



**THE COUNCIL**  
**COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

*Robert Newman, Legislative Director*

**COMMITTEE ON HEALTH**  
**Hon. Corey Johnson, Chair**

**April 30, 2014**

- INT. NO. 55:** By Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz, Espinal, and Rosenthal
- TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.
- ADMINISTRATIVE CODE:** Adds a new chapter 17 to Title 17.
- INT. NO. 73:** By Council Members Johnson, Arroyo, Constantinides, Levine, Rose, and Vallone
- TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to updating the definition of "pet shop" within the Animal Abuse Registration Act.
- ADMINISTRATIVE CODE:** Amends subdivision i of section 17-1601.
- INT. NO. 136:** By Council Members Crowley, Arroyo, Dickens, Johnson, Koo, Levine, Palma, Rose, Vallone, Mendez, and Ulrich
- TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.
- ADMINISTRATIVE CODE:** Amends the title of chapter 8 of Title 17, adds a new subdivision h to section 17-802, amends subdivisions b and c of section 17-804 and adds a new section 17-814.
- INT. NO. 146:** By Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez, and Ulrich
- TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.
- ADMINISTRATIVE CODE:** Amends the title of chapter 8 of Title 17, amends subdivision e of section 17-802 and adds a new section 17-814.

## **1. INTRODUCTION**

On April 30<sup>th</sup>, the Committee on Health will consider four bills that would regulate the sale of animals in pet shops, all with the common purpose of improving the welfare, health, and safety of both people and pet animals in the city of New York. Representatives of the New York City Department of Health and Mental Hygiene (DOHMH), Animal Care & Control, the New York City Bar Association, animal welfare advocates and service providers, the pet store and pet care industries, and various chambers of commerce have been invited to this hearing.

Until recently, New York State Law prevented municipalities from enacting their own regulations for pet shops selling only cats and/or dogs.<sup>1</sup> As a result, New York City's regulations governing pet shops have applied only to pet shops that sell cats and/or dogs in addition to other animals, such as fish, reptiles, birds, and rodents.<sup>2</sup> However, on January 9th, 2014, Governor Andrew Cuomo signed into law Assembly Bill 740-A/Senate Bill 3753-A into law as Chapter 553 of the Laws of 2013 (hereinafter Chapter 553).<sup>3</sup> Chapter 553, also known as "the puppy mill bill", repealed provisions of state law that preempted municipal regulation and licensing of pet stores that sell only cats and/or dogs. It also expressly authorized municipalities to enact any local law regulating pet stores so long as such law is no less stringent than state law and does not

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<sup>1</sup> New York State Agriculture and Markets Law § 400-A and General Business Law § 753-E expressly preempted all local laws relating to the regulation or licensing of pet dealers that sell cats or dogs exclusively.

<sup>2</sup> See New York City Health Code § 161.09, expressly exempting pet dealers that sell only cats and dogs from the Department of Health and Mental Hygiene's requirements for an operating permit.

<sup>3</sup> Press Release, Governor Andrew M. Cuomo, Governor Cuomo Signs Legislation to Strengthen Oversight of Pet Dealers in New York State (Jan. 9, 2014), available at <https://www.governor.ny.gov/press/010913-pet-dealers-in-nys>. Chapter 553 text available at [http://assembly.state.ny.us/leg/?default\\_fld=%0D%0A&bn=A740a&term=&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y](http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=A740a&term=&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y).

result in the banning of the sale of dogs and cats raised in a safe and healthy manner.<sup>4</sup> Pursuant to this authorization, the Committee will consider the following bills during today's hearing;

Introductory No. 55 would establish uniform standards for the sale of animals sold in pet shops, prohibiting the sale of puppies and kittens bred in puppy and kitten mills, and requiring minimum standards of care on the pet store premises, the provision of certain written certifications to purchasers, and the maintenance of certain documents and records in connection with the purchase and sale of dogs and cats;

Introductory No. 73 would amend the definition of pet shop within the Animal Abuse Registration Act (Local Law 4 of 2014) to require pet shops that sell only cats and or dogs to consult the registry before releasing an animal to a purchaser;

Introductory No. 136 would require pet shops to spay or neuter any cat, dog, rabbit, or guinea pig before releasing it to a purchaser, and would further require pet shops to obtain from the purchaser of any dog a completed license application and any license fees required by law; and

Introductory No. 146 would prohibit a pet shop from releasing a dog or cat to a purchaser unless such animal is implanted with a microchip for identification, and such microchip is registered with the identification information of the purchaser.

