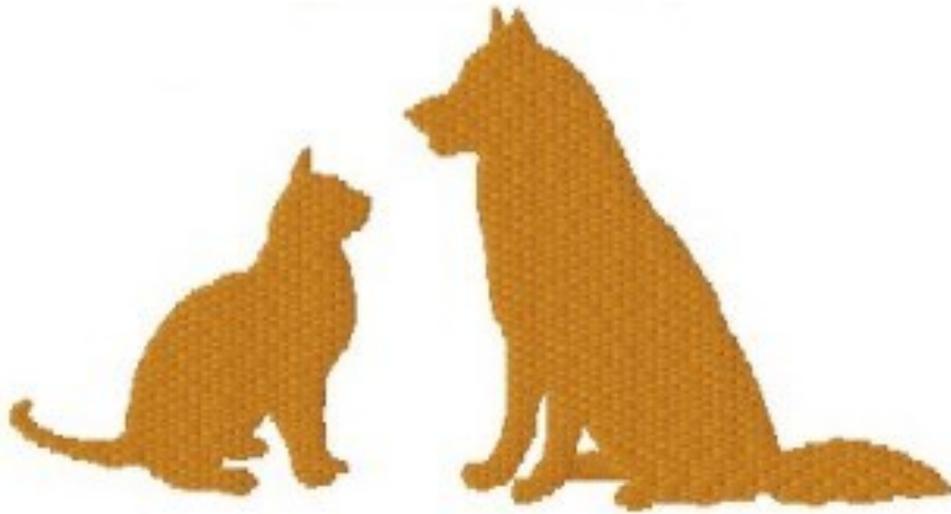


**New York State Department of Agriculture &
Markets
Division of Animal Industry**



**Pet Dealer Licensing
Program Guidelines**



Andrew M. Cuomo, New York State Governor

Richard A. Ball, Commissioner of Agriculture & Markets

David C. Smith, DVM, Director of Animal Industry

January 2015



Agriculture and Markets

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

Dear New York Dog and Cat Breeders and Pet Store Owners:

The New York State Pet Dealer Licensing Law became effective July 1, 2002.
The following criteria must be met to comply with this law.

If your facility sells or offers to sell nine or more dogs and/or cats per year, you must apply for a license in order to continue in business unless you qualify under the following exceptions:

- 1.) Duly incorporated humane societies are exempt.
- 2.) Breeders who sell or offer to sell less than 25 dogs and/or cats per year that are born and raised on the breeder's residential premise are exempt.

Following the receipt of your application by the Department, you will receive an acknowledgment letter.

Within the next several months, an inspection of your facility will take place to insure that you are in compliance with Article 26-A of the Agriculture and Markets Law (Care of Animals by Pet Dealers).

Once your license is approved, you will receive a New York State Pet Dealer's license number which you may use in advertisements.

Facilities which were not already in operation on July 1, 2002, may not operate until an inspection has taken place and a license is issued.

For more information, please call: (518)457-3502.

David M. Chico, VMD, MPH
Veterinarian II

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CARE OF ANIMALS BY PET DEALERS ARTICLE 26A

NOTE: The following section is a guide to Article 26A and is not meant to replace written law. Always refer to the current edition of the law itself. The law may be viewed at www.agriculture.ny.gov

MINIMUM STANDARDS OF CARE - §401

Housing

Animals must be housed in **primary enclosures** or cages. All enclosures must be structurally sound and kept in good repair to keep the animal contained and to protect it from injury. There must be no rust, jagged edges or sharp points.

There must be no openings where an animal can become entrapped. Housing must be constructed and arranged to allow easy removal of the animal without injury. Electrical sources must be placed to prevent animals from chewing on electrical cords or wires, and from appliances coming in contact with water. Incompatible animals must not be housed together.

The primary enclosure must have impervious **surfaces**, which must be non-porous, durable, and easy to maintain. Dirty, rough and absorbent materials protect microorganisms and are difficult to clean, disinfect and deodorize. Liquids must bead-up on the surface and not be absorbed. The enclosures must be constructed to allow for adequate cleaning procedures. Surfaces must withstand scrubbing with detergents and repeated application of disinfectants without retaining odors. They should withstand the impact of water under pressure, if necessary. Junctions with the floor, ceiling and doors must be aligned and properly sealed. All surfaces within the primary enclosure must be replaced or repaired when worn or damaged.

Prefabricated enclosures are available in a variety of materials, such as stainless steel, fiberglass, galvanized steel and aluminum. They may be purchased individually or as wall units.

Primary enclosures may be constructed of chain-link fencing. The walls must be high enough to allow for animal comfort and to prevent animal escape or entry. Securely enclosing the tops with panels of chain-link or sturdy wire mesh will hinder escapes and reduces the height of the walls needed. This also restricts entry of wild animals into outdoor enclosures. Solid partitions of adequate height should be installed, if needed, to reduce fighting and disease transmission among adjacent animals. Partitions can be made of waterproofed masonry walls or aluminum, galvanized steel or fiberglass panels. Gates should be present in each enclosure to permit access for cleaning and routine maintenance.

Concrete brick, treated with epoxy paint or a liquid sealer, provides a durable, waterproof wall surface. Tile, if properly sealed, also creates a durable surface. Bare wood and sheet rock are not recommended since these materials are porous. They tend to hold in dampness and odors and are impossible to thoroughly disinfect. Wood must be sealed if it is used for walls. Ceilings should be constructed of smooth and waterproof materials that can be cleaned and sanitized.

For constructed primary enclosures, poured concrete is one of the best materials to use for flooring, because of its ease of maintenance, durability, and seamless nature. Due to its porosity, concrete must be treated with a liquid sealer or hardener to make it waterproof. Waterproofing prevents water damage to concrete and allows thorough sanitation.

