



NEW YORK PET DEALER LICENSE REVOCAION BILL AMENDED

**** MAY 3RD HEARING SCHEDULED ****

The Issue.

Legislation before the Assembly Committee on Codes has been amended and is set for a May 3, 2011 hearing. [Assembly Bill 77](#) is similar to a bill introduced by the sponsor, Assemblywoman Amy Paulin, in the 2010 legislative session. The measure would subject pet stores to license suspension or revocation hearings based on mere allegations of a failure to meet licensing standards **without ever being given the opportunity to challenge the allegations.** The modest amendment to the bill does nothing to correct due process deficiencies.

The Impact.

Under the existing Pet Dealer Law in New York, pet stores may not have their licenses suspended or revoked without a hearing. This is basic due process guaranteed by our Constitution. However, AB 77 would require that a hearing be held to “consider whether suspension or revocation of the license is warranted” for any licensee who has either “failed three consecutive inspections” or has failed three inspections “in a three year period.” Because there is no provision in the law for what constitutes a “failed” inspection, pet dealer licensees would be subject to completely arbitrary revocation hearings under this bill. The Department of Agriculture and Markets routinely inspects pet stores under existing law, and may deem the store to be “unsatisfactory” based on any number of criteria, including very minor conditions that may or may not even be a violation of the law. But there is no hearing process under existing law giving pet stores the opportunity to challenge these findings!

If every “unsatisfactory” report is deemed a “failed” inspection for purposes of this bill, then pet stores would be subject to suspension or revocation of their license without ever even being given basic due process rights. There is no provision within the bill providing pet stores an opportunity to challenge the Department’s findings, either before the hearing (when the inspection is first conducted) or at the hearing. This means that pet stores being subjected to revocation hearings will never get the opportunity to question the validity of the Department’s allegations. At their hearing they will only be given a chance to argue that they should not lose their license even though they have had “failed inspections” according to the Department.

If this bill is adopted into law, it is likely that pet stores in New York will begin losing their license to sell pet animals, even when they have not violated any standards in the law.

PIJAC Position.

PIJAC was instrumental in negotiating the original pet dealer bill in New York, and is supportive of reasonable standards of care for animals in the commercial pet trade. The Department already possesses the statutory authority to sanction pet stores that violate standards set forth in the law, through fine and/or suspension or revocation of their license. Therefore, there is no reason to amend the Pet Dealer law to mandate license revocation hearings. However, if amended, such amendments should assure basic due process rights.

Recommended Action.

[Assembly Bill 77](#) has been scheduled for a hearing in the Assembly Codes Committee on May 3, 2011 at 11:00 a.m. in Room 630 of the Legislative Office Building. Persons concerned about this legislation should contact [members of the committee](#) to express your view. When phoning and emailing legislative members, always be respectful. You may wish to make the following points, in your own words:

- This bill lacks fundamental due process protections for licensees
- The Department of Agriculture and Markets already has the authority to suspend/revoke licenses
- The current inspection system is designed to ensure compliance, but provides pet stores no opportunity to challenge unsatisfactory inspection reports; only to fix alleged violations
- This bill does not define what constitutes a “failed” inspection and does not allow licensees to challenge the Department’s finding of a “failed inspection”
- The bill is not designed to enhance compliance but only to ensure punitive sanctions
- Because of the way this bill is crafted, innocent licensees will be subjected to unnecessary hearings and possibly a loss of their pet dealer license

For questions or additional information about this bill, contact PIJAC’s Michael Maddox via email at Michael@pijac.org or by phone at 202-452-1525, ext 106. You may also visit the [Breaking News page](#) of PIJAC’s website for updates on these and other initiatives impacting pet owners and the pet trade.