## **ANALYSIS OF LEGISLATION**

### **INT. NO. 55**

Bill section 1 would amend Title 17 of the Administrative Code by adding a new Chapter 17 that would contain the sections described herein.

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<sup>4</sup> Id.

New section 17-1701 would provide the following definitions for use in the chapter.

“Animal abuse crime” would mean a violation of any provision of article twenty-six of the agriculture and markets law, or successor laws, or regulations promulgated thereunder pertaining to humane treatment of animals, cruelty to animals, endangering the life or health of an animal, or a 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.

“Animal rescue group” or “non-profit rescue” would mean a not-for-profit organization, group or unincorporated entity that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of such animals by the general public.

“Convicted” would mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or, or an order of adjudication withheld by reason of a plea of nolo contendere.

“Dealer” would mean a pet dealer required to have a license issued by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2134 or successor provision of law.

“Federal identification number” would mean a license or registration number issued by the United States department of agriculture pursuant to the Animal Welfare Act, 7 U.S.C. 54, or successor provision of law.

“High volume breeder” would mean a person who, for compensation or profit, either: has an ownership interest in or custody of one or more breeding female dogs and or cats and who sells or offers for sale, via any means of conveyance (including the internet, telephone, or newspaper), more than 50 of the offspring of such breeding female animals for use as pets in any

1-year period; or has an ownership interest in or custody of twenty or more breeding female dogs and or cats.

“Intermediate handler” would mean an intermediate handler required to register with the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law.

“Pet shop” would mean a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

New section 17-1702 would prohibit any pet shop in the City from displaying, offering for sale, delivering, bartering, auctioning, giving away, transferring or selling any dog or cat obtained from various sources that satisfy various conditions described in the section.

Subdivision a of section 17-1702 would prohibit the sale of any dog or cat obtained from a high volume breeder.

Subdivision b of section 17-1702 would prohibit the sale of any dog or cat obtained from a dealer, unless such dealer meets three conditions. First, such dealer would be required to possess a valid and active license. Second, such dealer must not have been found in violation of any provision of 7 U.S.C. 54 (the Animal Welfare Act) or successor provision of law, and or any rule, regulation, or standard promulgated thereunder, during the previous twelve months. Third, such dealer would be required to provide to such pet shop the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder’s federal identification number.

Subdivision c of section 17-1702 would prohibit the sale of any dog or cat obtained from an intermediate handler unless such intermediate handler meets three conditions. First, such

intermediate handler would be required to have an active registration status with the United States department of agriculture. Second, during the previous twelve months such intermediate handler must have been cited for no more than three direct violations of 7 U.S.C. 54, or successor provision of law, and or any rule, regulation, or standard promulgated thereunder. Third, such intermediate handler must provide the name and address of the breeder and, if the breeder is a dealer licensed by the United States Department of Agriculture, the breeder's federal identification number.

Subdivision d of section 17-1702 would prohibit the sale of a dog or cat obtained from a dealer convicted of an animal abuse crime.

Section 17-1703 would require every pet shop to deliver to the purchaser of a cat or dog, at the time of sale in a standardized form prescribed by the Commissioner of Health and Mental Hygiene, a written information statement. Subdivision a of section 17-1703 would require a pet shop to include in such statement information about the source of the animal, the animal's health, any prior medical treatments, and any conditions that would require future medical treatments. Additionally, such subdivision a would require that such information statement provided to the purchaser of a dog include additional information about the breeder, whether the dog is registered or registrable, and laws requiring that all dogs kept in the city must be licensed.

