing any authorized local law, rule, regulation or ordinance of general application to businesses governing public health, safety or the rights of consumers, or (c) limit or restrict any municipality from enacting or enforcing a local law, rule, regulation or ordinance governing pet [~~dealers~~] **breeders**, as such term is defined in this article, including a law, rule, regulation or ordinance governing the health or safety of animals [~~acquired or maintained by pet dealers, the source of animals~~] sold or offered for sale by pet [~~dealers~~] **breeders**, and the spay or neuter of such animals; provided, however, that any such local law, rule, regulation or ordinance shall be no less stringent than the applicable provisions of this article and may not result in essentially banning all sales of dogs or cats raised and maintained in [~~a healthy and safe manner~~] **accordance with this article**. Where any penalty may be authorized for the violation of such a local law, rule, regulation or ordinance, the authorized penalty in such local law, rule, regulation or ordinance may not exceed a civil penalty of up to five hundred dollars. Where a municipality adopts such a local law, rule, regulation or ordinance that is more stringent than the applicable provisions of this article, such municipality shall have sole responsibility for enforcement of such law, rule, regulation or ordinance that is more stringent than the applicable provisions of this article.

§ 15. Section 751 of the general business law, as added by chapter 431 of the laws of 1988 and as renumbered by chapter 68 of the laws of 1993, is amended to read as follows:

§ 751. Legislative intent. It is hereby determined and declared that supervision by the state of the sale of dogs or cats by pet [~~dealers~~] **breeders** is within the public interest and for the purpose of safeguarding the public and insuring the humane treatment of such animals by guaranteeing the good health of such dogs or cats in the course of such transactions, or providing other alternatives to the consumer.

§ 16. Subdivisions 1, 2, 2-a and 4 of section 753 of the general business law, subdivision 1 as amended by chapter 251 of the laws of 2013, subdivisions 2 and 4 as added by chapter 431 of the laws of 1988, subdivision 2-a as added by chapter 180 of the laws of 2002 and such section as renumbered by chapter 68 of the laws of 1993, are amended to read as follows:

1. If, within fourteen business days following the sale of an animal subject to this article or receipt of the written notice required by section seven hundred fifty-four of this article, whichever occurred last, a veterinarian of the consumer's choosing, licensed by a state certifies such animal to be unfit for purchase due to illness or the presence of symptoms of a contagious or infectious disease, or if, within one hundred eighty calendar days following such sale or receipt,

whichever occurred last, a licensed veterinarian certifies such animal to be unfit for purchase due to a congenital malformation which adversely affects the health of the animal, the pet [~~dealer~~] **breeder** shall afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price including sales tax and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase pursuant to this section;

(b) The right to return the animal and to receive an exchange animal of the consumer's choice of equivalent value and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase pursuant to this section; or

(c) The right to retain the animal and to receive reimbursement from a pet [~~dealer~~] **breeder** for veterinary services from a licensed veterinarian of the consumer's choosing, for the purpose of curing or attempting to cure the animal. The reasonable value of reimbursable services rendered to cure or attempting to cure the animal shall not exceed the purchase price of the animal. The value of such services is reasonable if comparable to the value of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian. Such reimbursement shall not include the costs of initial veterinary examination fees and diagnostic fees not directly related to the veterinarian's certification that the animal is unfit for purchase pursuant to this section.

The commissioner by regulations shall prescribe a form for, and the content of, the certification that an animal is unfit for purchase, which shall be provided by an examining veterinarian to a consumer upon the examination of an animal which is subject to the provisions of this section. Such form shall include, but not be limited to, information which identifies the type of animal, the owner, the date and diagnosis of the animal, the treatment recommended if any, and an estimate or the actual cost of such treatment. Such form shall also include the notice prescribed in section seven hundred fifty-four of this article.