Ceramic tiles can provide a durable floor covering but require more maintenance than concrete. Tiles may loosen over time, allowing water to seep beneath them. In addition, the surface texture may be too smooth to provide adequate footing. Vinyl tile and linoleum can also be difficult to maintain. As with

concrete, these surfaces must be waterproofed with the application of a sealant. Wood is not durable enough for flooring and *must not* be used as such.

Repair or replace any damaged sections to prevent animals from ingesting any materials that may come loose from chewing and clawing the enclosure.

For outdoor enclosures, poured concrete is recommended for flooring. Gravel is more difficult to maintain and keep clean. Fecal matter is difficult to remove completely and there is potential for harboring infectious microorganisms and parasitic eggs. Asphalt is not recommended because it absorbs heat. It has a tendency to soften and bubble, and can cause burning of the animal's feet.

Roofing over outside runs helps to maintain dry flooring and prevents ice and snow build up in the winter. The roof structure should be sloped, leak proof and must direct water away from the entire run.

Sufficient **space** must be provided in *all* enclosures to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched. There should be enough room to allow for growth until the animal is moved to a larger enclosure. A minimum square footage of space, exclusive of food and water receptacles, must be provided for each animal as follows:

DOGS

- $(\text{Length of dog}^* \text{ in inches} + 6)^2 \text{ divided by } 144 = \text{required floor space in square feet}$
*Length of the dog is measured from the tip of the nose to the tail base.

The interior height of the primary enclosure must be at least 6 inches higher than the head of the tallest dog when it is in a normal standing position. Generally, enclosures that measure four feet wide by six feet long can accommodate one adult dog of any breed. More specifically, each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follow: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: $(\text{Length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. Required floor space in inches/144 = required floor space in square feet.

CATS

Up to and including 8.8 pounds: 3 square feet*

Over 8.8 pounds: 4 square feet*

*Litter pans may be considered part of the floor space if properly cleaned and sanitized.

Additionally for cats, each primary enclosure must be at least 24 inches high. Enclosures should contain elevated resting surfaces that are the correct size and height to hold the occupants comfortably. All enclosures for cats must contain a receptacle with an adequate amount of clean litter.

Dogs and cats confined in cages should receive daily exercise. The length of the exercise area will depend upon the size, age and number of animals. There should be room to allow adequate freedom of movement. For dogs, wider, longer runs are easier to keep clean because it allows them to avoid their wastes.

If **wire flooring** is used, the strands must be greater than one-eighth inch diameter (9 gauge). If not, it must be coated with a material such as plastic or fiberglass. It must be impossible for an animal's feet to pass through any opening in the floor of the enclosure. The flooring must not sag between the supports.

Adequate **ventilation** is necessary to provide a healthy environment and comfortable temperatures to prevent an accumulation of moisture and noxious gases. The ability to control odors in a housing area depends not only on sanitary practices and the number of animals housed, but also on an effective ventilation system. There are many different types of systems available. In all types of ventilation systems,

the proper ambient temperature and humidity level in the housing area must be maintained *without causing a draft*.

Natural ventilation, through the use of windows, is the least expensive method to ventilate an enclosure. If the housing area is small enough in size and a sufficient number of windows are available, this system alone could provide adequate ventilation.

For natural ventilation to be effective, it must function well in all types of weather. Since favorable external winds and weather conditions cannot always be relied upon, vents should be installed to increase air circulation. Roof or gable vents and/or chimney-type flues allow fresh air to enter and stale air to exit the room. Window, ceiling or wall fans may be used to supplement air circulation.

Ventilation systems, such as an exhausting air system or central duct ventilation system, are recommended for larger facilities. In these systems, baffles or louvered air ducts situated in the eaves or walls allow fresh air to enter a series of ducts. The air is then circulated by fans and exhausted through roof or gable vents. Ventilation ducts should always be large enough to accommodate the volume of air that the fans are able to move. Ten to fifteen air changes per hour should provide adequate ventilation.

Air conditioning is one of the most effective means of providing ventilation and thermoregulation in warm weather. AC provides comfort by cooling, dehumidifying, filtering and circulating the air.

If floors and walls remain damp after cleaning procedures are completed, it is a good indication that the ventilation system needs improvement.

The **temperature** surrounding the animal must be conducive for its health and well being. A system of regulated heating and cooling must be available to protect from temperature extremes. The ambient temperature should not fall below 45-50F for an animal not acclimated to lower temperatures, a breed that cannot tolerate lower temperatures without stress and discomfort (such as a short-hair breed), or a sick, aged, young, or infirm animal, except as approved by a licensed veterinarian.

Auxiliary ventilation, such as fans, blowers, or air conditioning must be added to keep the animal cool in temperatures 85F and up.

A room thermometer should be installed in the housing area to monitor air temperature.

Interior temperatures are maintained by using a combination of adequate insulation and an effective heating system. Installation of any system must follow local building and fire codes.

Heat can be furnished by utilizing gas, oil or electric sources. Radiant systems transmit heat through a series of parallel pipes or cables, embedded in walls, floors and/or ceilings, to the material surrounding them. Heat is then radiated into the room. Floor heating, utilizing this method, provides a warm surface for the animal to sleep on as well as quick drying floors. When installed in outdoor enclosures it provides an effective means of snow removal and eliminates icing of floors in cold weather. Another option, warm air heating, supplies warm air conducted through a series of ducts and blowers.

