



New York State

ASSEMBLY

Sheldon Silver - Speaker

Watch Live

Bill No.: A00740

Search

 Summary
 Actions
 Votes
 Memo
 Text *(Printer friendly text)*
A00740 Summary:

BILL NO A00740A

SAME AS SAME AS S03753-A

SPONSOR Rosenthal (MS)

 COSPNSR Dinowitz, Titone, Rosa, Gottfried, Englebright, Mosley, Kellner,
 Brook-Krasny, Maisel, Espinal, Benedetto, Kim, Moya, Skartados,
 Weprin, Raia, Johns, Malliotakis, Borelli, Tedisco

MLTSPNSR Braunstein, Gibson, Hevesi, McDonough, Millman

Rpld S400-a, amd S407, Ag & Mkts L; amd S753-d, rpld S753-e, Gen Bus L

Relates to preemption of local law.

[Go to top](#)**A00740 Actions:**

BILL NO A00740A

01/09/2013 referred to agriculture
 02/12/2013 reported referred to codes
 06/06/2013 amend and recommit to codes
 06/06/2013 print number 740a
 06/10/2013 reported referred to rules
 06/17/2013 reported
 06/17/2013 rules report cal.293
 06/17/2013 ordered to third reading rules cal.293
 06/18/2013 passed assembly
 06/18/2013 delivered to senate
 06/18/2013 REFERRED TO RULES
 06/20/2013 SUBSTITUTED FOR S3753A
 06/20/2013 3RD READING CAL.455
 06/21/2013 PASSED SENATE
 06/21/2013 RETURNED TO ASSEMBLY
 12/30/2013 delivered to governor

[Go to top](#)**A00740 Text:**

STATE OF NEW YORK

740--A

2013-2014 Regular Sessions

IN ASSEMBLY

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, DINOWITZ, TITONE, ROSA, GOTTFRIED,
 ENGLEBRIGHT, MOSLEY, KELLNER, BROOK-KRASNY, MAISEL, ESPINAL, BENEDET-
 TO, KIM, MOYA, SKARTADOS, WEPRIN, RAIA, JOHNS, MALLIOTAKIS, BORELLI --
 Multi-Sponsored by -- M. of A. BRAUNSTEIN, GIBSON, HEVESI, McDONOUGH,
 MILLMAN -- read once and referred to the Committee on Agriculture --
 reported and referred to the Committee on Codes -- committee

[Back](#)[Bill Search & Legislative
Information Home](#)[Assembly Home](#)[Bill / Floor Vote Search](#)[New York State Laws](#)[Legislative Calendar](#)[Public Hearing Schedules](#)[Assembly Calendars](#)[Assembly Committee
Agenda](#)

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 preemption of local laws; and to repeal section 400-a of the agriculture and markets law and section 753-e of the general business law relating thereto

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

1 Section 1. Section 400-a of the agriculture and markets law is
2 REPEALED.

3 S 2. Section 407 of the agriculture and markets law, as added by chap-
4 ter 259 of the laws of 2000, is amended to read as follows:

5 S 407. Construction with other laws. Nothing in this article shall be
6 construed to (A) limit or restrict agents or officers of societies for
7 the prevention of cruelty to animals or the police from enforcing other
8 provisions of article twenty-six of this chapter or any other law relat-
9 ing to the humane treatment of or cruelty to animals, (B) LIMIT OR
10 RESTRICT ANY MUNICIPALITY FROM ENACTING OR ENFORCING ANY AUTHORIZED
11 LOCAL LAW, RULE, REGULATION OR ORDINANCE OF GENERAL APPLICATION TO BUSI-
12 NESSES GOVERNING PUBLIC HEALTH, SAFETY OR THE RIGHTS OF CONSUMERS, OR
13 (C) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING ANY LOCAL LAW,
14 RULE, REGULATION OR ORDINANCE GOVERNING PET DEALERS, INCLUDING THE
15 SOURCE OF ANIMALS OFFERED FOR SALE BY PET DEALERS, WHETHER SPAYING OR
16 NEUTERING OF SUCH ANIMALS IS REQUIRED BEFORE SALE, AND THE HEALTH OR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD02345-02-3