Subdivision b of section 17-1703 would provide that a disclosure made pursuant to subdivision a of this section shall be signed by both the pet dealer certifying the accuracy of the statement and by the purchaser acknowledging receipt of the statement.

Subdivision c of section 17-1703 would provide that every pet shop (erroneously labeled "pet dealer" in the bill text) shall post conspicuously within close proximity to the cages of dogs and cats offered for sale, a notice containing the following language in one hundred-point type:

"Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers."

Section 17-1704 would establish detailed record keeping requirements for pet shops. Pet shops would be required to keep and retain records and documentation with respect to the purchase, sale, intermediate handlers, brokers, transportation, breeding, medical care and condition, identification, licensing, and previous ownership of each dog or cat it takes into possession. Pet shops would be required to retain such records for a period of five years after taking possession of any such dog or cat, and that such pet shops make such records available at all reasonable times for inspection and copying by DOHMH.

New section 17-1705 would require a pet shop applying for a permit or a renewal permit to certify to DOHMH, under penalty of perjury, that during the previous twelve months, such pet shop has not sold any animals obtained from a source prohibited pursuant to section 17-1702. Such certification would include information about every source from which a dog or cat was obtained during the relevant period, each such source's license information to the extent that such source is required to be licensed, the number of cats and dogs obtained from each source, and identifying information about each animal obtained from each source, including, each dog's identifying tags or tattoos.

Subdivision b of section 17-1705 would provide that a pet shop submitting an application for a permit or renewal permit less than twelve months after the effective date of this section shall not be required to certify the statements listed in subdivision a of this section except with respect to animals such pet shop receives after the effective date of this section.

Subdivision c of section 17-1705 would provide that the department may inspect the records maintained pursuant to section 17-1704 of this chapter to verify the authenticity of the certifications submitted pursuant to subdivision a of this section.

Section 17-1706 would establish minimum standards of animal care with respect to the housing, sanitation, feeding and watering, handling, veterinary care, and exercise requirements for all animals in a pet shop's custody or possession.

Bill section 2 would provide that this local law shall take effect sixty days after its enactment into law.

### **INT. NO. 73**

Bill section 1 would amend subdivision i of section 17-1601 of the administrative code to redefine the term "pet shop" to expand the number of pet shops that would be required to consult the animal abuse registry established pursuant to chapter 16 of Title 17.

New subdivision i of such section would provide that "pet shop" shall mean a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

Bill section 2 would provide that this local law shall take effect on May 5, 2014, unless this local law is enacted after May 5, 2014, in which case it shall take effect immediately.

### **INT. NO. 136**

Bill section 1 would amend the title of chapter 8 of Title 17 of the administrative code to read as follows: "Chapter 8 - ANIMAL SHELTERS AND PET SHOPS."

Bill section 2 would amend subdivisions e and f of section 17-802 of the administrative code as described herein.



In subdivision e of section 17-802 a portion of the definition of "pet shop" that is currently based on whether an entity is required to have a permit issued pursuant to section 161.09 of the Health Code would be repealed. Under the amended definition, "pet shop" would mean a facility where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

In subdivision f of section 17-802, the meaning of "sterilization" would be amended to include rendering a rabbit, guinea pig, or any other animal designated by rule by the department unable to reproduce. Including such animals would be in addition to the spaying of a female dog or cat or the neutering of a male dog or cat, currently provided for as part of the definition.

Bill section 3 would amend section 17-802 of chapter 8 of Title 17 of the administrative code by adding a new subdivision h containing a new definition of "animal shelter" to clarify a distinction between the terms "animal shelter" and "full service animal shelter," both of which are used in chapter 8. "Animal shelter" would mean a not-for-profit facility holding a permit in accordance with §161.09 of the New York City Health Code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

Bill section 4 would amend subdivisions b and c of section 17-804 of the administrative code to prohibit pet shops from releasing to a consumer any unsterilized rabbit, guinea pig, or other animal designated by rule by the DOHMH.