The commissioner by regulations shall prescribe information which shall be provided in writing by the pet [~~dealer~~] **breeder** to the consumer upon the sale of the animal. Such information shall include, but not be limited to, a description, including breed of the animal, the date of purchase, the name, address and telephone number of the consumer, and the amount of the purchase. The pet [~~dealer~~] **breeder** shall certify such information by signing the document in which it is contained.

2. The refund and/or reimbursement required by subdivision one of this section shall be made by the pet [~~dealer~~] **breeder** not later than ten business days following receipt of a signed veterinary certification as herein required. Such certification shall be presented to the pet [~~dealer~~] **breeder** not later than three business days following receipt thereof by the consumer.

2-a. Every pet [~~dealer~~] **breeder** who sells an animal required to be vaccinated against rabies, pursuant to section twenty-one hundred forty-one of the public health law, to a consumer shall provide the consumer at point of sale with a written notice, provided by the department of health, summarizing rabies immunization requirements.

4. In the event that a pet [~~dealer~~] **breeder** wishes to contest a demand for refund, exchange or reimbursement made by a consumer pursuant to this section, such [~~dealer~~] **breeder** shall have the right to require the consumer to produce the animal for examination by a licensed veterinarian designated by such [~~dealer~~] **breeder**. Upon such examination, if the

consumer and the [~~dealer~~] **breeder** are unable to reach an agreement which constitutes one of the options set forth in subdivision one of this section within ten business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such refund, exchange and/or reimbursement.

§ 17. Section 753-a of the general business law, as amended by chapter 110 of the laws of 2012, subdivision 1 as amended by chapter 528 of the laws of 2014, is amended to read as follows:

§ 753-a. Veterinarian examination. 1. Within five business days of receipt, but prior to the sale of any dog or cat, the pet [~~dealer~~] **breeder** shall have a duly licensed veterinarian conduct an examination and tests appropriate to the breed and age to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from healthy animals in accordance with section four hundred one of the agriculture and markets law.

2. All animals shall be vaccinated as required by state or local law. Veterinary care appropriate to the species shall be provided without undue delay when necessary. Each animal shall be observed each day by the pet [~~dealer~~] **breeder** or by a person working under the pet [~~dealer's~~] **breeder's** supervision.

3. No pet [~~dealer~~] **breeder** shall knowingly sell any animal that has a diagnosed congenital condition or contagious disease that adversely affects the health of the animal without first informing the consumer, in writing, of such condition.

§ 18. Section 753-b of the general business law, as amended by chapter 251 of the laws of 2013, is amended to read as follows:

§ 753-b. Information statement for purchaser. Every pet [~~dealer~~] **breeder** shall deliver to the purchaser of an animal, at the time of sale, a written statement in a standardized form prescribed by the commissioner of agriculture and markets containing the following information:

1. For cats:

(a) The breeder's [~~and, if applicable, broker's~~] name and address[~~, if known, or, if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number~~];

(b) The date of the cat's birth[~~, unless unknown because of the source of the cat, the date the pet dealer received the cat, and the location where the cat was received~~];

(c) A record of immunizations and worming treatments administered, if any, to the cat as of the time of sale while the cat was in the possession of the pet [~~dealer~~] **breeder**, including the dates of administration and the type of vaccines or worming treatments administered;

(d) A record of any known disease, sickness, or congenital condition that adversely affects the health of the cat at the time of sale;

(e) A record of any veterinary treatment or medication received by the cat while in the possession of the pet [~~dealer~~] **breeder** and either of the following:

(i) A statement, signed by the pet [~~dealer~~] **breeder** at the time of sale, indicating all of the following: (1) The cat has no known disease

or illness; (2) The cat has no known congenital or hereditary condition that adversely affects the health of the cat at the time of sale; or

(ii) A record of any known congenital or hereditary condition, disease, or illness that adversely affects the health of the cat at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the cat, recommends necessary treatment, if any, and verifies that the condition, disease or illness does not require hospitalization or non-elective surgical procedures, and is not likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the cat clinically ill or is likely to make the cat clinically ill. The statement shall be valid for fourteen business days following examination of the cat by the veterinarian.

