

THE COMMITTEE ON ANIMALS AND THE LAW URGES APPROVAL OF THIS LEGISLATION

Animals and the Law #9 - GOV

July 25, 2013

S. 3955-A
A. 1205-A

By: Senator Grisanti
By: M. of A. Paulin
Senate Committee: Agriculture
Assembly Committee: Codes
Effective Date: 120 days after it shall have
become a law

AN ACT to amend the agriculture and markets law, in relation to administrative hearings and processes for pet dealers.

SECTION AND LAW REFERRED TO: Section 404, subsection 4 of the Agriculture and Markets Law.

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This bill would amend the Agriculture and Markets Law in an effort to better protect dogs and cats from abusive treatment or neglect by pet dealers. It would require administrative hearings to determine whether a dealer's license should be suspended or revoked after a pattern of deficiencies. The bill would amend the Agriculture and Markets Law by adding to section 404, subsection 4, a requirement that after three "critical" violations, as determined by the Department of Agriculture and Markets, a hearing would be required to determine whether suspension or revocation of the dealer's license is warranted. Furthermore, the bill would enable the Commissioner to take immediate action, as permitted, to address egregious practices prior to three consecutive violations.

Currently, Agriculture and Markets Law section 404 calls for a hearing, yet the law lacks guidance about when such a hearing must occur. This bill provides necessary clarification by adding a finite number of violations (three), after which such a hearing will be required.

This amendment furthers several important purposes. Presently, pet dealers have little incentive to better the conditions of the animals in their care, since the law does not attach any specific number of consecutive violations prior to a hearing. This bill would require a hearing after three critical violations, and would not allow a pet dealer who has received a series of warnings and been subject to re-inspections to continue in operation without a hearing, and without the department taking action that could affect the pet dealer's license.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

Additionally, this would give the Commissioner the ability to take prompt action regarding a pet dealer's license prior to three consecutive inspections and violations, thus authorizing immediate action in order to discontinue the most egregious practices.

For the foregoing reasons, the Committee on Animals and the Law **URGES APPROVAL** of this legislation by the Governor.

Chair of the Committee: Amy L. Chaitoff, Esq.