Subdivision c of section 17-804 would provide that every pet shop shall maintain records of the sales of dogs, cats, rabbits, guinea pigs, and any other animals designated by rule by the department, and that such records shall include information about sterilizations performed. Such records shall be maintained for five years and shall be made available to the department according to rules promulgated by the department.

Bill section 5 would amend chapter 8 of Title 17 of the administrative code by adding a new section 17-814 relating to dog licensing. Subdivision a would require a pet shop to obtain from a purchaser of a dog a completed license application and license fees before releasing such dog to the customer. Such pet shop would be required to forward such completed application and fees to DOHMH in a manner specified by such department. The license would be issued by the department.

Subdivision b of section 17-814 would provide that a pet shop shall be exempted from obtaining a completed license application and fees from a purchaser or adopter who executes and submits to such pet shop a written statement that the dog to be purchased or adopted is to be harbored outside of the city.

Subdivision c of section 17-814 would require every pet shop to report to DOHMH, on at least a monthly basis, all dogs which have been sold or adopted and for each dog whether a license application was submitted to the department.

Bill section 6 would provide that this local law shall take effect 90 days after enactment into law.

#### **INT. NO. 146**

Bill section 1 would amend the title of chapter 8 of Title 17 of the administrative code to read as follows: "Chapter 8 - ANIMAL SHELTERS AND PET SHOPS."

Bill section 2 would amend subdivision e of section 17-802 redefine the term “pet shop” to mean a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

Bill section 3 would amend chapter 8 of title 17 of the administrative code by adding a new section 17-814 as described herein.

Subdivision a of new section 17-814 would prohibit a pet shop from releasing a dog or cat to a purchaser unless such animal has been implanted with a microchip as a permanent identification by a licensed veterinarian. Such pet shop would be required to register such animal's microchip with such purchaser's contact information. Additionally, such pet shop would be required to provide such purchaser with usage instructions for such microchip and written certification of compliance with this section, signed by such purchaser as acknowledgement of receipt, in a form and manner set forth in rules promulgated by the department.

Subdivision b would require every pet shop to retain for a period of five years from the date of sale of any dog or cat, a copy of the certification signed by the purchaser.

Bill section 4 would provide that this local law shall take effect ninety days after its enactment into law.



Int. No. 55

By Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz and Espinal

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 17 to read as follows:

§ 17-1701 Definitions. For the purposes of this chapter, the following terms have the following meanings:

a. “Animal abuse crime” means a violation of any provision of article twenty-six of the agriculture and markets law, or successor laws, or regulations promulgated thereunder pertaining to humane treatment of animals, cruelty to animals, endangering the life or health of an animal, or a 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.

b. “Animal rescue group” or “non-profit rescue” shall mean a not-for-profit organization, group or unincorporated entity that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of such animals by the general public.

c. “Convicted” means an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or, or an order of adjudication withheld by reason of a plea of nolo contendere.

d. “Dealer” means a pet dealer required to have a license issued by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2134 or successor provision of law.

d. “Federal identification number” means a license or registration number issued by the United States department of agriculture pursuant to the Animal Welfare Act, 7 U.S.C. 54, or successor provision of law.

e. “High volume breeder” means a person who, for compensation or profit, either

1. has an ownership interest in or custody of one or more breeding female dogs and or cats and who sells or offers for sale, via any means of conveyance (including the internet, telephone, or newspaper), more than 50 of the offspring of such breeding female animals for use as pets in any 1-year period; or

2. has an ownership interest in or custody of twenty or more breeding female dogs and or cats.

f. “Intermediate handler” means an intermediate handler required to register with the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law.

g. “Pet shop” means a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

§ 17-1702 Puppy and Kitten Mill Sales Prohibited. It shall be unlawful in any pet shop for any person to display, offer for sale, deliver, barter, auction, give away, transfer or sell any dog or cat obtained from:

a. a high volume breeder;

b. a dealer unless such dealer:

1. has such a valid license and such license is active;

2. has not been found in violation of any provision of 7 U.S.C. 54 or successor provision of law or any rule, regulation, or standard promulgated thereunder during the previous twelve months; and

3. provides the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder's federal identification number.

c. An intermediate handler unless such intermediate handler:

1. has an active registration status with the United States department of agriculture; 2. during the previous twelve months has been cited for no more than three direct violations of 7 U.S.C. 54, or successor provision of law, and or any rule, regulation, or standard promulgated thereunder; and

3. provides the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder's federal identification number.

d. A dealer convicted of an animal abuse crime.

§ 17-1703 Information statement for purchaser. a. Every pet shop shall deliver to the purchaser of a cat or dog, at the time of sale in a standardized form prescribed by the commissioner, a written statement containing the following information:

1. For cats:

(a) The breeder's name and address, if known, or, if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number;

(b) The date of the cat's birth, unless unknown because of the source of the cat, the date the pet shop received the cat, and the location where the cat was received;

(c) A record of immunizations and worming treatments administered, if any, to the cat as

of the time of sale while the cat was in the possession of the pet shop, including the dates of administration and the type of vaccines or worming treatments administered;

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

(e) A record of any veterinary treatment or medication received by the cat while in the pet shop's possession and either of the following:

(i) A statement, signed by the pet shop at the time of sale, indicating all of the following: (1) the cat has no known disease or illness; and (2) the cat has no known congenital or hereditary condition that adversely affects the health of the cat at the time of sale; or

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

2. For dogs:

(a) The breeder's name and address, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number;

(b) The date of the dog's birth and the date the pet dealer received the dog. If the dog is not advertised or sold as a purebred, registered or registrable, the date of birth may be



approximated if not known by the seller;

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

(d) A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale while the dog was in the possession of the pet dealer, including dates of administration and the type of vaccines and/or worming treatments administered;

(e) A record of any veterinary treatment or medication received by the dog while in the possession of the pet dealer and either of the following:

(i) A statement, signed by the pet shop at the time of sale, indicating all of the following: (1) the dog has no known disease or illness; and (2) the dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale; or

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

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

b. A disclosure made pursuant to paragraph a of this section shall be signed by both the pet dealer certifying the accuracy of the statement and the purchaser acknowledging receipt of the statement.

c. Every pet dealer shall post conspicuously within close proximity to the cages of dogs and cats offered for sale, a notice containing the following language in one hundred-point type: "Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers."

§ 17-1704 Recordkeeping. a. Each pet shop shall keep and retain for five years after taking possession of any dog or cat records and documentation with respect to the purchase, sale, intermediate handlers, brokers, transportation, breeding, medical care and condition, identification, and previous ownership of such animal. Such documentation and records shall be made available at all reasonable times for inspection and copying by the department. Such records and documentation shall include the following information:

1. Proof of purchase, adoption, or acceptance of such animal evincing the source from which such pet shop obtained such animal;

2. The breeder's name and address. If the breeder is a dealer licensed by the United States department of agriculture, the breeder's name, address, and federal identification number;

3. If the source from which a pet shop obtained such animal is a person other than the breeder, such person's name and address. If such person is a dealer or intermediate handler, such person's name, address, and federal identification number;

4. The date of the animal's birth, the date the pet shop received the animal, and the

location where the animal was received. If the animal is not advertised or sold as a purebred, registered or registrable, the date of birth may be approximated if not known by the seller;

5. The breed, sex, color and identifying marks at the time of sale. If the breed is unknown or mixed, the record shall so indicate.

6. A record of immunizations and worming treatments administered, if any, to such animal as of the time of sale while such animal was in the possession of the pet shop, including the dates of administration and the type of vaccines or worming treatments administered;

7. A record of any known disease, sickness, or congenital condition that adversely affects the health of the animal at the time of sale to the public;

8. A record of any veterinary treatment or medication received by the animal while in the possession of the pet shop;

9. A copy of any written statement provided to the purchaser pursuant to section 1703 of this chapter, signed by the pet shop certifying its accuracy and signed by the purchaser acknowledging its acceptance.