Baseboard heating is *not* recommended, particularly in housing areas, since the heating units interfere with effective sanitary maintenance practices. Installation of wall-hung radiators and floor heating ducts should also be avoided. Ceiling-based heating ducts and/or sub floor heating systems are acceptable.

OUTDOOR HOUSING must include a **shelter** which is structurally sound, will protect the animal from the elements and is appropriate to the breed, its physical condition and climate. It must have insulation appropriate to local climatic conditions and sufficient to protect the animal from inclement weather. An outdoor shelter must have four sides, a raised floor, and a waterproof roof. The door should be offset and baffled, if necessary, to limit the entry of drafts and precipitation and to allow accumulation of body heat. Door flaps should be replaced when damaged.

Shade by natural or artificial means must be provided to protect the animal from direct sunlight at all times when sunlight may threaten the health of the animal.

Outdoor enclosures should be set on solid foundations such as concrete or stone, or on ground that is well drained.

In both indoor and outdoor enclosures, animals must not be forced to lie on damp floors or on unheated concrete or stone. Dry bedding and/or solid resting boards must be provided if needed to conserve body heat.

Light must be available at all times. It must supply adequate illumination for proper cleaning and routine inspection. A regular diurnal lighting cycle of either natural or artificial light should be provided. Animals should not be exposed to excessive light.

Windows and/or skylights provide natural illumination as well as a source of ventilation. The use of glass bricks is another option. Of the various types of electrical lighting available, fluorescent lighting gives the softest and most diffused illumination.

All housing facilities must be designed to allow for the efficient removal of **wastes** and water in order to prevent the animal from contacting these substances. Wastewater as well as rain and melting snow must be **drained** away from the housing area.

Animals must be kept dry. It is not acceptable to allow an animal's fur to become matted or coated with waste material.

Solid floor surfaces should be sloped 1/2" per foot toward drains to allow adequate runoff of water and wastes. All drains must be properly constructed and maintained to prevent any back up of sewage and to minimize foul odors. Drainage can be accomplished by using a gutter-type system or individual drains in each section.

In a gutter-type drainage system, a gutter is positioned between the walkway and the animal pens or against the back wall of the enclosures, with the floor sloped toward the gutter. Drains at both ends allow wastewater to flow to the sewage system. Like the floors, gutters must be sloped toward the drains. This type of system allows for maximum drainage.

Individual drains are used mainly in the nursery and isolation areas where the volume of surface drainage is usually much less than that of the main housing area.

Methods of solid waste and wastewater disposal will vary, depending upon local health codes and zoning laws.

A **whelping box** must be provided for pregnant and/or nursing dogs with puppies. It should encourage the bitch to remain in the box to care for her puppies, yet allow her to exit at will. The box should keep the pups contained. It must be constructed in such a way to prevent injuries and to allow for adequate cleaning. If made of wood, it must be sealed or lined with an impervious material that can be readily sanitized.

"Pig rails" must be installed, if needed, to protect the puppies from being crushed and to prevent them from climbing out of the box. PVC pipe works well for this purpose.

Sanitation

The housing facility and the area immediately surrounding it must be kept in a clean condition in order to maintain a healthy environment. This is accomplished by removing and destroying agents that are hazardous to animal health and by performing regular sanitation.

Cleaning must be done frequently to remove disease hazards, pest infestation, and odors. Manure, urine, uneaten food, shed hair, soiled bedding, and any other organic matter must not accumulate inside animal enclosures and around the housing area. These wastes may need to be removed with scrub brushes, detergents and degreasers. Live steam may be used to clear a large surface. A power washer is also useful, but care must be taken *not* to disseminate any infectious disease.

After all organic matter has been removed and surfaces have been rinsed and allowed to dry, the area can be disinfected. The disinfectant must remain on the surface for a minimum period of time to be effective. Using a concentration greater than that indicated by the manufacturer does not necessarily increase effectiveness. This practice is a waste of money and may be hazardous to people, animals and the environment. Follow the instructions on the label to safely achieve optimal results. Do not mix chemicals.

Products that kill parvovirus must be on hand in facilities housing dogs. Household bleach (sodium hypochlorite) is effective if diluted with clean water *and* mixed fresh daily. Chlorox® Regular Bleach (5.25%) mixed at ¼ cup/gallon of water (3 tbsp/quart) with 10 min. contact time on hard, non porous surface can be used to kill canine parvovirus. Consult the manufacturer (or label) for the proper dilution of any disinfectant.

Food and bedding supplies must be stored off the floor and away from walls to allow cleaning around and beneath them.

Exercise areas that have compact earth, sand, gravel or grass must be spot cleaned and replenished as needed and located to allow for exposure to sunlight.

The **safety** and health of the animal must be considered when cleaning. Move the animal to another area, if necessary, to prevent injury or exposure to toxins. Passage from indoor to outdoor enclosures should be restricted by the use of guillotine or other locking type doors. Toxic substances must not be stored in housing, food storage or food preparation areas.

Trash and waste products on the premises must be stored properly in leak proof, covered containers away from housing and food storage areas. This is necessary to minimize the risks of disease transmission, food contamination and vermin. At regular intervals, all stored trash and wastes must be removed from the premises. Deceased animals must immediately be removed from areas housing live animals.

Disposal must be done in a sanitary manner and must comply with local, state and federal regulations.

Good housekeeping and sanitary practices are essential for rodent and pest control. Vermin must not have access to food. Feed that is spilled must be removed daily. Open feed bags must be in covered containers. Empty feed bags, cans and any other garbage must not accumulate on the premises. Additionally, areas that permit vermin to reside should be eliminated. All cracks, crevices and openings should be sealed. Doors, windows and vents must have screens to block the entry of vermin.

