

# STATE OF NEW YORK

8252--C

2025-2026 Regular Sessions

## IN SENATE

May 27, 2025

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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:

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2 REPEALED and a new subdivision 3 is added to read as follows:

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

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10 REPEALED.

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

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

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

LBD13058-13-6

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

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

6 1. ~~[A retail pet shop as defined in this article shall not sell,  
7 lease, offer to lease, offer to sell, barter, auction, or otherwise  
8 transfer ownership of any dog, cat or rabbit. This section shall not be  
9 construed to prohibit a retail pet shop from collaborating with the  
10 following entities to provide space to showcase dogs, cats or rabbits  
11 owned by such entities for the purpose of adoption; any duly incorpo-  
12 rated society for the prevention of cruelty to animals, duly incorpo-  
13 rated humane society, duly incorporated animal protective association or  
14 other duly incorporated animal adoption or animal rescue organization  
15 that:~~

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

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

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

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

27 Except as provided in subdivision two of this section, the transfer of a  
28 dog, cat, or rabbit for profit, including, but not limited to, the sale,  
29 offer for sale, lease, offer for lease, arrangement, or negotiation of  
30 such animals, is hereby prohibited. No person, firm, corporation, part-  
31 nership, or other legal entity shall transfer such animals in violation  
32 of this section.

33 2. ~~[This section] The prohibition on the transfer of dogs, cats, and~~  
34 ~~rabbits prescribed in subdivision one of this section shall not [prohib-~~  
35 ~~it a retail pet shop from receiving a reasonable rental fee for space to~~  
36 ~~showcase dogs, cats or rabbits for adoption at such retail pet shop]~~  
37 apply to the following:

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

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

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

45 § 5. Subdivisions 2, 3 and 4 of section 400 of the agriculture and  
46 markets law, subdivisions 2 and 3 as added by chapter 259 of the laws of  
47 2000, subdivision 4 as amended by chapter 553 of the laws of 2022, para-  
48 graphs (b) and (c) of subdivision 4 as separately amended by chapters  
49 681 and 683 of the laws of 2022, paragraph (d) as amended and paragraph  
50 (e) of subdivision 4 as relettered by chapter 496 of the laws of 2024,  
51 and paragraph (e) of subdivision 4 as added by chapter 681 of the laws  
52 of 2022, are amended to read as follows:

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

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

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

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

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

17 ~~(c) Any duly incorporated society for the prevention of cruelty to~~  
18 ~~animals, duly incorporated humane society, duly incorporated animal~~  
19 ~~protective association or other duly incorporated animal adoption or~~  
20 ~~animal rescue organization dedicated to the care of unwanted animals~~  
21 ~~which makes such animals available for adoption whether or not a fee for~~  
22 ~~such adoption is charged that is exempt from taxes pursuant to paragraph~~  
23 ~~(3) of subsection (c) of section 501 of the federal Internal Revenue~~  
24 ~~Code, 26 U.S.C. 501, or any subsequent corresponding sections of the~~  
25 ~~federal Internal Revenue Code, as from time to time amended, that is~~  
26 ~~duly licensed as an animal shelter pursuant to article twenty-six C of~~  
27 ~~this chapter; and~~

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

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

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

41 Pet [~~dealers~~ breeders shall comply with the following minimum stand-  
42 ards of care for every animal in their custody or possession.

43 § 7. Paragraphs (g) and (h) of subdivision 1 of section 401 of the  
44 agriculture and markets law, as amended by chapter 149 of the laws of  
45 2019, are amended to read as follows:

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

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

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

3 § 8. Subdivision 5 of section 401 of the agriculture and markets law,  
4 as added by chapter 259 of the laws of 2000, paragraph (a) as added and  
5 paragraphs (b), (d) and (e) as relettered by chapter 110 of the laws of  
6 2012, subparagraphs (iv) and (v) of paragraph (a) as amended and subpar-  
7 agraph (vi) of paragraph (a) as added by chapter 149 of the laws of  
8 2019, and paragraph (c) as amended by chapter 528 of the laws of 2014,  
9 is amended to read as follows:

10 5. Veterinary care. (a) Any pet [~~dealer~~ breeder] duly licensed pursu-  
11 ant to this article shall designate an attending veterinarian, who shall  
12 provide veterinary care to the [~~dealer's~~ breeder's] animals which shall  
13 include a written program of veterinary care and regular visits to the  
14 pet [~~dealer's~~ breeder's] premises. Such program of veterinary care shall  
15 include:

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

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

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

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

31 (v) Pre-procedural and post-procedural care in accordance with estab-  
32 lished veterinary medical and nursing procedures; and

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

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

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

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

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

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

8 7. Exercise requirements. Pet [~~dealers~~] breeders shall develop, main-  
9 tain, document, and implement an appropriate plan to provide dogs with  
10 the opportunity for daily exercise. In developing such plan, consider-  
11 ation should be given to providing positive physical contact with humans  
12 that encourages exercise through play or other similar activities. Such  
13 plan shall be approved by the attending veterinarian, and must be made  
14 available to the department upon request.

