



NEW YORK ANTI-PET BILLS TO LIMIT DOG/CAT OWNERSHIP

****Bills Pass Agriculture Committee on June 2nd ****

The Issue.

There are several bills pending in New York that would amend existing pet dealer licensing laws and would also limit the number of dogs or cats one may possess. **SB 4961 and SB 5392 passed the Senate Committee on Agriculture with amendments on June 2, 2009. The bills currently sit in the Senate Committee on Codes awaiting further action. It is important that members of the Senate Codes Committee hear from constituents about problems with these bills!** SB 5392 would ban the possession, control or custody of more than 50 dogs and cats with intact sexual organs. Violation of this ban would be a criminal offense! The bill also expands the pet dealer licensing law in New York to cover breeders. SB 4961 proposes to expand the pet dealer licensing law as well, and **adds extensive new requirements under that law that apply to pet stores and breeders alike.**

The Impact.

SB 5392 authorizes confiscation of dogs and cats from anyone violating the 50 limit ban. It also amends the definition of pet dealer to include any person selling or offering for sale more than nine animals per year for profit either to the public (as is already provided under current law) or "at wholesale." Two other pending bills, SB 4690 and AB 7285, have these same provisions but have not yet been set for hearing. PIJAC will issue a new alert at such time as they are scheduled for a hearing.

SB 4961 amends the definition of "pet dealer" to include anyone who sells, offers to sale, or negotiates the sale or purchase, of "animals born or raised on premises of another or who keeps on his or her premises more than four intact female dog six months of age or older for the purpose of breeding such dogs." The current exemption for breeders who sell fewer than 25 animals would be eliminated. This bill also adds a number of new requirements to the law that **apply to pet stores and breeders alike.** Under SB 4961, all pet dealers must:

- Designate and provide an isolation area for animals exhibiting symptoms of disease;
- Designate and employ an attending veterinarian;
- Establish a program of veterinary care that includes appropriate facilities and personnel, disease control, daily observation of animals, adequate guidance to personnel regarding handling, immobilization and anesthesia or euthanasia, and adequate pre and post-procedural care in accordance with established veterinary procedures;
- Develop and maintain an exercise plan approved by the Department of Agriculture;
- Possess records established by this law prior to the sale of animals;
- Purchase animals only from licensed dealers, if such dealers must be licensed;
- Provide a written release allowing the Department access to all health records;
- Provide a written release allowing the Department access to all registry records;



The bill also increases the license fee for pet dealers with gross sales of fifty thousand dollars or more to \$300 annually.

SB 4961 establishes new bases for denying, suspending or revoking licenses. Refusal to allow the Department to inspect records or facilities would result in loss of license. If the applicant OR ANY IMMEDIATE FAMILY MEMBERS had a license revoked in the previous five years they would be ineligible for a license.

The current exemption for inspection of pet dealers selling fewer than 25 animals would be eliminated, and the fines for violations are increased from \$50-\$1,000 to \$200-\$2,500 for each violation. **Furthermore, this bill allows the Department to summarily suspend licenses without a hearing!**

Recommended Action.

It is critical that members of the Senate Committee hearing the bills (the Senate Codes Committee) hear from opponents before the hearing. Constituents may easily contact their Senator at the click of a button by visiting PIJAC's [Legislative Action Center](http://www.pijac.org) on the Government Affairs page of the PIJAC website (www.pijac.org). Even if your Senator doesn't sit on the committee, however, you may still contact committee members to express concerns (see the contact list below). You may also review the actual bill (attached to the online version of this PetAlert on the Breaking New Page of the PIJAC website. **Finally, pass this PetAlert on to others who may be concerned about unreasonable restrictions on pets. Urge them to contact their state senator to oppose SB 4961 and SB 5392.**

Contact PIJAC's Michael Maddox by phone at 202-452-1525 or via email at Michael@pijac.org if you have further questions about these bills.

State of New York
Senate Committee on Codes
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Not Yet a PIJAC Member?