Feeding and Watering

Food must be palatable, wholesome, nutritious and of sufficient quantity to meet daily requirements. The diet should be appropriate for age, health status, and activity level. Food must be stored and supplied in a manner that protects it from spoilage, contamination and vermin infestation.

Feedbags must be stored off the floor to prevent condensation. All feed should be stored in air tight containers in order to retain nutrients and prevent contamination. Perishable food stock must be refrigerated. Uneaten food must be removed before it rots or becomes stale. Food storage and preparation areas should be separate from trash and animal waste storage.

Fresh food must be offered at least twice in a 24-hour period. **Intervals** must not exceed 12 hours unless otherwise recommended by a licensed veterinarian.

Food and water **receptacles** must be kept clean, and if located outdoors, be protected from rain and snow. All receptacles must be made of a material that can be sanitized. They should be cleaned whenever they are soiled, before use by a new animal, or at least once every two weeks.

Receptacles must be the correct size and location to allow easy access to food and water.

If clean, fresh, potable **water** is not continuously available it must be offered as often as necessary to ensure health and well-being, but not less than twice daily for at least an hour each time unless restricted by a licensed veterinarian. Spilled food and bedding must not be allowed to accumulate in water receptacles.

Humane Methods

Any action which causes unnecessary physical injury or harm to an animal must be avoided.

Animals must be kept comfortable. Collars must be the correct size for the animal and should be checked and adjusted regularly in growing animals. Safe and appropriate restraint equipment should be available for use. Animal must not become coated with wastes or have matted fur.

Daily interactions with handlers and sufficient exercise for the particular breed, age and health status of the animal are advised to promote animal health and well-being.

Veterinary Care (see "Form A" on pg.15 in back of booklet)

§401.5 requires pet dealers to obtain a written statement from their chosen attending veterinarian. This statement must demonstrate a mechanism of communication where any concerns regarding the health, behavior or well-being of the animals in the pet dealer's care is conveyed to their attending veterinarian promptly.

This statement should:

- ✓ Confirm veterinary services and describe a schedule for daily observation
- ✓ Detail approved methods of preventative care or confirm that schedules for regular veterinary visits have been arranged
- ✓ Describe treatment plans for animals that become ill and confirm the availability of emergency veterinary care
- ✓ Describe forms of guidance offered to employee personnel on proper animal handling techniques

Animals must be **vaccinated** as required by law. The county public health department has information regarding current rabies requirements. **Sick or injured** animals must be provided with prompt and appropriate care as directed by a licensed veterinarian. Each animal must be **observed** daily.

Within five business days of receipt, but before sale all dogs and cats must be examined by a licensed veterinarian for an overall health evaluation. For animals examined at eighteen months of age and older, a diagnosis of any congenital condition adversely affecting health must be disclosed.

Proof of **veterinary health examinations** must be kept on file for inspection by this department and shall include:

1) Description:

breed

sex

color, markings

name of dam (if available)

identification -name; collar, microchip, license, registration numbers, etc

2) Date of birth (or approximate age if DOB not available)

3) Veterinary statement of health on letterhead paper

4) Date of exam

5) Veterinarian signature or stamp with license number

Any animal diagnosed with a contagious disease must be treated and caged separately from healthy animals. The pet dealer shall designate and provide an **isolation** area for animals exhibiting signs of contagious disease or illness. To prevent or reduce the spread of disease to healthy animals this area must be separated from all other housing areas by a solid partition with no possibility of animals having nose to nose contact. Outgoing air and wastes from the isolation area must not pass through the main housing area. The isolation area should not be used to house an injured animal unless it also suffers from a contagious disease.

To further prevent the spread of infection in the facility, healthy animals must be cared for *before* animals in isolation or by a different caretaker. Separate equipment must be used if not disinfected between areas. Ideally, the isolation area should not be used to quarantine healthy incoming animals.

Isolation of contagious animals protects the public from zoonotic disease and provides an overall healthier environment for all animals in the facility.

All animals returned to the pet dealer due to any health conditions that require veterinary care must be provided this care without delay.

If recommended by a licensed veterinarian the animal must be humanely euthanized without delay to eliminate any suffering.

Euthanasia

Humane euthanasia must be carried out by methods currently approved by the American Veterinary Medical Association Guidelines on Euthanasia. The procedure may be performed only by, or under the supervision of, a licensed veterinarian, or by a certified, licensed euthanasia technician. Only approved agents may be used.

Exercise Requirements

§401.7 requires that pet dealers shall have an appropriate plan to provide dogs with daily exercise. The exercise plan must be approved by the attending veterinarian and must be available to the department upon request.

For Reference:

Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held or maintained by any licensed pet dealer must be provided the opportunity to exercise regularly if they are kept in cages, pens or runs that provide less than two times the required space for that dog as indicated in §401.1 (b) of Article 26-A of Agriculture and Markets law.

Dogs housed in groups. Dogs over 12 weeks of age housed, held or maintained in groups by any pet dealer do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100% of the required for each dog if maintained separately.

Methods and period of providing exercise opportunity. The frequency, method, and duration of exercise shall be determined by the attending veterinarian and put in a written plan. In developing their plan, pet dealers should consider providing positive physical interaction with humans that encourages exercise through play or other similar activities.

The opportunity for exercise may be provided by:

- Group housing in cages, pens or runs that provide at least 100% of the required space for each dog if maintained separately under the minimum requirements in §401.1 (b) of Article 26-A of Agriculture and Markets law.
- All dogs and cats housed in group housing must be compatible as determined by observation.

- Maintaining individually housed dogs in cages, pens or runs that provide at least twice the minimum space required by §401.1(b) of Article 26-A of Agriculture and Markets law.
- Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian.
- Other similar activities.