15 § 10. Section 402 of the agriculture and markets law, as added by  
16 chapter 259 of the laws of 2000 and subdivision 1 as amended by chapter  
17 110 of the laws of 2012, is amended to read as follows:

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

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

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

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

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

44 [~~5.~~] (b) The name and address of the person to whom any animal is  
45 sold, given, or bartered or to whom it is otherwise transferred or  
46 delivered. The records shall indicate the date and method of disposi-  
47 tion.

48 [~~6.~~] 2. Records for each animal shall be maintained for a period of  
49 two years from the date of sale or transfer, whichever occurs later.  
50 During normal business hours, the records shall be made available to  
51 persons authorized by law to enforce the provisions of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 § 407. Construction with other laws. Nothing in this article shall be  
9 construed to (a) limit or restrict agents or officers of societies for  
10 the prevention of cruelty to animals or the police from enforcing other  
11 provisions of article twenty-six of this chapter or any other law relat-  
12 ing to the humane treatment of, or cruelty to, animals, (b) limit or  
13 restrict any municipality from enacting or enforcing any authorized  
14 local law, rule, regulation or ordinance of general application to busi-  
15 nesses governing public health, safety or the rights of consumers, or  
16 (c) limit or restrict any municipality from enacting or enforcing a  
17 local law, rule, regulation or ordinance governing pet [~~dealers~~] breed-  
18 ers, as such term is defined in this article, including a law, rule,  
19 regulation or ordinance governing the health or safety of animals  
20 [~~acquired or maintained by pet dealers, the source of animals~~] sold or  
21 offered for sale by pet [~~dealers~~] breeders, and the spay or neuter of  
22 such animals; provided, however, that any such local law, rule, regu-  
23 lation or ordinance shall be no less stringent than the applicable  
24 provisions of this article and may not result in essentially banning all  
25 sales of dogs or cats raised and maintained in [~~a healthy and safe~~  
26 manner] accordance with this article. Where any penalty may be author-  
27 ized for the violation of such a local law, rule, regulation or ordi-  
28 nance, the authorized penalty in such local law, rule, regulation or  
29 ordinance may not exceed a civil penalty of up to five hundred dollars.  
30 Where a municipality adopts such a local law, rule, regulation or ordi-  
31 nance that is more stringent than the applicable provisions of this  
32 article, such municipality shall have sole responsibility for enforce-  
33 ment of such law, rule, regulation or ordinance that is more stringent  
34 than the applicable provisions of this article.

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

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

44 § 16. Subdivisions 1, 2, 2-a and 4 of section 753 of the general busi-  
45 ness law, subdivision 1 as amended by chapter 251 of the laws of 2013,  
46 subdivisions 2 and 4 as added by chapter 431 of the laws of 1988, subdi-  
47 vision 2-a as added by chapter 180 of the laws of 2002 and such section  
48 as renumbered by chapter 68 of the laws of 1993, are amended to read as  
49 follows:

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

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

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

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

13 (c) The right to retain the animal and to receive reimbursement from a  
14 pet [~~dealer~~] breeder for veterinary services from a licensed veterinari-  
15 an of the consumer's choosing, for the purpose of curing or attempting  
16 to cure the animal. The reasonable value of reimbursable services  
17 rendered to cure or attempting to cure the animal shall not exceed the  
18 purchase price of the animal. The value of such services is reasonable  
19 if comparable to the value of similar services rendered by other  
20 licensed veterinarians in proximity to the treating veterinarian. Such  
21 reimbursement shall not include the costs of initial veterinary examina-  
22 tion fees and diagnostic fees not directly related to the veterinarian's  
23 certification that the animal is unfit for purchase pursuant to this  
24 section.

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

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

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

47 2-a. Every pet [~~dealer~~] breeder who sells an animal required to be  
48 vaccinated against rabies, pursuant to section twenty-one hundred  
49 forty-one of the public health law, to a consumer shall provide the  
50 consumer at point of sale with a written notice, provided by the depart-  
51 ment of health, summarizing rabies immunization requirements.

