

**RESOLUTION NO. 1153 -2018, ADOPTING LOCAL LAW
NO. -2019, A LOCAL LAW TO IMPROVE REGULATION OF
PET DEALERS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 17, 2018, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE REGULATION OF PET DEALERS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IMPROVE REGULATION OF PET DEALERS
IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County regulates the sale of animals by pet dealers to protect the consumers of Suffolk County and ensure that animals sold within the County are bred, raised and maintained in a healthy and safe environment.

This Legislature also finds that pet dealers can obtain animal breeder inspection reports prepared by the United States Department of Agriculture and state inspection reports directly from animal breeders and are required to provide notice to consumers that these reports are available upon request. Pet dealers should be required to provide copies of these inspection reports to the County Department of Labor, Licensing and Consumer Affairs.

This Legislature further finds that pet dealers frequently fail to post the prices they are charging for animals, a practice which deprives consumers of important information when they are deciding if a particular animal should join their family.

This Legislature determines that, presently, there is no requirement that pet dealers notify the County when they change their business location or begin doing business at new locations. This Legislature believes that pet dealers should be required to provide this information to the County to allow for more effective enforcement of the pet dealer statute.

Therefore, the purpose of this local law is to amend Chapter 299 of the SUFFOLK COUNTY CODE to require pet dealers to obtain proper documentation for the animals they obtain and sell; to ensure proper consumer notification of animal pricing; and to ensure County access to information on pet dealers and the animal breeders and brokers they source from.

Section 2. Amendments.

Chapter 299 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 299
ANIMALS**

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Article VIII. Pet Dealers and Pet Stores

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§ 299-57. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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Hamster – an animal of the family Cricetidae, subfamily Cricetinae.

Healthy and Safe - in a good state of welfare, as indicated by scientific evidence. Animals maintained in a healthy and safe manner are objectively in sound physical condition, comfortable, well nourished, able to express innate behavior, and not suffering from any negative conditions such as pain, fear, and distress.

Hobby Breeder – any person, who has never been a USDA licensed breeder, who owns 4 or fewer breeding female animals and sells one or more of their offspring to a pet store, pet dealer or broker annually.

Person – a natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

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Rabbit – an animal of the Leporidae family of the Lagomorpha order.

Transporter – a commercial business registered with the USDA as a carrier which provides transportation for animals from one location to another, as regulated by the federal Animal Welfare Act.

USDA – the United States Department of Agriculture.

Veterinarian – a veterinary doctor licensed by the state in which he or she practices and is certified by the animal health authority of the state of licensure.

§ 299-58. General requirements.

- A. No animal shall be offered for sale[, trade or give-away] by a pet dealer or pet store unless the animal is at least eight weeks old, is in good health, [and] has been weaned from its mother, and was raised and is being maintained in a healthy and safe manner.

No pet store shall transfer an animal to an individual or entity as an adoption unless the animal was sourced from a municipal shelter within Suffolk County. Animals shall not be bartered, traded or given away.

- B. Pet dealers shall only source animals for sale from USDA-licensed Class A breeders and Class B brokers. Animals intended for sale shall not be sourced from private or exempt breeders through a USDA-licensed Class B broker, hobby breeder, or any other unregulated source. No pet dealer shall obtain or be in possession of animals intended for sale originating from a breeder or a broker that has received:
- (1) A direct or critical violation from the USDA within the past two years;
 - (2) "No access" violations on [any] the two most recent USDA inspection reports [within the past two years];
 - (3) Three or more indirect or non-critical violations, other than "no access" violations on any USDA inspection reports within the past two years;
 - (4) One or more reoccurring indirect or non-critical violations on any USDA inspection report within the past two years; [or]
 - (5) Any USDA APHIS Section 2.40 violation [(attending veterinarian and adequate veterinary care)] on any USDA inspection report within the past two years, excepting violations for unused and used expired medications having an expiration date no more than 59 days from the inspection date; and
 - (6) Any violations on a state inspection report related to the health and welfare of the animal from the breeder or broker's state of origin within the past two years, if applicable.
- C. Any animal offered for sale~~], trade or give-away]~~ by a pet dealer or pet store shall have daily access to appropriate amounts of clean, fresh water and clean, fresh food no less than twice per day.
- D. Any pet dealer or pet store offering animals for sale~~], trade or give-away]~~ shall, upon request of the prospective consumer, make available a copy of the most recent inspection reports conducted by the USDA and the animal's state of origin of the breeder and/or broker and/or the transporter from which the subject animal came. Pet dealers and pet stores shall post the statement "USDA inspection reports are available upon request" on the bottom of signs required pursuant to New York State General Business Law § 753-b, which statement shall be subject to the same standards of readability.
- E. Any pet dealer or pet store offering animals for sale~~], trade or give-away]~~ shall retain each invoice it receives from the broker or breeder from whom it obtains its animals for a period of at least two years. A copy of the invoice must be provided to the Department of Labor, Licensing and Consumer Affairs upon the Department's request.
- F. Any pet dealer or pet store offering animals for sale~~], trade or give-away]~~ shall make sterilization services by a licensed veterinarian available to the consumer for animals sold at an age at which such procedures may be performed safely. Consumers shall be responsible for any costs associated with utilizing such services.