RECORDS - §402

For each animal handled, whether by sale or by gift, the following records are required:

- **Source(s):** name, address, federal identification number, if applicable.
 - ✓ For cats, state if source is unknown and include date, time and location received.
- **Date** acquired
- **Description**, including all identification and any available medical history information.
- **Disposition:** Name and address of person(s) receiving the animal. Include date and method of receipt.

No stolen animal may be handled. No animal less than **eight weeks of age** may be sold.

Records must be maintained for **two years**. During normal business hours, records must be **available** to authorized persons for inspection.

LICENSES - §403 and 404

No person shall operate as a retail pet dealer without an official or an interim license issued by NYS Department of Agriculture and Markets, Division of Animal Industry. Once issued it is the responsibility of the pet dealer to keep **license status** current. The renewal application and associated fee must be received no later than 30 days prior to the license expiration date. The Department must be notified as soon as there is any change in D.B.A. (business name), owner(s), address or operation.

The official license will not be issued or renewed without a satisfactory rating on inspection.

Advertisement for the availability of any animal must include the pet dealer's official license number.

License must be **displayed** on premises that animals are kept for sale, where potential consumers can easily see it.

The commissioner may decline to grant or renew or may suspend or revoke a pet dealer license due to false statement on the license application, falsification of required records, failure to allow inspection of records or facility, violation of Article 26A, or conviction of a violation of any federal, state or local law pertaining to the care, treatment, sale, possession or handling of animals.

INSPECTION – §405

Authorized agents of the commissioner shall make yearly inspections of the facility. The housing areas and required records will be checked for compliance with Article 26A and Article 35D.

NOTE: The following section is a guide to Article 35D and is not meant to replace written law. Always refer to the current edition of the law itself.

SALE OF ANIMAL - §753 (see "Form B" aka "Certificate of Unfitness" on pg. 16 in back of booklet)

If, within fourteen business days following the sale of an animal subject to this article or receipt of the written notice required by section seven hundred fifty-four of this article, whichever occurred last, a veterinarian of the consumer's choosing, licensed by a state certifies such animal to be unfit for purchase due to illness or the presence of symptoms of a contagious or infectious disease, or if, within one hundred eighty calendar days following such sale or receipt, whichever occurred last, a licensed veterinarian certifies such animal to be unfit for purchase due to a congenital malformation which adversely affects the health of the animal, the pet dealer shall afford the consumer the right to choose one of the following options:

- ◆ The right to return the animal and receive a refund of the purchase price including sales tax and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase; or
- ◆ The right to return the animal and to receive an exchange animal of the consumer's choice of equivalent value and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase; or
- ◆ The right to retain the animal and to receive reimbursement from a pet dealer for veterinary services from a licensed veterinarian of the consumer's choosing, for the purpose of curing or attempting to cure the animal. The reasonable value of reimbursable services rendered to cure or attempting to cure the animal shall not exceed the purchase price of the animal. The value of such services is reasonable if comparable to the value of similar services rendered by other licensed veterinarians in proximity to treating veterinarians. Such reimbursement shall not include the costs of initial veterinary examination, fees and diagnostic fees not directly related to the veterinarian's certification that the animal is unfit for purchase.

The commissioner shall prescribe a form for, and content of, the certificate of unfitness. It shall include type of animal, the owner, date and diagnosis, recommended treatment, if any, and estimate or actual cost for such treatment.

The refund and/or reimbursement shall be made by the pet dealer not later than ten (10) business days following receipt of the veterinarian's signed certificate of unfitness. The consumer must present this certificate to the pet dealer no more than three (3) business days after receipt from the veterinarian.

Exemptions for unfitness certification:

- Intestinal parasites not causing clinical illness from the infestation
- Injury sustained or illness contracted after consumer takes possession of the animal

If the pet dealer wishes to contest the demand for refund, exchange or reimbursement, the pet dealer shall have the right to require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. If an agreement between the two parties is not met within ten (10) business days from this examination, the consumer may initiate a court action to recover or obtain such refund, exchange or reimbursement.

Receipt (see "Form C" on pg.17 in back of booklet)

The pet dealer shall provide to the consumer at time of **sale** the following information by written receipt:

- description of animal, including breed
- date of purchase
- name, address and telephone number of consumer

- amount of purchase
- pet dealer certification by signature

Rabies (see “Form D” on pg.18 in back of booklet)

Additionally, every pet dealer who sells an animal required to be vaccinated against **rabies** shall provide to the consumer at point of sale this written **notice** summarizing rabies immunization requirements.

VETERINARY EXAM - §753-a (in addition to Article 26A, §401.5)

No pet dealer shall knowingly sell an animal diagnosed with a congenital or contagious disease that adversely affects the health of the animal at the time of sale without providing this information to the consumer in writing.