2. For dogs:

(a) The breeder's [~~and, if applicable, broker's~~] name and address[~~, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number~~];

(b) The date of the dog's birth [~~and the date and location the pet dealer received the dog. If the dog is not advertised or sold as a pure-bred, registered or registrable, the date of birth may be approximated if not known by the seller~~];

(c) The breed, sex, color and identifying marks at the time of sale. [~~If the dog is from a United States department of agriculture licensed source, the individual identifying tag, tattoo, or collar number for that animal.~~] If the breed is unknown or mixed, the record shall so indicate. If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

(d) A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale while the dog was in the possession of the pet [~~dealer~~] breeder, including dates of administration and the type of vaccines and/or worming treatments administered;

(e) A record of any veterinary treatment or medication received by the dog while in the possession of the pet [~~dealer~~] breeder and either of the following:

(i) A statement, signed by the pet [~~dealer~~] breeder at the time of sale, indicating all of the following: (1) The dog has no known disease or illness; (2) The dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale; or

(ii) A record of any known congenital or hereditary condition, disease or illness that adversely affects the health of the dog at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the condition, disease, or illness does not require hospitalization or non-elective surgical procedures, and is not likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The statement shall be valid for fourteen business days following examination of the dog by the veterinarian.

(f) Notification that dogs residing in New York state must be licensed, and that a license may be obtained from the municipality in which the dog resides.

3. A disclosure made pursuant to subdivision one or two of this section shall be signed by both the pet [~~dealer~~] **breeder** certifying the accuracy of the statement and the purchaser acknowledging receipt of the statement. At the time of sale, each pet [~~dealer~~] **breeder** shall provide the purchaser with information on the value of spaying and neutering of dogs and cats.

4. Every pet [~~dealer~~] **breeder** shall post conspicuously within close proximity to the cages of dogs and cats offered for sale, a notice containing the following language in one hundred-point type: "Information [~~on the source of these dogs and cats and~~] **regarding** the veterinary treatments received by these dogs and cats is available for review by prospective purchasers."

§ 19. Section 753-c of the general business law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

§ 753-c. Animal pedigree registration. 1. Representation regarding animal's pedigree registration. Any pet [~~dealer~~] **breeder** who states, promises, or represents that an animal is registered or capable of registration with an animal pedigree registry organization shall provide the purchaser with the appropriate documents necessary for such registration within one hundred twenty days following sale of the animal. If the purchaser notifies the pet [~~dealer~~] **breeder** in writing on or before such time that [~~he or she~~] **the purchaser** has not received the appropriate registration documents, the pet [~~dealer~~] **breeder** shall have, in addition to the one hundred twenty days, sixty more days in which to provide the appropriate documents.

2. If a pet [~~dealer~~] **breeder** fails to provide documents as required under subdivision one of this section, the purchaser, upon written notice to the pet [~~dealer~~] **breeder**, may keep the animal and receive a partial refund of seventy-five percent of the purchase price, in which event the pet [~~dealer~~] **breeder** shall not be required to provide registration documents. Acceptance by the purchaser of appropriate registration documents, whether or not within the time periods set forth in subdivision one of this section, shall be deemed a waiver of the right to a partial refund pursuant to this subdivision.

3. Registration notice-disclosure statement. (a) A pet [~~dealer~~] **breeder** that sells animals registered or registrable with a pedigree registry shall post conspicuously within close proximity to those animals a notice that states: "Pedigree registration means that the particular registry maintains information on the parentage and identity of the animal".

