

Plain Language Summary

CURRENT INTRODUCTION NUMBER:

[Int. No. 55-A](#)

INITIAL SPONSORS:

Council Members Crowley and Johnson

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to regulating pet shops.

BILL SUMMARY:

This plain language summary is for informational purposes only and does not substitute for legal counsel. For more information, you should review the [full text of the bill](#), which is available online at legistar.council.nyc.gov.

Until this year, New York State law preempted municipal regulation of pet shops that sell cats and dogs. In January those preemption provisions were repealed when the Governor signed into law Chapter 553 of the Laws of 2013 and Chapter 5 of the Laws of 2014. This bill would exercise the City's new authority by regulating the sale of animals including cats and dogs and by requiring all pet shops that sell animals to the public to hold an operating permit issued by the Department of Health and Mental Hygiene.

Beginning January 1, 2016, this bill would require all pet shops to obtain an operating permit issued by the Department of Health and Mental Hygiene. The permit would be subject to biennial renewal. A person applying for a permit or a renewal permit before June 1, 2017 would be required to submit a certification that since June 1, 2015, such person had not sold any animal from a source prohibited pursuant to the provisions of this bill. For applications submitted on or after June 1, 2017, this bill would require the applicant to certify that during the two years preceding the date of the application, such pet shop has not sold any animals prohibited pursuant to this bill. The animals in a pet shop operating without a permit would be subject to seizure and forfeiture. A violation of the permit would be subject to a \$500 penalty. A violation that affects more than one animal would be considered a separate violation with respect to such animal. A violation that continues for more than one day would be considered a separate violation for each day that it continues.

Beginning June 1, 2015, this bill would require that a pet shop obtain any dog or cat that it offers for sale directly from a breeder licensed by the United States Department of Agriculture (USDA). It would prohibit pet shops from selling dogs and cats obtained from brokers, and rabbits obtained from any source. The bill would also prohibit sales of cats and dogs obtained from USDA licensed breeders that do not meet certain inspection standards.

The USDA requires annual inspections of licensees. When USDA inspectors file their reports, they cite items for which a breeder is non-compliant with the Animal Welfare Act (AWA). An

inspector may make a notation that a non-compliant item is “direct” if it poses an immediate danger to the health of an animal. An inspector may indicate that a non-compliant item is a “repeat” item if the non-compliant item was cited on the previous inspection report. This bill would prohibit the sale of dogs and cats obtained from USDA licensed breeders if their publically available USDA inspection reports indicate any of the following: 1) one or more direct non-compliant items during the past three years; 2) on either of the two most recent inspection reports, a citation for failing to provide USDA inspectors access to property or records; 3) on the most recent inspection report, three or more non-compliant item citations, other than a citation for failure to provide inspectors access to property or records; or 4) one or more repeat non-compliant items on the most recent inspection report. This bill would also prohibit the sale of dogs and cats obtained from a breeder that, according to publically available USDA records, has been subject to any of the following enforcement actions at any time during the past five years: an order to cease and desist, an order to pay a civil penalty, or an order suspending such breeder’s USDA license. In addition to these sourcing restrictions, this bill would require a pet shop to obtain from the breeder of any dog or cat offered for sale a sworn affidavit attesting to the fact that such breeder has not been convicted of a violation of the standards of care listed in section 401 of the New York State Agriculture & Markets Law at any time during the past five years and that such breeder has never been convicted of an animal abuse crime. Animals offered for sale in violation of these restrictions would be subject to seizure and forfeiture.

This bill would require pet shops to provide information to purchasers and prospective purchasers. Upon the request of a purchaser or prospective purchaser of a cat or dog, a pet shop would be obligated supply the two most recent USDA inspection reports for the breeder of such animal and a written statement certifying information about the breeder, its USDA inspection history, the animal’s health and any medical treatment the animals has received. The bill would require this statement to be signed by the pet shop and by the purchaser as acknowledgment of receipt. To inform prospective purchasers of their rights, the bill would require every pet shop to post signage that says, “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. United States Department of Agriculture inspection reports are available upon request.”

Pet shops would be required to keep and maintain detailed records evincing the source and condition of every cat and dog purchased or offered for sale. A pet shop would be required to keep such records for period of ten years from the date such pet shop acquired the animal. Such records would be subject to inspection by the Department of Health and Mental Hygiene at any time.

Pet shops would also be required to adopt standards for the care for the cats and dogs in their custody that are more stringent than those required by state law.

A violation of any of the above provisions of law would be subject to a penalty of five hundred dollars. A violation in connection with the sale of more than one animal would be considered a separate violation with respect to each animal. Each violation that continues for more than one day would be considered a separate violation for each day that it continues.

A pet shop that allows a shelter or rescue to use its property for the purposes of making animals available for adoption would be exempt from these regulations with respect to those animals.

CODE SECTIONS AFFECTED:

- Adds Administrative Code §§ 17-371 – 17-382
- Adds Administrative Code §§ 17-1701 – 17-1709

EFFECTIVE DATE:

June 1, 2015, provided, however, that sections 17-372 through 17-382 of Title 17 of the Administrative Code as added by section one of this bill would take effect on January 1, 2016.

NOTE: When reading the full text of the bill online at legistar.council.nyc.gov, language that is enclosed by [brackets] is proposed to be removed, and language that is underlined is proposed to be added.