



BILL TO AMEND NEW YORK PET DEALER LAW POISED FOR ADOPTION

The Issue.

PIJAC has been actively involved in several New York bills impacting the pet industry, including legislation that would amend the existing Pet Dealer law. These companion bills include several amendments that PIJAC requested in order to support the legislation. However, some provisions of these bills remain problematic and the sponsors have declined to consider reasonable revisions. **Immediate action is required to assure this legislation does not become law in its current form!**

The Impact.

Assembly Bill 10509 and Senate Bill 7511 amend several provisions of the existing Pet Dealer act to mandate isolation areas, specific requirements for veterinary care, and exercise requirements. The bill language is attached to the online version of this PetAlert, which can be found on the Breaking News page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>). The legislation would create new requirements with which pet dealers would have to comply. Among the specific requirements:

- Pet dealers must provide isolation areas for animals exhibiting illness or disease
- Pet dealers must designate an “attending veterinarian” to provide care for animals
- Pet dealers must provide appropriate facilities and daily observation of animals
- Pet dealers must maintain a written exercise program for animals, which must be approved by the attending veterinarian and the Department.

PIJAC agreed to withdraw opposition to reasonable standards included in this legislation, provided that certain amendments were made. While the Assembly version of the bill (A 10509) was amended multiple times, some of PIJAC’s amendments were not included. That bill has passed the Assembly and currently sits in the Senate Committee on Consumer Protection. The Senate version of the bill (S 7511) has passed one committee and then was sent to the Committee on Rules, where it currently awaits action.

PIJAC Position.

The pet industry has been highly supportive of appropriate regulation of pet dealers in New York, and has worked diligently with the sponsors of this legislation to adopt necessary revisions. In light of PIJAC’s historical support of the Pet Dealer law, and its commitment to enact improvements, it would be inappropriate for the legislature to adopt this or any other bill to amend that law without appropriate participation by PIJAC and the pet industry.

Recommended Action.

It is critical that constituents immediately contact all members of both the Senate Committee on Rules and the Senate Committee on Consumer Protection and ask that Senate Bill 7511 and Assembly Bill 10509 be held until PIJAC’s amendments have been incorporated. Not only pet stores, but your customers, friends and family need to contact members of the committees (see the committee contact lists below).

**State of New York
Senate Committee on Rules
Legislative Office Bldg
Albany, NY 12247
518/455-2800**

<u>SENATOR</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
Malcolm A. Smith (Ch)(D-14)	Queens	518/455-2701	masmith@senate.state.ny.us
Martin Malave Dilan (D-17)	Brooklyn	518/455-2177	dilan@senate.state.ny.us
Thomas K. Duane (D-29)	Manhattan	518/455-2451	duane@senate.state.ny.us
Pedro Espada (D-33)	Bronx	518/455-3395	espada@senate.state.ny.us
Hugh T. Farley (R-44)	Schenectady	518/455-2181	farley@senate.state.ny.us
Ruth Hassell-Thompson (D-36)	Bronx, Westchester	518/455-2061	hassellt@senate.state.ny.us
Owen H. Johnson (R-4)	Suffolk	518/455-3411	ojohnson@senate.state.ny.us
Jeffrey D. Klein (D-34)	Bronx, Westchester	518/455-2039	jdklein@senate.state.ny.us
Liz Krueger (D-26)	Manhattan	518/455-2297	lkrueger@senate.state.ny.us
William J. Larkin (R-39)	Cornwall-on-Hudson	518/455-2770	larkin@senate.state.ny.us
Kenneth P. LaValle (R-1)	Brookhaven, Riverhead, Southold, Shelter Island, Southampton, East Hampton	518/455-3121	lavalle@senate.state.ny.us
Velmanette Montgomery (D-18)	Brooklyn, Manhattan	518/455-3451	montgome@senate.state.ny.us
Frank Padavan (R-11)	Queens	518/455-3381	padavan@senate.state.ny.us
Kevin S. Parker (D-21)	Brooklyn	518/455-2580	parker@senate.state.ny.us
Jose Serrano (D-28)	Manhattan	518/455-2795	serrano@senate.state.ny.us
James L. Seward (R-51)	Herkimer, Otsego, Greene, Schoharie, Cortland, Tompkins, Chenango	518/455-3131	seward@senate.state.ny.us
Dean G. Skelos (R-9)	Rockville Centre	518/455-3171	skelos@senate.state.ny.us
William T. Stachowski (D-58)	Erie	518/455-2426	stachows@senate.state.ny.us
Andrea Stewart-Cousins (D-35)	Greenburgh, Mount Pleasant	518/455-2585	scousins@senate.state.ny.us
David J. Valesky (D-49)	Oneida, Madison, Syracuse, Cayuga	518/455-2838	valesky@senate.state.ny.us
Dale M. Volker (R-59)	Erie, Wyoming, Livingston, Ontario	518/455-3471	volker@senate.state.ny.us