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at www.pijac.org. For further information, please send an e-mail to Members@pijac.org or phone 1-800-553-PETS (1-800-553-7387).

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2009 NY S 4961 **AUTHOR:** Oppenheimer
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STATE OF NEW YORK

4961--A

2009-2010 Regular Sessions

IN SENATE

April 27, 2009

Introduced by Sens. OPPENHEIMER, DIAZ, SERRANO -- 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

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 4 of section 400 of the agriculture and markets law, as amended by chapter 687 of the laws of 2006, is amended to read as follows:

4. "Pet Dealer" means any person who (A) SELLS, OFFERS FOR SALE OR NEGOTIATES THE SALE OR PURCHASE OF ANIMALS BORN OR RAISED ON ANOTHER PREMISES; (B) KEEPS ON HIS OR HER PREMISES MORE THAN FOUR INTACT FEMALE DOGS SIX MONTHS OF AGE OR OLDER FOR THE PURPOSE OF BREEDING SUCH DOGS OR WHO (C) 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 to sell animals ; ~~provided that a 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 shall not be considered a pet dealer as a result of selling or offering to sell such animals. Such definition shall further-~~ BUT SHALL not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged.

Section 2. 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, TO THE SATISFACTION OF THE COMMISSIONER OR S. 4961--A 2

HIS OR HER DESIGNEE, PREVENT OR REDUCE THE SPREAD OF DISEASE TO HEALTHY ANIMALS.

Section 3. 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 AND EMPLOY AN ATTENDING VETERINARIAN, WHO SHALL PROVIDE ADEQUATE VETERINARY CARE TO HIS OR HER ANIMALS UNDER FORMAL ARRANGEMENTS. IN THE CASE OF A PART-TIME ATTENDING VETERINARIAN OR CONSULTANT ARRANGEMENTS, SUCH FORMAL ARRANGEMENTS SHALL INCLUDE A WRITTEN PROGRAM OF VETERINARY CARE AND REGULARLY SCHEDULED VISITS TO THE PET DEALER'S PREMISES. EACH PET DEALER SHALL ESTABLISH AND MAINTAIN, IN COORDINATION WITH HIS OR HER VETERINARIAN, A PROGRAM OF VETERINARY THAT 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; 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, IMMOBILIZATION, ANESTHESIA, ANALGESIA, TRANQUILIZATION, AND EUTHANASIA; AND

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

Section 4. 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 AND MAINTAIN AN APPROPRIATE PLAN, APPROVED BY THE COMMISSIONER OR HIS OR HER DESIGNEE, TO PROVIDE ANIMALS WITH THE OPPORTUNITY FOR EXERCISE. SUCH PLAN SHALL INCLUDE WRITTEN STANDARD PROCEDURES THAT, AT A MINIMUM, COMPLY WITH FEDERAL STANDARDS FOR EXERCISE PRESCRIBED IN 9 CFR Section 3.8.

Section 5. Section 402 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

Section 402. Records of purchase and sale. 1. Each pet dealer shall keep and maintain records for each animal purchased, acquired, held, sold, or otherwise disposed of. The records shall include the following:

~~1-~~(A) 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. 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-~~(B) The original source of each animal if different than the person recorded in ~~subdivision one~~ PARAGRAPH (A) of this section ~~SUBDIVISION. S. 4961--A 3~~

~~3-~~(C) The date each animal was acquired.

~~4-~~(D) 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-~~(E) 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 ANIMAL MAY BE SOLD TO THE PUBLIC BY A PET DEALER WITHOUT THE PET DEALER BEING IN POSSESSION OF THE RECORDS FOR THAT ANIMAL AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION AND THAT ANIMAL HAVING UNDERGONE THE VETERINARY EXAMINATION MANDATED BY SECTION SEVEN HUNDRED FIFTY-THREE-A OF THE GENERAL BUSINESS LAW.