(b) For every animal sold by a pet [~~dealer~~] **breeder** that is sold with the representation that the animal is registered or registrable with an animal pedigree registry organization, the following fully completed disclosure shall be made by the pet [~~dealer~~] **breeder** in writing on a sheet separate from any other statement in substantially the following form: "Disclosure of Animal pedigree registration: Description of animal: The animal you are purchasing is registered/registrable (circle one) with the (enter name of registry). Registration means that (enter name of registry) maintains information regarding the parentage and identity of this animal. Persons buying animals represented by a pet [~~dealer~~] **breeder** as being registrable are entitled to the papers necessary to effect such registration within 120 days of purchase. Failure to provide such papers entitles the purchaser to remedies under law. Howev-

er, if the purchaser notifies the pet [~~dealer~~] **breeder** within the 120 day period that [~~he or she~~] **the purchaser** has not received such papers, the pet [~~dealer~~] **breeder** shall have an additional 60 days commencing at the end of the 120 day period in which to provide the documents. Acknowledged: Date: Purchaser's Signature."

(c) The disclosure shall be signed and dated by the purchaser of the animal, acknowledging receipt of a copy of the statement. The pet [~~dealer~~] **breeder** shall retain a copy of the signed disclosure.

§ 20. Section 753-d of the general business law, as amended by chapter 5 of the laws of 2014, is amended to read as follows:

§ 753-d. Construction with other laws. Nothing in this article shall be construed to (a) limit or restrict agents or officers of societies for the prevention of cruelty to animals or the police from enforcing articles twenty-six and twenty-six-A of the agriculture and markets law or any other law relating to the humane treatment of, or cruelty to, animals, (b) limit or restrict any municipality from enacting or enforcing any authorized local law, rule, regulation or ordinance of general application to businesses governing public health, safety or the rights of consumers, or (c) limit or restrict any municipality from enacting or enforcing a local law, rule, regulation or ordinance governing pet [~~dealers~~] **breeders**, as such term is defined in this article, including a law, rule, regulation or ordinance governing the health or safety of animals [~~acquired or maintained by pet dealers, the source of animals~~] sold or offered for sale by pet [~~dealers~~] **breeders**, and the spay or neuter of such animals; provided, however, that any such local law, rule, regulation or ordinance shall be no less stringent than the applicable provisions of this article and may not result in essentially banning all sales of dogs or cats raised and maintained in a healthy and safe manner. Where any penalty may be authorized for the violation of such a local law, rule, regulation or ordinance, the authorized penalty in such local law, rule, regulation or ordinance may not exceed a civil penalty of up to five hundred dollars. Where a municipality adopts such a local law, rule, regulation or ordinance that is more stringent than the applicable provisions of this article, such municipality shall have sole responsibility for enforcement of such law, rule, regulation or ordinance that is more stringent than the applicable provisions of this article.

§ 21. Section 754 of the general business law, as amended by chapter 68 of the laws of 1993, is amended to read as follows:

§ 754. Notice. Every pet [~~dealer~~] **breeder** who sells an animal to a consumer shall post a notice clearly visible to the consumer and provide the consumer at the time of sale with a written notice, printed or typed, setting forth the rights provided under this article. Such notices shall be prescribed by the commissioner, but the written notice may be contained in a written contract, an animal history certificate or separate document, provided such notices are in ten-point boldface type. No pet [~~dealer~~] **breeder** shall restrict or diminish by contract or otherwise, the rights provided under this article.

§ 22. Subdivision 1-a of section 755 of the general business law, as amended by chapter 272 of the laws of 2018, is amended to read as follows:

1-a. Any person who violates any provision of section seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c, [~~or~~] seven hundred fifty-three-e**, or seven hundred fifty-three-f** of this article may also be subject to denial, suspension, revocation of, or refusal to renew a pet [~~dealer~~] **breeder** license, in accordance with the

provisions of sections four hundred three and four hundred four of the agriculture and markets law.

§ 23. The section heading and subdivisions 1 and 3 of section 97-rr of the state finance law, as added by chapter 259 of the laws of 2000, are amended to read as follows:

Pet [~~dealer~~] **breeder** licensing fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance, a fund to be known as the "pet [~~dealer~~] **breeder** licensing fund".