- G. No pet dealers or pet store shall provide animals to customers under lease or rental terms. Any agreement for short-term use of an animal or an agreement involving small installment payments by a customer with a large final payment due at the end of the agreement period shall be deemed an improper rental or lease of an animal. Pet dealers must disclose to customers the nature of any relationship it has with a third party lender when offering credit based financing in their stores. Pet dealers which offer layaway plans must comply with New York General Business Law § 396-t.
- H. Pet dealers and pet stores shall post a sign provided by the Department of Labor, Licensing and Consumer Affairs at the entrance of their businesses which is fully visible from the exterior of the store that directs consumers to a webpage maintained by the Department of Labor, Licensing and Consumer Affairs regarding pet dealers and pet stores.
- I. Pet dealers shall place all animals purchased from a breeder or broker in isolation upon their arrival at the pet store for a minimum of six (6) days. After the six day isolation is complete, all cages used for isolation must be cleaned and sterilized. Animals shall be examined by a New York State licensed veterinarian within 4 days of commencing isolation, during which all tests appropriate for the animal's age and breed are to be conducted. Upon completing the examination, a report, signed by the veterinarian, shall be issued to the pet dealer detailing the condition of the animal on the date of examination, including any medical or physical conditions present in the animal, illnesses the animal had or has, diagnoses for the animal, as well as veterinary treatments, vaccines and/or medications provided to the animal. At the time of inspection, the veterinarian must certify, in writing, if the examined animal is fit for sale in New York State. Pet dealers will maintain all veterinarian reports for a period of two (2) years. These reports shall be provided to the Department of Labor, Licensing and Consumer Affairs during inspections and to prospective purchasers as part of the animal's medical history. In the event that an animal tests positive for a communicable disease, the animal must receive treatment from the veterinarian and remain in isolation until appropriate testing comes back negative and the animal is found to be healthy by the veterinarian.
- J. Pet dealers shall maintain an affidavit executed by the individual who holds the New York State pet dealer license, or at least one partner in the case of LLP organizations holding the license, or the President or Executive Director in the case of Corporations/LLC organizations holding the license. This affidavit, which shall be updated by January 31st of each year and provided to the Department of Labor, Licensing and Consumer Affairs at each inspection, shall contain the following information:
- (1) A list containing the name, address and USDA license number of every breeder and broker from which the pet dealer sourced animal(s) from in the preceding calendar year;
 - (2) The total number of animals obtained from each source during the preceding calendar year;
 - (3) The individual identifying tag, tattoo or collar number for each animal obtained from each source during the preceding calendar year;

- (4) A certification that the pet dealer received a health certificate from the breeder and broker, if applicable, for each animal it obtained during the preceding calendar year, issued by the animal's state of origin and signed by a licensed veterinarian within 10 days of the animal being provided to the pet dealer, which shall be completed in its entirety and contain all applicable animal health information, including but not limited to, details pertaining to (a) rabies vaccination date, tag number and serial number; (b) any tests, vaccinations or treatment with corresponding dates; and (c) complete transporter information; and
- K. Pet dealers shall not do business with any person who was previously licensed by the USDA as a breeder or broker but had such license revoked or who voluntarily relinquished same.
- L. Pet dealers shall not obtain animals from any individual who is convicted in New York State of any crime involving animal abuse or who is listed on the Suffolk County Animal Abuser Registry.
- M. Pet dealers shall not obtain or be in possession of any animals intended for retail sale that are obtained from sources not authorized pursuant to this law.

§ 299-59. Primary animal enclosure requirements for pet dealers.

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- F. Any primary animal enclosure shall have a tag in Times New Roman font in a minimum font size of [16] 18 points with the following information about each animal which is housed therein:
- (1) Breed of the animal, if known;
 - (2) Sex of the animal;
 - (3) Color or other identifying markers;
 - (4) Date of the animal's birth;
 - (5) The name, state and USDA license number of the breeder; [and]
 - (6) The name, state and USDA license number of the broker, if applicable[.]; and
 - (7) The suggested retail price of the animal, which shall be printed in bold lettering.

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§ 299-61. Enforcement.

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- C. At the time of inspection by the Department of Labor, Licensing and Consumer Affairs, a pet dealer must provide to the Department representative:

- (1) proof of a valid pet dealer license for that location issued pursuant to New York State Agriculture and Markets Law §403; and
- (2) copies of the three (3) most recent USDA inspection reports and state inspection reports, if applicable, for each of the breeders and brokers the pet dealer has purchased animals from in the preceding twelve (12) months.

D. Pet dealers shall notify the Department of Labor, Licensing and Consumer Affairs each time they change retail business locations or open a new location for retail business. Notification shall be due to the Department at the time the New York State pet dealer license for the new location is issued.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect sixty (60) days after its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 18, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: January 9, 2019