4. NO PET DEALER MAY PURCHASE AN ANIMAL FROM A SOURCE THAT IS KNOWN OR REASONABLY SHOULD BE KNOWN BY THE PET DEALER TO BE REQUIRED TO BE LICENSED UNDER THIS ARTICLE, OR BY THE UNITED STATES DEPARTMENT OF AGRICULTURE UNDER THE FEDERAL ANIMAL WELFARE ACT, IF THAT SOURCE DOES NOT POSSESS A VALID LICENSE FROM SUCH AGENCY.

5. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE SHALL PROVIDE A WRITTEN RELEASE TO HIS OR HER DESIGNATED VETERINARIAN TO ALLOW SUCH VETERINARIAN TO PROVIDE THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENTS, ACCESS TO ALL ANIMAL HEALTH RECORDS FOR EACH ANIMAL ACQUIRED, HELD, SOLD, OR OTHERWISE DISPOSED OF.

6. ANY PET DEALER LICENSED PURSUANT TO THIS ARTICLE WHO SELLS, OFFERS FOR SALE OR NEGOTIATES THE SALE OF ANIMALS WITH A REGISTERED DOG OR CAT BREED REGISTRY SHALL PROVIDE A WRITTEN RELEASE TO SUCH REGISTRY ASSOCIATIONS TO ALLOW SUCH ASSOCIATIONS TO PROVIDE THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENTS, ACCESS TO ALL ANIMAL BREED REGISTRY RECORDS FOR EACH ANIMAL ACQUIRED, HELD, SOLD, OR OTHERWISE DISPOSED OF.

Section 6. Subdivision 3 of section 403 of the agricultural and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

3. Each application for a license shall be accompanied by a nonrefundable fee of one hundred dollars ~~, except that those pet dealers who engage in the sale of less than twenty five animals in a year, shall pay a nonrefundable fee of twenty five dollars.~~

Section 7. Subdivisions 10 and 11 of section 403 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, are amended to read as follows:

10. Such license shall be renewable annually, together with the payment of a nonrefundable fee ~~of one hundred 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~~ BASED ON THE GROSS SALES RECEIPTS FROM THE SALE OF ANIMALS FOR PROFIT TO THE PUBLIC BY THE LICENSEE IN THE PRIOR YEAR. FOR LICENSEES WITH GROSS SALES RECEIPTS FROM SUCH SALES OF UNDER FIFTY THOUSAND DOLLARS, THAT FEE SHALL BE ONE HUNDRED DOLLARS; FOR LICENSEES WITH GROSS SALES RECEIPTS FROM SUCH SALES OF FIFTY THOUSAND DOLLARS OR MORE, THAT FEE SHALL BE THREE HUNDRED DOLLARS. S. 4961--A 4

11. Pet dealers 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. ANY LICENSEE THAT FAILS TO CONSPICUOUSLY POST THEIR LICENSE AS REQUIRED BY THIS SUBDIVISION SHALL BE CONSIDERED IN VIOLATION OF THIS ARTICLE.

Section 8. Section 404 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

Section 404. License refusal, suspension, or revocation. 1. The commissioner may decline to grant or renew or may suspend or revoke a pet dealer license, on any one of the following grounds:

~~1-~~(A) Material misstatement in the license application.

~~2-~~(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 or his or her authorized agents to inspect records or pet dealer facilities. ANY REFUSAL TO ALLOW THE COMMISSIONER, OR HIS OR HER AUTHORIZED AGENTS, TO INSPECT RECORDS OR PET DEALER FACILITIES DURING NORMAL BUSINESS HOURS SHALL BE CONSIDERED A VIOLATION OF THIS ARTICLE.