INFORMATION STATEMENT FOR PURCHASER - §753-b (see “Form E” on pg.19-20 in back of booklet)

At the time of sale, the pet dealer shall provide to every purchaser a written **standardized form** containing the following information:

- Type of animal (cat or dog)
 - Breeder’s and broker’s name and address, or if unknown, the source of the animal. Also, if breeder is a USDA licensed pet dealer, their federal identification number.
 - All immunizations and worming treatments given to the animal while in possession of the pet dealer, including dates and types
 - Date of birth and date received by the pet dealer:
 - ☛ If date of birth of a CAT is unknown due to source, date received by pet dealer, and location where received
 - ☛ If a DOG is not sold as a purebred, registered or registrable, the age may be approximate if unknown
 - Breed, sex, color and identifying marks at time of sale of a DOG
 - ☛ If dog is from a USDA licensed source, the individual ID tag, tattoo or collar number.
 - ☛ If the breed is unknown or mixed, the record shall indicate as such.
 - ☛ If the dog is registrable, the names and registration numbers of sire and dam and the litter number, if known.
 - All veterinary treatments or medication received by the cat or dog while in possession of the pet dealer in addition to above *and* either of the following:
 - A statement signed by the pet dealer that the animal has no known disease, illness, congenital or hereditary condition that adversely affects the health of the animal at the time of sale; *or*
 - A record of any known disease, illness, congenital or hereditary condition that adversely affects the health of the animal at the time of sale.
 - ◆ In this case the pet dealer must include a signed veterinary statement* that authorizes the sale of the animal, recommends any necessary treatment and a prognosis that excludes hospitalization or other non-elective surgical procedures.
- *A veterinary statement is not required for intestinal or external parasites unless their presence is or is likely to make the animal clinically ill. The statement is valid for fourteen (14) days following the exam.

A disclosure shall be signed by both the pet dealer certifying the accuracy of the information and the purchaser acknowledging receipt of the statement. The pet dealer must keep a copy of the completed “Information Statement” and can use it to record purchases and sales if the purchase price is inserted above the signatures or a signed receipt is attached.

Dog Licensing Notice (see “Form F” on pg. 21 in back of booklet)

Every pet dealer shall deliver to the purchaser of a dog at the time of sale a notice that dogs residing in New York shall be licensed and that a license may be obtained from the municipality in which the dog resides.

Spay/Neuter (see “Form F” on pg. 21 in back of booklet)

At the time of sale, the pet dealer must provide to the consumer information on the value of spaying and neutering.

Source/Treatment

Every pet dealer shall post conspicuously in close proximity to the dogs and cats offered for sale the following notice printed in 100 pt. type. The following notice will be provided by the department as a laminated sign for new applicants to post.

Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers.

~NYS Gen. Bus. Law Art. 35D Sect. 753b (4)

ANIMAL PEDIGREE REGISTRATION - §753-c-

Any pet dealer who states, promises, or represents that an animal is registered or capable of registration with an animal pedigree registry organization shall provide the purchaser with the appropriate documents needed for such registration within one hundred twenty (120) days following the sale of the animal. If the purchaser has not received these documents within this time period and they notify the pet dealer of this in writing, the pet dealer shall have an additional sixty (60) days to provide the documents necessary for registration with the stated pedigree registry organization.

If the pet dealer fails to provide the documents as above, the purchaser, upon written notice to the pet dealer, may keep the animal and receive a partial refund of 75% of the purchase price. In this case, the pet dealer will not be required to provide the registration documents. Acceptance of the documents by the purchaser outside of the required time period waives their right to a partial refund.

Registration Notice (see “Form G” on pg. 22 in back of booklet)

A pet dealer that sells animals registered or registrable with a pedigree registry shall post conspicuously within close proximity to those animals the notice statement on Page 25.

Registration Disclosure (see “Form H” on pg. 23 in back of booklet)

For every animal sold as being registered or registrable the following completed disclosure shall be made by the pet dealer, in writing, on a sheet separate from any other statement using the form Page 26 and provided to the purchaser.

CONSUMER RIGHTS - §754 (see “Form I” aka “The Sale of Dogs and Cats Notice” on pg. 24 in back of booklet)

At the time of sale, every pet dealer shall post “The Sale of Dogs and Cats Notice” clearly visible to the consumer and provide the consumer a written **handout** setting forth the rights provided under this article. Such notice shall be prescribed by the commissioner but may be contained in a written contract, an animal history certificate or a separate document, provided such notices are printed in 10 point **boldface** type. No pet dealer may restrict or diminish by contract or otherwise, the rights provided under this article.

Pet Dealer Forms List

- Form A. Veterinary Health Certificate
- Form B. Certificate of Unfitness
- Form C. Receipt
- Form D. Rabies Information Sheet
- Form E. Information Statement
- Form F. Spay-Neuter / Dog Licensing Information
- Form G. Pedigree Registration Notice
- Form H. Pedigree Registration Disclosure
- Form I. Consumer Rights for the Sale of Dogs and Cats

OUTLINE for PET DEALERS

Show for inspection:

- ▶ **Veterinary health exam** before sale. Article 26A, Sec. 401.5b and Article 35D, Sec. 753-A.1 (*Form A*)
- ▶ **Records** of all animals purchased, acquired, held, sold or transferred. Article 26A, Sec. 402
- ▶ **Dog license**. NYS Agriculture and Markets Law, Article 7, Sec. 109.
- ▶ **Rabies vaccination**. Title IV, NYS Department of Health Law and Article 35D, Sec. 753-A. 2
- ▶ **Certificate of Veterinary Inspection (CVI)** for out of state imports. NYS Codes, Rules and Regulations, Part 65
- ▶ **Veterinary-Approved Plan** Article 26A, Sec. 401.5(a)
- ▶ **Veterinary-Approved Exercise Plan** Article 26A, Sec. 401.7
- ▶ **Exercise log when available** Article 26A, Sec. 401.7

Post:

- ▶ **Pet dealer license**. Article 26A, Sec. 403.11
- ▶ **Source/treatment information poster**. Article 35D, Sec. 753-b, 4
- ▶ **Registration notice**, if applicable. Article 35D, Sec. 753-c, 3a (*Form G*)
- ▶ **The Sale of Dogs and Cats Notice**. Article 35D, Sec. 754 (*Form I*)

Provide to purchaser at time of sale:

