

ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

**A311
S558**

**M. of A. Fields
Senator Trunzo**

An Act to amend the agriculture and markets law, in relation to fire hazard safety standards for animal housing maintained by pet dealers.

and

**A312
S559**

**M. of A. Fields
Senator Trunzo**

An Act to amend the agriculture and markets law, in relation to requiring certain pet dealers to maintain an automatic dialing device to facilitate automatic notification in the event of a fire emergency.

THESE BILLS ARE APPROVED WITH RECOMMENDATIONS

This committee offers its approval of the proposed legislation. Assembly Bill 311, Senate Bill 558, Assembly Bill 312, and Senate Bill 559 (collectively, the “proposed legislation”) would amend Article 26-A of the Agriculture and Markets Law entitled “Care of Animals by Pet Dealers” by requiring the implementation of fire safety measures at pet housing facilities.

Assembly Bill 311 and Senate Bill 558 would add a new section 401(1)(d) to require pet housing facilities be free of conditions which represent fire hazards and further requires such facilities to meet all fire hazard safety standards as required by the Commissioner of Agriculture and Markets.

Assembly Bill 312 and Senate Bill 559 would add a new section 405-a to require any pet dealer who offers a business in a place that is separate from his or her residence to maintain in such place of business a fire alarm system and automatic dialing device in order to notify the local fire department and/or emergency service agencies in the event of a fire. The bills define “fire alarm system” as any assembly of equipment or device arranged to signal the

presence of a fire hazard requiring urgent attention and to which police, fire, or emergency service agencies are expected to respond. The bills define “automatic dialing device” as a device activated by a fire alarm system which is connected to a telephone line and is programmed to access a predetermined emergency agency number and transmit by voice message or coded signal to an emergency agency an emergency message indicating a need for emergency response.

Fires in pet stores or in other areas where animals are confined can have tragic consequences. For example, more than 1,000 animals were killed in a pet store fire on Long Island in 2004. Two years earlier, more than 200 animals died in a pet store fire in Manhattan. Confined animals have no means to escape a fire, which renders fire safety standards as critical to their well-being. When the Legislature previously enacted a law that provided minimal housing standards for animals to include controls relating to things such as lighting and flooring, they clearly intended to provide for the confined animals’ safety, and fire safety standards must be considered at least as important to the animals’ safety as other enumerated protections.

We recommend passage of the proposed legislation because it remedies a material omission in the current law, which requires licensed pet dealers¹ in New York to comply with minimum standards of care for all animals in their possession, including facilities for housing the animals. These housing standards include lighting, flooring, ventilation, and temperature controls sufficient to keep the animals in good health. The extension of this statute to encompass fire safety is both rational and necessary to effectuate the purpose of the statute.

Other states have already enacted similar fire safety legislation (*See* CAL. HEALTH & SAFETY CODE § 122155 requiring pet dealers to maintain either (a) a fire system connected to a central reporting station that alerts the local fire department in case of fire or (b) a fire suppression sprinkler system).

Since each of the bills discussed herein relates to the same statute, we would recommend merging the proposed bills into a single bill in each house covering the same subject matter. We recommend keeping the substance of the proposed changes contained in Assembly Bill 311 and Senate Bill 558, with the exception of the requirement that all pet housing facilities meet fire hazard safety standards as required by the Commissioner of Agriculture and Markets, which we recommend deleting from those bills. We recommend implementing all of the language contained in Assembly Bill 312 and Senate Bill 559 requiring an automatic dialing service, although we would recommend allowing an alternative of the addition of a fire suppression sprinkler system so that each pet dealer would have the choice of installing either an automatic dialing service or a fire suppression sprinkler system, similar to the legislation enacted in California cited above.

¹ "Pet Dealer" means any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; provided that a breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer as a result of selling or offering to sell such animals. Such definition shall further not include duly incorporated humane societies dedicated to the care of unwanted animals which make such animals available for adoption whether or not a fee for such adoption is charged. NY Agric. and Markets Law Art. 26-A § 400(4).

For all of these reasons, this committee strongly supports this proposed legislation, which would amend New York's Agriculture and Markets Law to implement fire hazard safety standards at pet housing facilities. The proposed legislation could save the lives of a large number of confined animals.