

STATE OF NEW YORK

1130

2021-2022 Regular Sessions

IN SENATE

January 7, 2021

Introduced by Sens. GIANARIS, ADDABBO, BIAGGI, BOYLE, BROOKS, GAUGHRAN, GOUNARDES, HOYLMAN, JACKSON, KAMINSKY, KRUEGER, LIU, MYRIE, RAMOS, SALAZAR, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the general business law, in relation to the sale of dogs, cats and rabbits

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

1 Section 1. Subdivision 48 of section 16 of the agriculture and markets
2 law, as added by chapter 384 of the laws of 2015, is amended to read as
3 follows:

4 48. Make available in written and electronic medium, in a manner read-
5 ily accessible to police agencies and officers and district attorneys,
6 information about animal cruelty and protection laws in this chapter,
7 including, but not limited to, article twenty-six of this chapter and
8 section seven hundred fifty-three-f of the general business law. The
9 development of such information shall be coordinated with the division
10 of criminal justice services, including the municipal police training
11 council, in a manner designed to enhance training of municipal police
12 officers and to assist such officers and district attorneys in enforcing
13 and applying such laws.

14 § 2. Paragraphs (b) and (c) of subdivision 4 of section 400 of the
15 agriculture and markets law, as added by chapter 168 of the laws of
16 2017, are amended and a new paragraph (d) is added to read as follows:

17 (b) Any municipal pound or shelter dedicated to the care of unwanted
18 animals which makes such animals available for adoption whether or not a
19 fee for such adoption is charged, established and maintained pursuant to
20 subdivision one of section one hundred fourteen of this chapter; ~~[-and]~~

21 (c) Any duly incorporated society for the prevention of cruelty to
22 animals, duly incorporated humane society, duly incorporated animal

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

LBD00535-02-1

1 protective association or other duly incorporated animal adoption or
2 animal rescue organization dedicated to the care of unwanted animals
3 which makes such animals available for adoption whether or not a fee for
4 such adoption is charged that is exempt from taxes pursuant to paragraph
5 (3) of subsection (c) of section 501 of the federal Internal Revenue
6 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the
7 federal Internal Revenue Code, as from time to time amended, that is
8 registered with the department pursuant to section four hundred eight of
9 this article[-]; and

10 (d) Any retail pet shop as defined in subdivision eight of section
11 seven hundred fifty-two of the general business law.

12 § 3. Paragraphs (e) and (f) of subdivision 4 of section 408 of the
13 agriculture and markets law, as added by chapter 168 of the laws of
14 2017, are amended and a new paragraph (g) is added to read as follows:

15 (e) The applicant or registrant is determined by the commissioner to
16 be in violation of section twenty-one hundred forty-one of the public
17 health law or any rule or regulation promulgated thereunder by the
18 commissioner of health; [and]

19 (f) The applicant or registrant, or an officer or director has been
20 responsible in whole or in part for any act on account of which an
21 application for registration may be denied or a registration cancelled
22 pursuant to the provisions of this article[-]; and

23 (g) The applicant or registrant was previously licensed as a pet deal-
24 er pursuant to this article.

25 § 4. The opening paragraph of subdivision 3 of section 752 of the
26 general business law, as amended by chapter 168 of the laws of 2017, is
27 amended and a new paragraph (d) is added to read as follows:

28 For purposes of section seven hundred fifty-three of this article, a
29 "pet dealer" shall mean any person who, in the ordinary course of busi-
30 ness, engages in the sale or offering for sale of more than nine animals
31 per year for profit to the public. Such definition shall include breed-
32 ers of animals who sell or offer for sale animals directly to a consumer
33 but it shall not include any retail pet shop as defined in subdivision
34 eight of this section, municipal pound or shelter established and main-
35 tained pursuant to subdivision one of section one hundred fourteen of
36 the agriculture and markets law, or any duly incorporated society for
37 the prevention of cruelty to animals, duly incorporated humane society,
38 duly incorporated animal protective association or other duly incorpo-
39 rated animal adoption or animal rescue organization that is tax exempt
40 pursuant to paragraph (3) of subsection (c) of section 501 of the feder-
41 al Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding
42 sections of the federal Internal Revenue Code, as from time to time
43 amended, that is registered with the department pursuant to section four
44 hundred eight of the agriculture and markets law. For purposes of
45 sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven
46 hundred fifty-three-c and seven hundred fifty-three-d of this article,
47 "pet dealer" shall mean any person who engages in the sale or offering
48 for sale of more than nine animals per year for profit to the public.
49 Such definition shall include breeders who sell animals; but it shall
50 not include the following:

51 (d) Any retail pet shop as defined in subdivision eight of this
52 section.

53 § 5. Section 752 of the general business law is amended by adding a
54 new subdivision 8 to read as follows:

55 8. "Retail pet shop" means any for-profit place of business that sells
56 or offers for sale animals to be kept as household pets, pet food or

1 supplies, but shall not include breeders who sell or offer to sell
2 directly to the consumer animals that are born and raised on the
3 breeder's residential premises.

4 § 6. The general business law is amended by adding a new section 753-f
5 to read as follows:

6 § 753-f. Sale of dogs, cats and rabbits prohibited. A retail pet shop
7 as defined in this article shall not sell, lease, offer to lease, offer
8 to sell, barter, auction, or otherwise transfer ownership of any dog,
9 cat or rabbit. This section shall not be construed to prohibit a retail
10 pet shop from collaborating with the following entities to provide space
11 to showcase dogs, cats or rabbits owned by these entities for the
12 purpose of adoption; any duly incorporated society for the prevention of
13 cruelty to animals, duly incorporated humane society, duly incorporated
14 animal protective association or other duly incorporated animal adoption
15 or animal rescue organization that is exempt from taxes pursuant to
16 paragraph (3) of subsection (c) of section 501 of the federal Internal
17 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections
18 of the federal Internal Revenue Code, as from time to time amended, that
19 is registered with the department pursuant to section four hundred eight
20 of the agriculture and markets law that is not affiliated with, or
21 housed on the premises of a breeder or broker that does not obtain dogs,
22 cats or rabbits from a breeder or broker in exchange for payment or
23 compensation, and does not resell dogs, cats or rabbits obtained from a
24 breeder or broker or provide payment or compensation to such breeder or
25 broker.

26 § 7. This act shall take effect one year after it shall have become a
27 law.