(C) THE APPLICANT OR HIS OR HER IMMEDIATE FAMILY MEMBERS, WITHIN THE PREVIOUS FIVE YEARS, HELD A PET DEALER LICENSE THAT WAS REVOKED BY THE COMMISSIONER PURSUANT TO THIS SECTION. FOR PURPOSES OF THIS SECTION, THE DEFINITION OF "IMMEDIATE FAMILY MEMBERS" SHALL INCLUDE, BUT NOT BE LIMITED TO, THE APPLICANT'S HUSBAND, WIFE, FATHER, MOTHER, DAUGHTER, SON, BROTHER, SISTER, STEPPARENT, GRANDPARENT, STEPCHILD OR GRANDCHILD.

~~3-~~(D) Violation of any provision of this article OR ARTICLE THIRTY-FIVE-D OF THE GENERAL BUSINESS LAW, 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 promulgated pursuant thereto relating to the endangerment of the life or health of an animal.

~~4-~~2. Before any license shall be suspended or revoked, the commissioner, or any hearing officer he or she 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. SUCH A HEARING IS MANDATED TO BE HELD IF A LICENSEE FAILS EITHER THREE CONSECUTIVE INSPECTIONS PURSUANT TO THIS SECTION OR THREE INSPECTIONS IN A THREE YEAR PERIOD PURSUANT TO THIS SECTION. NOTHING IN THIS SECTION SHALL PROHIBIT THE COMMISSIONER FROM TAKING ADDITIONAL ACTIONS REGARDING SUCH LICENSES PRIOR TO FAILURE BY A LICENSEE OF EITHER THREE CONSECUTIVE INSPECTIONS OR THREE INSPECTIONS IN A THREE YEAR PERIOD.

~~5-~~3. Any action of the commissioner shall be subject to judicial review in a proceeding under article seventy-eight of the civil practice law and rules.

4. THE REFUSAL, SUSPENSION, OR REVOCATION OR A PET DEALER'S LICENSE UNDER THIS SECTION SHALL NOT PREVENT THE LEVYING OF ADDITIONAL CIVIL PENALTIES, AS PROVIDED IN SECTION FOUR HUNDRED SIX OF THIS ARTICLE, FOR VIOLATIONS.

Section 9. Subdivision 1 of section 405 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

1. The commissioner or his or her authorized agents shall, at a minimum, make yearly inspections of pet dealers' facilities to ensure S. 4961--A 5 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 be made whenever in the discretion of the commissioner or his or her authorized agents, a complaint warrants such investigation.~~

Section 10. Section 406 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

Section 406. Violations. 1. In addition to the penalties provided for elsewhere in this section, a pet dealer who violates any provisions of this article OR ARTICLE THIRTY-FIVE-D OF THE GENERAL BUSINESS LAW may be subject to denial, revocation, suspension, or refusal of renewal of his or her license in accordance with the provisions of section four hundred four of this article.

2. Violation of any provision of this article, is a civil offense, for which a penalty of not less than ~~forty-TWO~~ FIFTY-TWO HUNDRED dollars and not more than ~~one-TWO~~ FIVE HUNDRED thousand dollars for each violation may be imposed. THE COMMISSIONER SHALL, AMONG OTHER FACTORS HE OR SHE DEEMS APPROPRIATE, CONSIDER THE SEVERITY OF THE VIOLATION AND THE SALES VOLUME OF THE LICENSEE IN VIOLATION IN DETERMINING THE AMOUNT OF THE PENALTY.

3. The provisions of this article may be enforced concurrently by the department and by the county or city to which the commissioner has delegated his or her licensing and inspection authority pursuant to section four hundred three and four hundred five of this article, and all moneys collected thereunder shall be retained by such municipality or local government.

4. THE COMMISSIONER OR HIS OR HER AUTHORIZED AGENTS MAY SUMMARILY SUSPEND, BASED ON THE SEVERITY OF A VIOLATION, A PET DEALER'S LICENSE UNTIL SUCH DEFICIENCIES ARE CORRECTED.