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

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

7 § 17. Section 753-a of the general business law, as amended by chapter  
8 110 of the laws of 2012, subdivision 1 as amended by chapter 528 of the  
9 laws of 2014, is amended to read as follows:

10 § 753-a. Veterinarian examination. 1. Within five business days of  
11 receipt, but prior to the sale of any dog or cat, the pet [~~dealer~~]  
12 breeder shall have a duly licensed veterinarian conduct an examination  
13 and tests appropriate to the breed and age to determine if the animal  
14 has any medical conditions apparent at the time of the examination that  
15 adversely affect the health of the animal. For animals eighteen months  
16 of age or older, such examination shall include a diagnosis of any  
17 congenital conditions that adversely affect the health of the animal.  
18 Any animal diagnosed with a contagious disease shall be treated and  
19 caged separately from healthy animals in accordance with section four  
20 hundred one of the agriculture and markets law.

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

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

30 § 18. Section 753-b of the general business law, as amended by chapter  
31 251 of the laws of 2013, is amended to read as follows:

32 § 753-b. Information statement for purchaser. Every pet [~~dealer~~]  
33 breeder shall deliver to the purchaser of an animal, at the time of  
34 sale, a written statement in a standardized form prescribed by the  
35 commissioner of agriculture and markets containing the following infor-  
36 mation:

37 1. For cats:

38 (a) The breeder's [~~and, if applicable, broker's~~] name and address[~~, if~~  
39 ~~known, or, if not known, the source of the cat. If the person from whom~~  
40 ~~the cat was obtained is a dealer licensed by the United States depart-~~  
41 ~~ment of agriculture, the person's name, address, and federal identifica-~~  
42 ~~tion number~~];

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

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

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

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

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

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

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

15 2. For dogs:

16 (a) The breeder's [~~and, if applicable, broker's~~] name and address[~~, if~~  
17 ~~known, or if not known, the source of the dog. If the person from whom~~  
18 ~~the dog was obtained is a dealer licensed by the United States depart-~~  
19 ~~ment of agriculture, the person's name, address, and federal identifica-~~  
20 ~~tion number~~];

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

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

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

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

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

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

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

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

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

16 § 19. Section 753-c of the general business law, as added by chapter  
17 259 of the laws of 2000, is amended to read as follows:

18 § 753-c. Animal pedigree registration. 1. Representation regarding  
19 animal's pedigree registration. Any pet [~~dealer~~] breeder who states,  
20 promises, or represents that an animal is registered or capable of  
21 registration with an animal pedigree registry organization shall provide  
22 the purchaser with the appropriate documents necessary for such regis-  
23 tration within one hundred twenty days following sale of the animal. If  
24 the purchaser notifies the pet [~~dealer~~] breeder in writing on or before  
25 such time that [~~he or she~~] the purchaser has not received the appropri-  
26 ate registration documents, the pet [~~dealer~~] breeder shall have, in  
27 addition to the one hundred twenty days, sixty more days in which to  
28 provide the appropriate documents.

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

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

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

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

6 (c) The disclosure shall be signed and dated by the purchaser of the  
7 animal, acknowledging receipt of a copy of the statement. The pet [~~deal-~~  
8 ~~er~~] breeder shall retain a copy of the signed disclosure.

9 § 20. Section 753-d of the general business law, as amended by chapter  
10 5 of the laws of 2014, is amended to read as follows:

11 § 753-d. Construction with other laws. Nothing in this article shall  
12 be construed to (a) limit or restrict agents or officers of societies  
13 for the prevention of cruelty to animals or the police from enforcing  
14 articles twenty-six and twenty-six-A of the agriculture and markets law  
15 or any other law relating to the humane treatment of, or cruelty to,  
16 animals, (b) limit or restrict any municipality from enacting or enforc-  
17 ing any authorized local law, rule, regulation or ordinance of general  
18 application to businesses governing public health, safety or the rights  
19 of consumers, or (c) limit or restrict any municipality from enacting or  
20 enforcing a local law, rule, regulation or ordinance governing pet  
21 [~~dealers~~ breeders], as such term is defined in this article, including a  
22 law, rule, regulation or ordinance governing the health or safety of  
23 animals [~~acquired or maintained by pet dealers, the source of animals~~]  
24 sold or offered for sale by pet [~~dealers~~ breeders], and the spay or  
25 neuter of such animals; provided, however, that any such local law,  
26 rule, regulation or ordinance shall be no less stringent than the appli-  
27 cable provisions of this article and may not result in essentially  
28 banning all sales of dogs or cats raised and maintained in a healthy and  
29 safe manner. Where any penalty may be authorized for the violation of  
30 such a local law, rule, regulation or ordinance, the authorized penalty  
31 in such local law, rule, regulation or ordinance may not exceed a civil  
32 penalty of up to five hundred dollars. Where a municipality adopts such  
33 a local law, rule, regulation or ordinance that is more stringent than  
34 the applicable provisions of this article, such municipality shall have  
35 sole responsibility for enforcement of such law, rule, regulation or  
36 ordinance that is more stringent than the applicable provisions of this  
37 article.

