



**THE NASSAU COUNTY LEGISLATURE
OFFICE OF LEGISLATIVE BUDGET REVIEW
MAURICE CHALMERS, DIRECTOR
FISCAL IMPACT STATEMENT**

TITLE:

A local law to regulate pet dealers and pet stores within Nassau County.

SUMMARY OF LEGISLATION:

In March 2014, the State made changes to the General Business law and Agriculture and Markets law that granted municipalities the power to regulate pet dealers, brokers, and stores. The local law defines pet dealers as entities or individuals within Nassau County selling nine or more animals for profit in a given year. Pet breeders are any person breeding nine or more animals in a year. Pet brokers deal (buy, sell, trade, etc.) animals in wholesale channels. Pet stores are defined as establishments owned or operated by pet dealers. The local law exempts incorporated humane societies and breeders raising fewer than 25 animals per year on residential property. The proposed local law implements the State law changes so that County pet dealers, brokers, and stores are required to meet certain animal care and record maintenance standards. The local law covers cats and dogs only.

The local law outlines the treatment of animals in the care of the County's pet dealers and stores. The proposed law requires pet dealers and stores to provide the animals in their care with clean and adequate food, water, and living space; however it does not outline exactly what constitutes adequate food and water. The local law sets living space conditions, such as minimum floor space. Pet dealers and stores would be required to make sterilization services available at a cost to the consumer. Pet dealers must obtain written certification from a veterinarian before euthanizing an animal suffering from a congenital or hereditary condition, disease, or illness.

County pet dealers are not to accept animals from breeders who have received and failed to cure any of the following United States Department of Agriculture (USDA) violations over the past year:

- One direct USDA violation.
- Three or more separate indirect violations.
- One or more reoccurring indirect violations.

Breeders with two "no access" violations on their two most recent USDA inspection reports would not be allowed to provide County pet dealers with animals. Selling, trading, or giving away an animal that is not weaned from its mother, in good health, or is less than 8 weeks old will be prohibited.

Provisions included in the proposal would place new record maintenance requirements on the County's pet dealers and stores. For example, the County's pet dealers and stores will be required to keep all

broker and breeder invoices on file for a two year period. The Office of Consumer Affairs (OCA) can request these records from pet dealers and stores.

Patrons of County pet dealers and stores are granted certain rights in the proposal. For instance, customers would have the right to request a copy of the most recent USDA inspection report from a County pet dealer or store. Customers would also have the right to inquire about an animal's state and/or breeder of origin. The proposal would require pet dealers or stores to advertise that this information is available to customers. Pet dealers and stores would also have to tag certain information on the primary enclosure about each animal, such as breed, sex, date of birth, color or identifying marks, and the name, state, and USDA license number of the animal's breeder or broker. If the animal in question has a microchip implanted that displays this information when scanned, the pet dealer will not be required to post it for consumers.

The Commissioner of Consumer Affairs is responsible for promulgating the rules and regulations necessary to implement the provisions of this law. The OCA will inspect pet stores on an annual basis.

EFFECTIVE DATE:

This local law would take effect immediately.

ECONOMIC IMPACT:

The proposed law will not have an impact on the local economy. It is not clear if this local law would place an administrative burden on the County's pet dealers, brokers, and stores.

FISCAL IMPACT:

According to the OCA, the department will not require additional resources or staff to implement and enforce this law. The County may generate some revenue from the penalties associated with this proposal. A pet store or dealer found to be in violation of any provision of this local law is subject to a civil penalty. The penalty scale is found in the table below.

Violation	Penalty
1st	\$500
2nd	\$1,000
3rd and subsequent	\$1,500

The proposed local law authorizes the Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) to conduct inspections on behalf of the OCA. The NCSPCA has six Peace Officers to conduct inspections at no cost to the County. This local law does not grant NCSPCA the power to assess penalties; the NCSPCA must report violations to the OCA.

SOURCES OF INFORMATION:

Office of Consumer Affairs

Nassau County Society for the Prevention of Cruelty to Animals

PREPARED BY:

Tyler R. Barbieri, Legislative Budget Analyst