10. The name and address of the person to whom the animal was sold or given for adoption.

11. Any certification provided to a pet store by a shelter or rescue stating that such animal has been implanted with a microchip for permanent identification.

12. A copy of any certificate of registration relating to microchip identification provided to the purchaser.

14. Such other records and documentation as deemed necessary by the commissioner in accordance with rules promulgated by the department.

b. In addition to the documentation and records required under subdivision a of this section, pet stores must keep and maintain the following records for transactions involving one or more dogs:

1. If the pet shop obtained such dog from a United States department of agriculture licensed source, the individual identifying tag, tattoo, or collar number for such animal.

2. If such dog is being sold as registered or being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

3. If the pet shop has submitted a license application for such dog pursuant to section 17-1706 of this chapter, a copy of such application.

4. If the pet shop has released such dog to a purchaser without first submitting a license application, a written statement provided by the purchaser stating that the dog is to be harbored outside the city

§ 17-1705 Animal Source Certification. a. Every pet shop required to have a permit issued by the commissioner shall provide to the commissioner with every application for such permit or renewal thereof an annual certification, executed under penalty of perjury, confirming that during the previous twelve months such pet shop has not sold any animals obtained from a source prohibited pursuant to section 1702 of this chapter. Such certification shall include the following:

1. The name and address of every source from which such pet shop obtained a dog or cat during the same period, and for dogs and cats obtained from sources other than the breeders, the name and address of each breeder;

2. The number of dogs and cats obtained from each source;

3. The number of dogs and cats originating with each breeder who is not a source; and

4. If a source or a breeder who is not a source is licensed by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law:

(a) the department of agriculture license number of such source or breeder; and

(b) the individual identifying tag, tattoo, or collar number of each dog obtained from such source or breeder.

b. Notwithstanding the aforementioned certification, a pet shop submitting an application for a permit or renewal permit less than twelve months after the effective date of this section shall not be required to certify the statements listed in subdivision a of this section except with respect to animals such pet shop receives after the effective date of this section.

c. The department may inspect the records maintained pursuant to section 17-1704 of this chapter to verify the authenticity of the certifications submitted pursuant to subdivision a of this section.

§17-1706 Minimum standards of animal care. a. Pet shops shall comply with the following minimum standards of care for every animal in their custody or possession:

1. Housing. (a) Animals shall be housed in primary enclosures or cages, which shall be constructed so as to be structurally sound. Such enclosures shall be maintained in good repair to contain the animal housed inside and protect it from injury. Surfaces shall have an impervious surface so as not to permit the absorption of fluids and which can be thoroughly and repeatedly cleaned and disinfected without retaining odors.

(b) Primary enclosures or cages housing the animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around, and lie down with its limbs outstretched. If the flooring is constructed of metal strands, such strands must either be greater than one-eighth inch in diameter

(nine gauge wire) or shall be coated with a material such as plastic or fiberglass, and shall be constructed so as not to allow passage of the animal's feet through any opening in the floor of the enclosure. Such flooring shall not sag or bend substantially between structural supports.

(c) Housing facilities shall be adequately ventilated at all times to provide for the health and well-being of the animal. Ventilation shall be provided by natural or mechanical means, such as windows, vents, fans, or air conditioners. Ventilation shall be established to minimize drafts, odors, and moisture condensation.

(d) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal.

(f) The indoor and outdoor facilities housing the animals, including the primary enclosure or cage, shall be designed to allow for the efficient elimination of animal waste and water in order to keep the animal dry and prevent the animal from coming into contact with these substances. If drains are used they shall be constructed in a manner to minimize foul odors and backup of sewage. If a drainage system is used it shall comply with federal, state, and local laws relating to pollution control.