**State of New York
Senate Committee on Consumer Protection
Legislative Office Bldg
Albany, NY 12247
518/455-2800**

<u>SENATOR</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
Shirley L. Huntley (Ch)(D-10)	Queens	518/455-3531	shuntley@senate.state.ny.us
Jose R. Peralta (Ch)(D-13)	Queens	518/455-2529	jperalta@senate.state.ny.us
Eric Adams (D-20)	Brooklyn	518/455-2431	eadams@senate.state.ny.us
John J. Flanagan (R-2)	Huntington, Smithtown, Brookhaven	518/455-2071	flanagan@senate.state.ny.us
Charles J. Fuschillo (R-8)	Nassau, Suffolk	518/455-3341	fuschill@senate.state.ny.us
Ruth Hassell-Thompson (D-36)	Bronx, Westchester	518/455-2061	hassellt@senate.state.ny.us
Joseph E. Robach (R-56)	Parma, Greece, Brighton	518/455-2909	robach@senate.state.ny.us
Stephen M. Saland (R-41)	Columbia, Dutchess	518/455-2411	saland@senate.state.ny.us
Diane J. Savino (D-23)	Brooklyn, Staten Island	518/455-2437	savino@senate.state.ny.us

ALL members of these committees should be contacted, though it is particularly important if a member of the committee actually represents your district. When phoning and emailing legislative members, always be respectful. You may wish to make the following points, in your own words:

- The pet industry has worked diligently to support reasonable changes included in this bill
- Some provisions of the bill, for which PIJAC has proposed amendments, would create unnecessary and burdensome responsibilities for pet dealers without providing any corresponding benefit to pet animals
- Senate Bill 7511 should be held until PIJAC's amendments are fully included.

Any change in the status of this legislation, as well as any recommended additional, will be posted in revised *PetAlerts* on the Breaking News page of PIJAC's website (<http://www.pijac.org/petinformation/breakingnews.asp>). Members are encouraged to check the website regularly for additional information. Those having questions about this legislation should contact PIJAC's Michael Maddox via email at michael@pijac.org by phone at 202-452-1525, ext. 106.

2009 NY S 7511

AUTHOR: Oppenheimer

VERSION: Amended

VERSION 05/21/2010

DATE:

STATE OF NEW YORK

7511--C

IN SENATE

April 16, 2010

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the general business law, in relation to the care and sale of dogs and cats by pet dealers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 401 of the agriculture and markets law is amended by adding a new paragraph (h) to read as follows:

(H) PET DEALERS SHALL DESIGNATE AND PROVIDE AN ISOLATION AREA FOR ANIMALS THAT EXHIBIT SYMPTOMS OF DISEASE OR ILLNESS. THE LOCATION OF SUCH DESIGNATED AREA MUST BE SUCH AS TO PREVENT OR REDUCE THE SPREAD OF DISEASE TO HEALTHY ANIMALS.

Section 2. Paragraphs (a), (b), (c) and (d) of subdivision 5 of section 401 of the agriculture and markets law are relettered paragraphs (b), (c), (d) and (e) and a new paragraph (a) is added to read as follows:

(A) ANY PET DEALER DULY LICENSED PURSUANT TO THIS ARTICLE SHALL DESIGNATE AN ATTENDING VETERINARIAN, WHO SHALL PROVIDE VETERINARY CARE TO THE DEALER'S ANIMALS WHICH SHALL INCLUDE A WRITTEN PROGRAM OF VETERINARY CARE AND REGULARLY SCHEDULED VISITS TO THE PET DEALER'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 APPROPRIATE METHODS TO PREVENT, CONTROL, DIAGNOSE, AND TREAT 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; AND

(V) PRE-PROCEDURAL AND POST-PROCEDURAL CARE IN ACCORDANCE WITH ESTABLISHED VETERINARY MEDICAL AND NURSING PROCEDURES.

Section 3. Section 401 of the agriculture and markets law is amended by adding a new subdivision 7 to read as follows:

7. EXERCISE REQUIREMENTS. PET DEALERS SHALL DEVELOP, MAINTAIN, DOCUMENT, AND IMPLEMENT AN APPROPRIATE PLAN TO PROVIDE ANIMALS 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 THE DEPARTMENT.

Section 4. Section 753-a of the general business law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

Section 753-a. Veterinarian examination. 1. Within five business days of receipt, but prior to the sale of any dog, the pet dealer 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 ~~found to be afflicted~~ 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 ~~inoculated~~ 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 or by a person working under the pet dealer's supervision.

3. No pet dealer shall knowingly sell any animal ~~eighteen months of age or older~~ 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.

Section 5. This act shall take effect April 1, 2011; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

2009 NY A 10509

AUTHOR: Paulin

VERSION: Amended

VERSION 05/24/2010

DATE:

STATE OF NEW YORK

10509--C

Cal. No. 920

IN ASSEMBLY

April 2, 2010

Introduced by M. of A. PAULIN, MARKEY, CASTRO, ESPAILLAT, JAFFEE, KAVANAGH, KOON, MAYERSOHN, TITONE -- Multi-Sponsored by -- M. of A. CHRISTENSEN, GLICK, HYER-SPENCER, M. MILLER, SKARTADOS, WEISENBERG -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Codes -- 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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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