- ▶ **Receipt of purchase**. Article 35D, Section 753.1c, 3 (*Form C*)
- ▶ **Information Statement**. Article 35D, Sec. 753-b (*Form E*)
- ▶ **Information on the value of spaying and neutering**. Article 35D, Sec. 753-b, 3 (*Form F*)
- ▶ **The Sale of Dogs and Cats Notice**. Article 35D, Sec. 754 (*Form I*)
- ▶ **Rabies information sheet**. NYS Department of Health 11/20/02 (*Form D*)
- ▶ **Dog licensing notice**. Article 35D, Section 753-b, 2f (*Form F*)

For registered animals or animals eligible for registration also provide:

- ▶ **Registration documents**. Article 35D, Sec. 753-c,1
- ▶ **Disclosure of Animal Pedigree Registration**. Article 35D, Sec. 753-c, 3b (*Form H*)

Pet dealers that **wholesale** animals are regulated by U.S.D.A., ANIMAL AND PLANT HEALTH INSPECTION SERVICE, ANIMAL CARE, and are subject to licensing by the ANIMAL WELFARE ACT (AWA). Contact the eastern region office at (919)-855-7100 or visit the website at: www.aphis.usda.gov

For reference:

- * **Agriculture and Markets Law, Article 26A, Care of Animals by Pet Dealers**
- * **General Business Law, Article 35D, Sale of Dogs and Cats**
- * **Agriculture and Markets Law, Article 7, Dog Licensing**
- * www.agriculture.ny.gov

(Clinic name/address)

Veterinary Health Certificate

Animal ID: _____

Owner(s): _____

Species: _____

Breed: _____

Address: _____

Sex: _____

Weight: _____

Color: _____

Phone #: _____

Birth date: _____

Dam/Queen: _____

This document certifies that on this date, _____, I examined the animal listed above, and to the best of my knowledge, find the animal free from any apparent medical conditions that adversely affect the health of the animal.

Veterinarian signature

License # _____

Certificate must be signed by a licensed veterinarian. Pet dealer keeps original for proof of veterinary exam before sale of animal.

New York State Department of Agriculture and Markets

Veterinary Certification of Unfitness of Dog or Cat For Purchase

Owner of Dog or Cat: _____

Owner Address: _____

Owner Telephone Number: (____) _____

Animal Species: Canine _____ Feline _____

Animal Name or ID: _____

Breed: _____

Age: _____ Sex: _____

Color: _____

Diagnosis: _____

Recommended Treatment: _____

Actual Cost of Treatment: _____

Amount Paid for Treatment: _____

This is to certify pursuant to Article 35-D of the General Business Law of the State of New York, that I am a veterinarian duly licensed by the State of _____, that I have examined the above animal as set forth herein and that I find that said animal is unfit for purchase due to: (check one)

_____ illness

_____ congenital malformation which adversely affects the health of the animal

_____ the presence of symptoms of a contagious or infectious disease

Signature of Veterinarian _____ Date: _____

Name of Veterinarian (printed): _____ Lic #: _____

Address of Veterinarian: _____

Phone Number of Veterinarian: (____) _____

RECEIPT

On _____ I received from _____
Date Purchaser Name

Purchaser Address and Phone Number

\$ _____ for the purchase of the following animal
Purchase Price

Name, sex, breed, color / ID, tattoo, collar, microchip, license and/or registration numbers

Pet Dealer Signature **Date**

The following documents were provided to me at the time of sale:

- ____ Information Statement (completed and signed)
- ____ Disclosure of Animal Pedigree Registration (completed and signed)
- ____ Pedigree registration documents
- ____ "Sale of Dogs and Cats Notice"
- ____ Information of the value of spaying and neutering
- ____ Rabies information sheet
- ____ Rabies vaccination certificate
- ____ Dog licensing notice (effective 1/23/09)

Purchaser's Signature **Date**

What Pet Owners Need to Know About Rabies Vaccinations in New York State

(Effective November 20, 2002, this information sheet must be provided by pet dealers to consumers upon point of sale of cats, dogs, and ferrets.)

State law requires rabies vaccinations (shots) for all cats, dogs and domesticated ferrets!

(Note: Ferrets are illegal in New York City.)

Where can I get my pet vaccinated?

All counties (excluding New York City counties) are required to provide a free vaccination clinic every four months. Contact your county health department for the schedule in your area. Rabies vaccinations are also available from your veterinarian. If you have questions about new vaccines developed specifically for cats and for pets at younger ages, contact your veterinarian.

When should my pet receive its first rabies vaccination?

The law requires that your pet's first rabies vaccination be given no later than four months (three months in New York City) after its date of birth. Many rabies vaccines are licensed for use at three months, although some may be given at younger ages.

When should my pet receive its second rabies vaccination?

Your pet should receive its second rabies vaccination within one year after the first vaccination. The second rabies shot and all shots thereafter are sometimes called booster shots.

After my pet gets its second rabies shot, when is the next booster shot due?

After the second rabies shot, you need to get additional booster shots either annually or every three years, depending on the type of vaccine administered.

What proof will I have that my pet received its rabies shots?

The veterinarian, or a person under the veterinarian's supervision, will provide you with a certificate as proof that your pet has been vaccinated. The veterinarian's office will also keep a copy of your pet's vaccination certificate. The law requires the veterinarian to provide the vaccination certificate to any public health official for any case involving your dog, cat or ferret that may have been exposed to rabies, or in any case of possible exposure of a person or another animal to rabies.

What if my pet needs to be taken to the veterinarian?

Whenever you bring your pet to a veterinarian, s/he will verify if the animal is up-to-date on its rabies shots. If the animal is not up-to-date on its rabies shots or exempt as stated below, or if the veterinarian cannot find proof of the animal's rabies vaccination history, you may request your pet be vaccinated at that time.