A. 740--A

2

1 SAFETY OF ANIMALS MAINTAINED BY PET DEALERS PROVIDED, HOWEVER, THAT NO
2 SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS STRINGENT
3 THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE OR ESSENTIALLY RESULT IN
4 THE BANNING OF ALL SALES OF DOGS OR CATS RAISED AND MAINTAINED IN A
5 HEALTHY AND SAFE MANNER AND PROVIDED, FURTHER, THAT WHERE A PENALTY MAY
6 BE AUTHORIZED FOR THE VIOLATION OF SUCH A LOCAL LAW, RULE, REGULATION OR
7 ORDINANCE, THE AUTHORIZED PENALTY IN SUCH LOCAL LAW, RULE, REGULATION OR
8 ORDINANCE MAY NOT EXCEED A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS.
9 WHERE A MUNICIPALITY ADOPTS SUCH A LOCAL LAW, RULE, REGULATION OR ORDI-
10 NANCE THAT IS MORE STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS
11 ARTICLE, SUCH MUNICIPALITY SHALL HAVE SOLE RESPONSIBILITY FOR ENFORCE-
12 MENT OF SUCH SPECIFIC LAW, RULE, REGULATION OR ORDINANCE THAT IS MORE
13 STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE.

14 S 3. Section 753-d of the general business law, as added by chapter
15 259 of the laws of 2000, is amended to read as follows:

16 S 753-d. Construction with other laws. Nothing in this article shall
17 be construed to (A) limit or restrict agents or officers of societies
18 for the prevention of cruelty to animals or the police from enforcing
19 articles twenty-six and twenty-six-A of the agriculture and markets law
20 or any other law relating to the humane treatment of, or cruelty to,
21 animals, (B) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING OR ENFORC-
22 ING ANY AUTHORIZED LOCAL LAW, RULE, REGULATION OR ORDINANCE OF GENERAL
23 APPLICATION TO BUSINESSES GOVERNING PUBLIC HEALTH, SAFETY OR THE RIGHTS
24 OF CONSUMERS, OR (C) LIMIT OR RESTRICT ANY MUNICIPALITY FROM ENACTING
25 ANY LOCAL LAW, RULE, REGULATION OR ORDINANCE GOVERNING PET DEALERS,
26 INCLUDING THE SOURCE OF ANIMALS OFFERED FOR SALE BY PET DEALERS, WHETHER
27 SPAYING OR NEUTERING OF SUCH ANIMALS IS REQUIRED BEFORE SALE, AND THE
28 HEALTH OR SAFETY OF ANIMALS MAINTAINED BY PET DEALERS PROVIDED, HOWEVER,
29 THAT NO SUCH LOCAL LAW, RULE, REGULATION OR ORDINANCE SHALL BE LESS
30 STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS ARTICLE OR ESSENTIALLY
31 RESULT IN THE BANNING OF ALL SALES OF DOGS OR CATS RAISED AND MAINTAINED
32 IN A HEALTHY AND SAFE MANNER AND PROVIDED, FURTHER, THAT WHERE A PENALTY
33 MAY BE AUTHORIZED FOR THE VIOLATION OF SUCH A LOCAL LAW, RULE, REGU-
34 LATION OR ORDINANCE, THE AUTHORIZED PENALTY IN SUCH LOCAL LAW, RULE,
35 REGULATION OR ORDINANCE MAY NOT EXCEED A CIVIL PENALTY OF UP TO FIVE
36 HUNDRED DOLLARS. WHERE A MUNICIPALITY ADOPTS SUCH A LOCAL LAW, RULE,
37 REGULATION OR ORDINANCE THAT IS MORE STRINGENT THAN THE APPLICABLE
38 PROVISIONS OF THIS ARTICLE, SUCH MUNICIPALITY SHALL HAVE SOLE RESPONSI-
39 BILITY FOR ENFORCEMENT OF SUCH SPECIFIC LAW, RULE, REGULATION OR ORDI-
40 NANCE THAT IS MORE STRINGENT THAN THE APPLICABLE PROVISIONS OF THIS
41 ARTICLE.

42 S 4. Section 753-e of the general business law is REPEALED.

43 S 5. This act shall take effect immediately.

Go to top