(g) In the event that a pet shop has a pregnant or nursing dog on its premises, the pet shop shall provide a whelping box for such dog.

(h) Pet shops shall designate and provide an isolation area for animals that exhibit symptoms of contagious disease or illness. The location of such designated area must be such as to prevent or reduce the spread of disease to healthy animals.

2. Sanitation. Housing facilities, including primary enclosures and cages, shall be kept in a clean condition in order to maintain a healthy environment for the animal. This shall include removing and destroying any agents injurious to the health of the animal and periodic cleanings. The primary enclosure or cage shall be constructed so as to eliminate excess water, excretions, and waste material. Under no circumstances shall the animal remain inside the primary enclosure or cage while it is being cleaned with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

3. Feeding and watering. (a) Animals shall be provided with wholesome and palatable food, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Animals shall be adequately fed at intervals not to exceed twelve hours or at least twice in any twenty-four hour period in quantities appropriate for the animal species and age, unless determined otherwise by and under the direction of a duly licensed veterinarian.

(c) Food receptacles shall be provided in sufficient number, size, and location as to enable each animal in the primary enclosure or cage to be supplied with an adequate amount of food.

(d) Animals shall be provided with regular access to clean, fresh water, supplied in a sanitary manner sufficient for its needs, except when there are instructions from a duly licensed veterinarian to withhold water for medical reasons.

4. Handling. Each animal shall be handled in a humane manner so as not to cause the

animal physical injury or harm.

5. Veterinary care. (a) Any pet shop duly permitted pursuant to this chapter shall designate an attending veterinarian, who shall provide veterinary care to the shop's animals which shall include a written program of veterinary care and regular visits to the pet shop'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 methods determined to be appropriate by the attending veterinarian to prevent, control, and respond to 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.

(b) All animals shall be inoculated 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 shop or by a person working under the pet shop's supervision.



(c) Within five business days of receipt, but prior to sale of any dog, the pet shop shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed 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 diagnosed with a contagious disease shall be treated and caged separately from healthy animals.

(d) If an animal suffers from a congenital or hereditary condition, disease, or illness which, in the professional opinion of the pet shop's veterinarian, requires euthanasia, the veterinarian shall humanely euthanize such animal without undue delay.

(e) In the event an animal is returned to a pet shop due to a congenital or hereditary condition, illness, or disease requiring veterinary care, the pet shop shall, without undue delay, provide the animal with proper veterinary care.

6. Exercise requirements. Pet shops shall develop, maintain, document, and implement an appropriate plan to provide dogs 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 must be made available to the department upon request.

§ 2 This local law shall take effect sixty days after its enactment into law.

JC  
LS # 4973, 4974, 4975, 4881  
2/5/2014 5:21pm



Int. No. 73

By Council Members Johnson, Arroyo, Constantinides, Levine, Rose and Vallone

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to updating the definition of “pet shop” within the Animal Abuse Registration Act.

Be it enacted by the Council as follows:

Section 1. Subdivision i of section 17-1601 of chapter 16 of Title 17 of the administrative code of the city of New York is amended to read as follows:

i. “Pet shop” shall mean a facility [required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code,] other than an animal shelter where [dogs and/or cats] live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

§ 2. This local law shall take effect on May 5, 2014, unless this local law is enacted after May 5, 2014, in which case it shall take effect immediately.

JHC  
LS#776  
2/18/2014



Int. No. 136

By Council Members Crowley, Arroyo, Dickens, Johnson, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. The title of chapter 8 of title 17 of the administrative code of the city of New York is amended to read as follows:

Chapter 8 – ANIMAL SHELTERS AND [STERILIZATION ACT] PET SHOPS

§ 2. Subdivision e and f of section 17-802 of the administrative code are amended to read as follows:

e. "Pet shop" means a facility [required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code,] where [dogs and/or cats] live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

f. "Sterilization" means rendering a dog, [or ]cat, rabbit, guinea pig, or any other animal designated by rule by the department[who is at least eight weeks of age], unable to reproduce, by surgically altering the [dog's or cat's] animal's reproductive organs as set forth in the rules of the department or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat provided such dog or cat is at least eight weeks of age.

