AN ACT to amend the Agriculture and Markets law, in relation to limiting the animal dealers exempt under the provisions of Article 7 of such law relating to the licensing and control of dogs.

THIS LEGISLATION IS APPROVED

SUMMARY OF THE PROPOSED LEGISLATION

The proposed legislation would amend section 107(4) of the Agriculture and Markets Law to provide that commercial dog breeders are only exempt from New York State licensing, vaccination and control regulations where the breeder “sells dogs exclusively to USDA registered research facilities, or research facilities with a Public Health Services approved Animal Welfare Assurance from the Office of Laboratory Animal Welfare at the National Institute of Health and to agencies of the federal government that are exempt from the Animal Welfare Act and foreign entities lawfully engaged in research.”

THE PROPOSED LEGISLATION ADVANCES ANIMAL WELFARE AND PROVIDES A FINANCIAL BENEFIT TO THE STATE

Article 7 of the New York Agriculture and Markets law contains a number of requirements regarding the licensing, identification, vaccination, and control of dogs, and provides for the utilization of funds generated through licensing requirements for purposes of implementing animal population control efforts. Subject to several exceptions, these provisions are applicable to all dog owners, including dog breeders.

Section 107 sets forth a number of exceptions to the regulations, including, inter alia, that “[t]his article shall not apply to any dog confined to the premises of any person, firm or

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2 Id.
corporation engaged in the business of breeding or raising dogs for profit and licensed as a class A dealer under the Federal Laboratory Animal Welfare Act.”

By amending section 107(4) to provide that commercial dog breeders are only exempt from New York State licensing, vaccination and control regulations where the breeder sells dogs exclusively to USDA registered research facilities, research facilities with a government-approved Animal Welfare Assurance, federal agencies, and foreign entities, the proposed legislation closes a loophole that currently allows certain commercial dog breeders to escape the licensing, vaccination and other dog control requirements set forth in Article 7 that otherwise apply to dog owners, including commercial dog breeders, in New York State simply because the breeder is registered as a Class A dealer with the USDA.

The implementing regulations of the Animal Welfare Act define a “Class ‘A’ licensee (breeder)” as “a person subject to the licensing requirements under part 2 and meeting the definition of a ‘dealer’ (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.” The term “dealer” in turn is defined to mean “any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: Any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or for use as a pet; or any dog at the wholesale level for hunting, security, or breeding purposes.” Thus, Class A dealers include commercial dog breeders who buy, sell, or transport dogs for a number of commercial purposes, including the pet trade.

As of September 2016, there were 33 Class A licensee breeders in New York State. As noted in the justification memos of the proposed legislation, “USDA Class A license holders for commercial dog breeding frequently have as many as 600 adult breeding dogs and are responsible for a significant percentage of our state’s overburdened animal shelter system.” Furthermore, the rationale for the need to license, vaccinate and control dogs is no less applicable with respect to dogs owned by Class A license holders as it is for any other commercial dog breeder or dog owner in New York State. Rather, these concerns are of increased importance in the case of commercial breeders who may have hundreds of dogs under their control. The proposed legislation remedies this loophole by limiting this category of dog breeders subject to the exception to those breeders that sell dogs to USDA registered research facilities, research facilities with a government-approved Animal Welfare Assurance, federal agencies, and foreign entities.

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3 N.Y. AGRIC. & MKTS. LAW § 107(4).
5 Id.
As noted in the sponsors’ memos, by “[r]emoving this inappropriate exception” and thereby subjecting commercial dog breeders other than those expressly excluded by the law to uniform licensing, vaccination and control requirements, the proposed legislation will “yield additional revenue that can be applied to spay and neuter programs capable of reducing shelter populations and eliminating the unnecessary euthanasia of animals.” All adult dogs would be subject to the license requirement; dogs younger than four months are exempt.7 Overpopulation is a major cause of shelter intakes in New York State. High intake rates frequently result in overcrowding, which in turn results in a number of negative impacts and undesired outcomes on animal health and well-being. Spayed or neutered animals are at lower risk of relinquishment to shelters by their owners and surgically sterilized animals are incapable of producing unwanted litters of animals that often end up in shelters. Spaying and neutering also protects the public safety by decreasing the likelihood that a dog will attack,8 reduces the number of unwanted animals who are ultimately euthanized; and saves taxpayers money. Allowing Class A dealers in the licensing scheme also foregoes licensing fees for municipalities, pursuant to Agriculture & Markets Law section 110, leading to less resources being available for implementing animal population control measures.

CONCLUSION

For all of these reasons, the Committee supports the proposed legislation.

Reissued March 2017

7 N.Y. AGRIC. & MKTS. LAW § 109(1).

8 Jamey Medlin, Comment: Pit Bull Bans and the Human Factors Affecting Canine Behavior, 56 DEPAUL L. REV. 1285, 1308 (Summer 2007) (Sterilized dogs are less likely to attack than unaltered dogs), citing KAREN DELISE, FATAL DOG ATTACKS: THE STORIES BEHIND THE STATISTICS 29 (2002).