3. Monies of the fund shall be expended solely for the purposes of carrying out the provisions of article thirty-five-D of the general business law and article twenty-six-A of the agriculture and markets law. Monies shall be paid out of the fund on the audit and warrant of the state comptroller on vouchers approved by the commissioner of agriculture and markets. Any interest received by the comptroller on monies on deposit in the pet [~~dealer~~] **breeder** licensing fund shall be retained in and become part of such fund.

§ 24. The article heading of article 26-A of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

CARE OF ANIMALS BY PET [~~DEALERS~~] **BREEDERS**

§ 25. Section 403 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, subdivision 3 as amended by chapter 683 of the laws of 2022, is amended to read as follows:

§ 403. Licenses. 1. No person shall operate as a pet [~~dealer~~] **breeder** unless such person holds a license issued therefor by the commissioner. Notwithstanding the foregoing, a pet [~~dealer~~] **breeder**, in operation on or before the effective date of this section, who has filed an application for an initial license under this article shall be authorized to operate without such license until the commissioner grants or, after notice and opportunity to be heard, declines to grant such license. Each application for a license shall be made on a form supplied by the department and shall contain such information as may be required by the department. Renewal applications shall be submitted to the commissioner at least thirty days prior to the commencement of the next license year.

2. The commissioner may delegate [~~his or her~~] **such commissioner's** authority pursuant to this section to issue pet [~~dealer~~] **breeder** licenses to the county or city where the pet [~~dealer~~] **breeder** seeking licensure is located. Such delegation shall be pursuant to an agreement entered into by the commissioner and such city or county.

3. Each application for a license shall be accompanied by a nonrefundable fee of one hundred fifty dollars.

4. The moneys received by the commissioner pursuant to this section shall be deposited in the "pet [~~dealer~~] **breeder** licensing fund" established pursuant to section ninety-seven-rr of the state finance law.

5. Where the authority to issue pet [~~dealer~~] **breeder** licenses is delegated to the county or city pursuant to subdivision two of this section, that county or city shall, on or before the fifth day of each month, remit to the appropriate municipal financial officer one hundred percent of all license fees collected during the preceding month. The remittance shall be accompanied by a report of license sales made during such month. A copy of such report shall simultaneously be sent to the commissioner. All license fees so remitted shall be the property of the municipality, and shall be used solely for the purpose of carrying out and enforcing the provisions of this article and of article thirty-five-D of the general business law.

6. Inspection in accordance with section four hundred five of this article, the results of which establish compliance with the provisions of this article and with the provisions of article thirty-five-D of the general business law regarding recordkeeping and consumer disclosure requirements for pet [~~dealers~~] **breeders**, shall precede issuance of a license or renewal thereof under this section.

7. Upon validation by the commissioner or the county or city authorized under this section to issue pet [~~dealer~~] **breeder** licenses, the application shall become the license of the pet [~~dealer~~] **breeder**.

8. The commissioner shall provide a copy of the license to the pet [~~dealer~~] **breeder**. The commissioner shall also retain a copy of the license. In those counties where the commissioner has delegated the licensing authority to the county or city that county or city shall, provide a copy of the license to the pet [~~dealer~~] **breeder** and a copy to the commissioner. The county or city shall also retain a copy of the license in its own records.

9. No pet [~~dealer~~] **breeder** shall publish or advertise the sale or availability of any dog or cat unless the publication or advertisement is accompanied by the pet [~~dealer's~~] **breeder's** license number. Notwithstanding the foregoing, a pet [~~dealer~~] **breeder**, in operation on or before the effective date of this section, who has filed an application for an initial license under this article may publish or advertise the sale or availability of any dog or cat without the publication or advertisement being accompanied by the pet [~~dealer's~~] **breeder's** license number until the commissioner grants or, after notice and opportunity to be heard, declines to grant such license.