§ 3. Section 17-802 of chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new subdivisions h to read as follows:

h. “Animal shelter” means a not-for-profit facility holding a permit in accordance with §161.09 of the New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

§4. Subdivisions b and c of section 17-804 of the administrative code of the city of New York are amended to read as follows:

b. No pet shop shall release to a consumer a dog[ or], cat, rabbit, or guinea pig, or any other animal designated by rule by the department that has not been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian, dated within the immediately preceding ten days, stating the reason(s) why, in the opinion of such veterinarian, such [dog or cat] dog, cat, or other animal, should not be sterilized until a later specified date, not to exceed four months following the date of such letter. Such letter shall state that such veterinarian will cause such [dog or cat] animal to be sterilized at the request of such consumer on or before such later specified date. Such veterinarian shall also provide to the pet shop a certificate, in such form and manner as determined by rules promulgated by the department, stating the date on which such sterilization was performed. Any consumer who provides a pet shop with a letter with respect to a later sterilization of [a dog or cat] such animal must ensure

that such animal is sterilized by the date indicated in the letter.

c. Every pet shop, in accordance with rules promulgated by the department, shall maintain records of all sales of dogs, cats, rabbits, guinea pigs, and any other animals designated by rule by the department pursuant to subdivision b of this section [dog or cat sales], sterilization procedures performed at the request of the pet shop, and veterinarian letters and certificates received, and shall retain such records, letters and certificates for a period of [two] five years. Such records, letters, and certificates shall be made available to the department according to rules promulgated by the department.

§ 5. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-814 to read as follows:

§ 17-814 Licensing of dogs required. a. A pet shop shall not sell or release a dog to a purchaser or adopter unless such person first completes an application for a license and tenders the license fees required by law. Such pet shop shall forward such completed application and license fees to the department in such manner as may be specified by the department. Such license shall be issued by the department.

b. A pet shop shall be exempted from the requirements of subdivision a of this section for any sale of a dog to a purchaser or adopter who executes and submits to such pet shop a written statement that the dog to be purchased or adopted is to be harbored outside of the city.

c. Every pet shop operator shall on at least a monthly basis report to the department on a form furnished by the department all dogs which have been sold and adopted, indicating for each such dog whether or not the pet shop submitted to the department a license application. Such form shall include the name and address of each such dog's purchaser or adopter, the license or license application number if known, as well as any other descriptive information regarding such

dog as may be required by the department.

§6. This local law shall take effect ninety days after its enactment into law.

JHC  
LS# 417  
3/4/2014



Int. No. 146

By Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. The title of chapter 8 of title 17 of the administrative code of the city of New York is amended to read as follows:

Chapter 8 – ANIMAL SHELTERS AND [STERILIZATION ACT] PET SHOPS

§ 2. Subdivision e of section 17-802 of the administrative code is amended to read as follows:

e. "Pet shop" means a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit [a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit]. Such definition shall not include [full-service shelters or other] animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

§ 3. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-814 to read as follows:

§ 17-814 Microchipping required. a. No pet shop shall release a dog or cat to a purchaser unless:

1. such animal has been implanted with a microchip as a permanent identification by a

licensed veterinarian;

2. such pet shop has registered such animal's microchip with such purchaser's contact information; and

3. such pet shop has provided such purchaser with usage instructions for such microchip and written certification of compliance with paragraphs 1 and 2 of this subdivision, signed by such purchaser as acknowledgement of receipt, in a form and manner set forth in rules promulgated by the department.

b. Every pet shop shall retain for a period of five years from the date of sale of any dog or cat, a copy of the certification signed by the purchaser required by paragraph 3 of subdivision a of this section.

§4. This local law shall take effect ninety days after its enactment into law.

JHC  
LS# 353  
3/4/14