Section 11. Subdivision 3 of section 752 of the general business law, as amended by chapter 687 of the laws of 2006, is amended to read as follows:

3. For purposes of ~~section seven hundred fifty three~~ of this article, a "pet dealer" shall mean any person who ~~is in the ordinary course of business~~; (A) SELLS, OFFERS FOR SALE OR NEGOTIATES THE SALE OR PURCHASE OF ANIMALS BORN OR RAISED ON ANOTHER PREMISES; (B) KEEPS ON HIS OR HER PREMISES MORE THAN FOUR INTACT FEMALE DOGS SIX MONTHS OF AGE OR OLDER FOR THE PURPOSE OF BREEDING SUCH DOGS; OR (C) 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 ~~of animals~~ who sell or offer for sale animals ~~directly to a consumer~~ but it shall not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged. ~~For purposes of sections seven hundred fifty three a, seven hundred fifty three b, seven hundred fifty three c, seven hundred fifty three d and seven hundred fifty three e of this article, "pet dealer" shall mean 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 animals; provided that a 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 breeders residential premises shall not be considered a pet dealer as a result of selling or offering to sell such animals. Such definition shall not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged.~~ S. 4961--A 6

Section 12. 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 PERFORM 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 13. Subdivision 1 of section 755 of the general business law, as amended by chapter 259 of the laws of 2000, is amended to read as follows:

1. In addition to the other remedies provided, whenever there shall be a violation of this article, application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this article, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this article has occurred, the court may impose a civil penalty of not less than ~~forty~~ TWO HUNDRED dollars and not more than ~~one~~ TWO thousand FIVE HUNDRED dollars. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

Section 14. This act shall take effect April 1, 2010; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act and its effective date are authorized and directed to be made and completed on or before such effective date.

2009 NY S 5392 **AUTHOR:** Squadron
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STATE OF NEW YORK

5392--A

2009-2010 Regular Sessions

IN SENATE

April 27, 2009

Introduced by Sens. SQUADRON, DIAZ, HASSELL-THOMPSON, KRUEGER, KRUGER, LAVALLE, ONORATO, SERRANO -- 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

AN ACT to amend the agriculture and markets law, in relation to a limit on the number of intact animals over the age of four months a person or business can own, possess, control or otherwise have charge or custody

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

Section 1. The agriculture and markets law is amended by adding a new section 380 to read as follows:

Section 380. LIMIT ON INTACT ANIMALS. NO PERSON OR BUSINESS BUYING, SELLING, OR OFFERING FOR SALE DOGS OR CATS TO THE PUBLIC OR AT WHOLESALE SHALL OWN, POSSESS, CONTROL OR OTHERWISE HAVE CHARGE OR CUSTODY OF MORE THAN FIFTY DOGS OVER THE AGE OF FOUR MONTHS AND CATS OVER THE AGE OF FOUR MONTHS WITH INTACT SEXUAL ORGANS KEPT FOR THE PURPOSE OF BREEDING THOSE ANIMALS AND SELLING THEIR OFFSPRING AS A COMPANION ANIMAL. A VIOLATION OF THIS SECTION IS A CLASS A MISDEMEANOR. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO DOGS, CATS, OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS OF THIS ARTICLE.

Section 2. Section 373 of the agriculture and markets law is amended by adding a new subdivision 2-a to read as follows:

2-A. ANY SUCH AGENT OR OFFICER MAY ALSO LAWFULLY TAKE POSSESSION OF ANY ANIMALS KEPT IN VIOLATION OF SECTION THREE HUNDRED EIGHTY OF THIS ARTICLE AND THE OFFSPRING OF SUCH ANIMALS, PROVIDED THAT A COMPLAINT STATING JUST AND REASONABLE GROUNDS IS MADE UNDER OATH OR AFFIRMATION TO ANY MAGISTRATE AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES, AND THAT SUCH WARRANT AUTHORIZING ENTRY AND SEARCH IS ISSUED AND DELIVERED BY S. 5392--A 2

SUCH MAGISTRATE; IF JUST AND REASONABLE CAUSE IS SHOWN, THE MAGISTRATE SHALL IMMEDIATELY ISSUE SUCH WARRANT.

Section 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.