10. Such license shall be renewable annually, together with the payment of a nonrefundable fee of one hundred **fifty** dollars[~~, or upon payment of a nonrefundable fee of twenty-five dollars for those pet dealers who engage in the sale of less than twenty-five animals in a year~~].

11. Pet [~~dealers~~] **breeders** shall conspicuously display their license on the premises where the animals are kept for sale so that they may be readily seen by potential consumers.

§ 26. Subdivision 6 of section 420 of the agriculture and markets law, as added by chapter 683 of the laws of 2022, is amended to read as follows:

6. "Animal shelter" shall mean a public or not-for-profit entity owning, operating, or otherwise maintaining a building, structure, or facility where temporary or permanent housing and care is provided to stray, abandoned, abused, seized, impounded, owner-surrendered or otherwise unwanted animals regardless of whether or not such facility also serves as a personal residence. This includes but is not limited to: facilities owned, operated, or maintained by a duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society dog or cat protective association, or pound; any person in the employ of, or organization operated by or under contract to a municipality to provide care for seized or impounded animals; or any other not-for-profit organization involved in the protection, care, or rehoming of animals. Unless otherwise provided in this article, the term "animal shelter" shall not include the personal residence of any foster care provider as defined in this section; a facility commonly known as a boarding kennel, where the ownership of the animal is not transferred; any entity licensed as a pet [~~dealer~~] **breeder** pursuant to article twenty-six-A of this chapter; any duly incorporated animal hospital owned, operated or supervised by a duly licensed veterinarian; or any facility

where the owner or operator is licensed by the New York state department of environmental conservation as a nuisance wildlife control agent or wildlife rehabilitator.

§ 27. Subdivision 4 of section 209-cc of the general municipal law, as separately amended by chapters 289 and 538 of the laws of 2005, is amended to read as follows:

4. Except for pet [~~dealers~~] **breeders** as defined in section seven hundred [~~fifty-two-a~~] **fifty-two** of the general business law and zoological facilities and other exhibitors licensed pursuant to title 7 U.S.C. sections 2133 and 2134, and in the case of dangerous dogs except for licensed veterinarians in temporary possession of such dogs, every person owning, possessing, or harboring a wild animal or a dangerous dog within this state shall report the presence thereof to the clerk of the city, town, or village in which such wild animal or dangerous dog is owned, possessed, or harbored. Such report shall be filed annually on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. A separate report shall be filed for each street address at which any such wild animal or dangerous dog may be found.

§ 28. Subdivisions 1, 2, 4 and 7 of section 421 of the agriculture and markets law, as added by chapter 683 of the laws of 2022, are amended to read as follows:

1. Any person [~~eligible for exemption from the definition of pet dealer pursuant to paragraphs (b) and (c) of subdivision four of section four hundred of this chapter~~] **operating an animal shelter** shall be licensed by the department pursuant to the provisions of this section. Notwithstanding the foregoing, any person, operating an animal shelter on or before the effective date of this section, who has filed an application for an initial license under this article is hereby authorized to operate without such license until the commissioner grants or, after notice of an opportunity to be heard, declines to grant such license. Each application for license shall be made on a form supplied by the department and shall contain such information as required by the commissioner. Renewal applications shall be submitted to the commissioner at least thirty days prior to the commencement of the next license year.

