

S.1130 (Gianaris) / A.4283 (Rosenthal L)

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BILL S.1130 (Gianaris) / A.4283 (Rosenthal L)
SUBJECT Prohibits the Sale of Dogs, Cats and Rabbits by Retail Pet Shops
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OPPOSE

The Business Council of New York State, the state's leading statewide business and industry association, opposes this legislation that would amend the Agriculture and Markets Law to prohibit the sale of dogs, cats and rabbits by retail pet shops.

The Business Council oppose this legislation as a restraint of trade issue. While the bill's authors claim that the intent of this legislation is to curtail the sale and purchase of pets from inhumane breeders and "puppy mills", the legislation goes much further. This legislation would limit pet shops to providing space to showcase cats or dogs owned only by certain entities, such as local rescue agencies or human societies, for the purpose of adoption. In essence the bill would only allow sales of dogs, cats and rabbits to not-for-profits that deal in pet adoptions or similar circumstances, but not by pet stores on their own.

The bill also fails to take into account its economic impact. According to the Pet Industry Joint Advisory Council, a trade group that represents businesses including pet stores, this legislation would impact between 80 to 90 stores in New York State. Similarly, the bill fails to acknowledge that approximately 75% of revenue for pet stores is derived from the sale of cats, dogs and rabbits. Further, changes in pet sales mandated under this bill will have serious impact on insurance coverage and in many cases possible cancellation.

Laws that target the sales of certain items at a limited category of retail or wholesale outlets within an industry, but maintain the legality of sales at others, violate the rights of those legally operating in the free markets. While reputable businesses obey the law and abhor bad operators within the markets, these same law-abiding entrepreneurs also expect regulators to investigate and enforce directly against bad actors, not to close entire industries in order to address a limited number of bad actors. Violators of the Agriculture and Markets law who operate puppy mills and other inhumane pet operations should be investigated and, if and when apprehended in violation of state laws, prosecuted. However, the wholesale banning of legal and reputable pet stores from selling cats, dogs and rabbits in an attempt to curtail bad actors is arbitrary and capricious, and will adversely impact an entire segment of the economy: regulated and licensed pet stores.

For the above reasons, The Business Council opposes this legislation.