38 § 21. Section 754 of the general business law, as amended by chapter  
39 68 of the laws of 1993, is amended to read as follows:

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

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

52 1-a. Any person who violates any provision of section seven hundred  
53 fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c,  
54 [~~or~~] seven hundred fifty-three-e, or seven hundred fifty-three-f of this  
55 article may also be subject to denial, suspension, revocation of, or  
56 refusal to renew a pet [~~dealer~~ breeder] license, in accordance with the

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

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

6 Pet [~~dealer~~] breeder licensing fund. 1. There is hereby established in  
7 the joint custody of the state comptroller and the commissioner of tax-  
8 tion and finance, a fund to be known as the "pet [~~dealer~~] breeder  
9 licensing fund".

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

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

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

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

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

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

41 3. Each application for a license shall be accompanied by a nonrefund-  
42 able fee of one hundred fifty dollars.

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

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

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

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

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

17 9. No pet [~~dealer~~] breeder shall publish or advertise the sale or  
18 availability of any dog or cat unless the publication or advertisement  
19 is accompanied by the pet [~~dealer's~~] breeder's license number. Notwith-  
20 standing the foregoing, a pet [~~dealer~~] breeder, in operation on or  
21 before the effective date of this section, who has filed an application  
22 for an initial license under this article may publish or advertise the  
23 sale or availability of any dog or cat without the publication or adver-  
24 tisement being accompanied by the pet [~~dealer's~~] breeder's license  
25 number until the commissioner grants or, after notice and opportunity to  
26 be heard, declines to grant such license.

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

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

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

38 6. "Animal shelter" shall mean a public or not-for-profit entity  
39 owning, operating, or otherwise maintaining a building, structure, or  
40 facility where temporary or permanent housing and care is provided to  
41 stray, abandoned, abused, seized, impounded, owner-surrendered or other-  
42 wise unwanted animals regardless of whether or not such facility also  
43 serves as a personal residence. This includes but is not limited to:  
44 facilities owned, operated, or maintained by a duly incorporated society  
45 for the prevention of cruelty to animals, duly incorporated humane soci-  
46 ety dog or cat protective association, or pound; any person in the  
47 employ of, or organization operated by or under contract to a municipi-  
48 pality to provide care for seized or impounded animals; or any other  
49 not-for-profit organization involved in the protection, care, or rehomi-  
50 ing of animals. Unless otherwise provided in this article, the term  
51 "animal shelter" shall not include the personal residence of any foster  
52 care provider as defined in this section; a facility commonly known as a  
53 boarding kennel, where the ownership of the animal is not transferred;  
54 any entity licensed as a pet [~~dealer~~] breeder pursuant to article twen-  
55 ty-six-A of this chapter; any duly incorporated animal hospital owned,  
56 operated or supervised by a duly licensed veterinarian; or any facility

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

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

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

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

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

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

43 (a) Proof of the applicant's tax exempt designation pursuant to para-  
44 graph 3 of subsection (c) of section 501 of the federal Internal Revenue  
45 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the  
46 federal Internal Revenue Code, as from time to time amended;

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

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

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

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

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

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

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

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

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

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

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

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

29 [~~(n)~~] (m) Other information as deemed necessary to satisfy the commis-  
30 sioner of the applicant's character and responsibility.

31 4. Upon validation by the commissioner, the application shall become  
32 the license of the animal shelter [~~and an exemption from the definition~~  
33 ~~of pet dealer as defined in section four hundred of this chapter shall~~  
34 ~~be granted~~]. The commissioner shall retain a copy of such license and  
35 provide a copy of the license to the animal shelter. Animal shelters  
36 licensed pursuant to this section shall conspicuously display their  
37 license on the premises where its animals are harbored. [~~The commis-~~  
38 ~~ioner shall also provide the licensee with a pet dealer exemption identifi-~~  
39 ~~cation number. The licensee's pet dealer exemption identification number~~  
40 ~~shall be prominently displayed on the licensee's websites and any publi-~~  
41 ~~cations or advertisements made available to the public.~~]

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

52 (a) material misstatement in the license application;

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

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

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

16 (e) failure to renew a license within the period prescribed in subdi-  
17 vision one of this section; or

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

20 § 29. This act shall take effect immediately.