2. Application for licensure as set forth in this section shall be made annually to the commissioner on a form prescribed by the commissioner. Such form shall include but not be limited to the following information[~~, provided however that paragraphs (a), (b) and (c) of this subdivision shall not apply to municipal pounds or shelters as defined in paragraph (b) of subdivision four of section four hundred of this chapter~~]:

(a) Proof of the applicant's tax exempt designation 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;

(b) Proof of the applicant's incorporation as a not-for-profit organization in this state pursuant to the not-for-profit corporation law, provided further that such organization is in good standing with the attorney general and the department of state;

(c) Proof of the applicant's registration with the attorney general pursuant to article seven-A of the executive law;

(d) If the applicant is a municipal pound or shelter as defined in paragraph (b) of subdivision four of section four hundred of this chapter, a copy of the applicant's employer identification number;

(e) The name of the applicant and the name or names under which the applicant offers its services to the public, any name under which the applicant has offered such services to the public during the past five years, and whether the applicant has ever held a pet [~~dealer~~] **breeder** license issued pursuant to article twenty-six-A of this chapter;

(f) The address and telephone number of the applicant and for any other premises owned or leased by such applicant's organization to carry out the purposes for which it was incorporated [~~and by which it is eligible for a licensing exemption pursuant to paragraphs (b) and (c) of subdivision four of section four hundred of this chapter~~];

(g) The website and email address of the applicant;

(h) The number of animals taken in, adopted, placed into permanent or temporary homes, or otherwise transferred into, out of, or within the state by the applicant during the prior calendar year;

(i) The number of animals currently harbored by the applicant;

(j) The species of animal the applicant typically harbors for adoption, placement or transfer;

(k) A description of facilities by which the applicant carries out the purposes for which it was incorporated, including a statement regarding whether the applicant harbors the animals in its care in its own physical animal shelter or utilizes foster care provider homes, commercial boarding kennels or other arrangements;

(l) [~~A sworn statement, signed by the applicant, declaring an exemption from the definition of pet dealer pursuant to section four hundred of this chapter;~~

~~(m)~~] Current training protocol and procedural practices as prescribed pursuant to sections four hundred twenty-two and four hundred twenty-three of this article; and

[~~(n)~~] **(m)** Other information as deemed necessary to satisfy the commissioner of the applicant's character and responsibility.

4. Upon validation by the commissioner, the application shall become the license of the animal shelter [~~and an exemption from the definition of pet dealer as defined in section four hundred of this chapter shall be granted~~]. The commissioner shall retain a copy of such license and provide a copy of the license to the animal shelter. Animal shelters licensed pursuant to this section shall conspicuously display their license on the premises where its animals are harbored. [~~The commissioner shall also provide the licensee with a pet dealer exemption identification number. The licensee's pet dealer exemption identification number shall be prominently displayed on the licensee's websites and any publications or advertisements made available to the public.~~]

7. The commissioner may decline to grant or renew, or may suspend or revoke an animal shelter license, on any one or more of the following grounds, provided that before any of the aforementioned actions are taken pursuant to this section, the commissioner shall hold a hearing, upon due notice to the licensee in accordance with any regulations promulgated by the department and in accordance with articles three and four of the state administrative procedure act, and provided further that any action of the commissioner is subject to judicial review in a proceeding under article seventy-eight of the civil practice law and rules:

(a) material misstatement in the license application;

(b) material misstatement in or falsification of records required to be kept pursuant to this article, or under any regulation promulgated thereunder, or failure to allow the commissioner to inspect records of animal shelter facilities;

(c) violation of any provision of this article or conviction of a violation of any provision of article twenty-six of this chapter or regulations promulgated thereunder pertaining to humane treatment of animals, cruelty to animals, endangering the life or health of an animal, or violation of any federal, state, or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule relating to the endangerment of the life or health of an animal;

(d) failure to comply with any of the provisions of this article [~~or the licensing exemption requirements of section four hundred of this chapter~~]; 1 NYCRR Part 65 regarding the importation of dogs and cats; section twenty-one hundred forty-one of the public health law or any rule or regulation promulgated thereunder; or any rule or regulation promulgated by the commissioner following the effective date of this article to effectuate the purposes of this article;

(e) failure to renew a license within the period prescribed in subdivision one of this section; or

(f) the applicant or registrant was previously licensed as a pet [~~dealer~~] **breeder** pursuant to article twenty-six-A of this chapter.

§ 29. This act shall take effect immediately.