*If my pet bites a person, does it have to be euthanized (put to sleep)? **

If your pet bites a person and you wish to avoid euthanizing and testing it for rabies, it must be confined and observed for ten days. If your pet is not up-to-date on its rabies shots, the ten-day confinement/observation period must take place, at the owner's expense, at an appropriate facility such as an animal shelter, veterinarian's office, or kennel. If your pet is up-to-date on its rabies shots, the county health department may allow the ten-day confinement/observation period to take place in your home. During the ten-day confinement period, the county or a designated party must verify that your pet is under confinement and observation, has remained healthy during and at the end of the ten-day period. (* In New York City, ten-day observation periods may be done at the home of the pet owner, regardless of the animal's rabies vaccination status.)

Fines

If your dog, cat or domesticated ferret is not vaccinated, is not up-to-date on its vaccinations, or is not properly confined after biting someone, as the owner you shall be subject to a fine not to exceed \$200 for each offense. Additional fines may apply locally.

Exemptions

The vaccination requirements shall not apply to any dog, cat, domesticated ferret if the animal is transported through New York state and remains in the state 15 days or less; the animal is confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals; a licensed veterinarian has determined that the vaccination will adversely affect the animal's health; the animal is confined to the premises of a college or other educational or research institution for research purposes; or if the animal is unowned (feral, wild, not socialized).

(Information Statement continued)

(g) Set forth any veterinary treatment or medication received by the dog or cat while in the possession of the pet dealer (other than those set forth in paragraph (e) above):

Check one:

The dog or cat has no known disease or illness, the dog or cat has no known congenital hereditary condition that adversely affects the health of the animal at the time of sale; or

Set forth any known congenital or hereditary condition, disease or illness that adversely affects the health of the dog or cat at the time of sale and attach a statement signed by a licensed veterinarian that authorizes the sale of the dog or cat, recommends necessary treatment, if any and verifies that the condition, disease or illness does not require hospitalization or non-elective surgical procedures and is not likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog or cat clinically ill or is likely to do so. The statement shall be valid for fourteen business days following examination of the dog or cat by the veterinarian.

PET DEALER CERTIFICATION

I, _____		
PRINT NAME OF PET DEALER	_____	TELEPHONE NUMBER

STREET ADDRESS		

CITY, TOWN OR VILLAGE	STATE	ZIP CODE
HEREBY CERTIFY THE ACCURACY OF THE ABOVE STATEMENT.		
_____		_____
SIGNATURE OF PET DEALER	DATE	

PURCHASER CERTIFICATION

I, _____		
PRINT NAME OF PURCHASER	_____	TELEPHONE NUMBER

STREET ADDRESS		

CITY, TOWN OR VILLAGE	STATE	ZIP CODE
HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE STATEMENT.		
_____		_____
SIGNATURE OF PURCHASER	DATE	

Pet Dealer keeps a copy

Important Information about Your Pet

TOP 3 REASONS TO SPAY/NEUTER YOUR PET:

- > It helps to reduce companion animal overpopulation. Most countries have a surplus of companion animals and are forced to euthanize or disregard their great suffering. The surplus is in the millions in the United States.
- > Sterilization of your cat or dog will increase his/her chance of a longer and healthier life. Altered animals have a decreased risk of mammary gland tumors/cancer, prostate cancer, perianal tumors, pyometra and uterine, ovarian and testicular cancers.
- > Sterilizing your cat or dog makes him/her a better pet, reducing his/her urge to roam and decrease the risks of contracting diseases or getting hurt as they roam. Surveys indicate that as many as 85% of dogs hit by cars are unaltered. Intact male cats living outside have been shown to live on average less than two years. FIV and FeLV is spread by bites and intact cats fight a great deal more than altered cats.

Benefits of Spay/Neuter for Cats and Dogs:

Benefits of Spaying (Females):

- > no heat cycles, therefore males won't be attracted
- > less desire to roam
- > risk of mammary gland tumors, ovarian, uterine cancer is reduced or eliminated, especially if done *before the first heat cycle*
- > reduces the number of unwanted kittens/puppies
- > helps dogs and cats live longer and healthier lives

Benefits of Neutering (Males):

- > reduces or eliminates risk of spraying or marking
- > less desire to roam, therefore less likely to be injured in fights or auto accidents
- > risk of testicular cancer is eliminated and decreases incidence of prostate disease
- > reduces number of unwanted kittens/puppies
- > decreases aggressive behavior, including dog bites
- > helps dogs and cats live longer and healthier lives

DOG LICENSING — IT'S THE LAW !

The owner of any dog reaching the age of 4 months shall immediately make application for a dog license.

~Apply for a dog license at your local licensing agent. This would be the clerk of the town, city or in some counties, village.

~Dogs harbored in NEW YORK CITY must be licensed through the NY City Department of Health.

New York State requires that all owned dogs be licensed and every dog owner should have a dog license tag attached to their dog's collar while in public. Dog owners maybe fined for violation of these laws.

Exemptions may apply for out of state owned dogs who have a license from their state of residence.

Questions?? Contact your local town clerk because they handle all dog licensing. If you cannot reach them, you may try the NYS Dept of Ag and Markets office at (518) 457-3502.

Benefits of Licensing:

Licensing contributes to animal control and the protection of the public health:

- > information about licensed dogs assists in the medical follow-up of individuals potentially exposed to infected dogs, especially important during rabies outbreak
- > licensing helps reunited lost dogs with their owners.
- > licensing is key to family emergency preparedness planning to ensure a dog and owner is reunited in case of separation during a citywide emergency
- > licensing helps enforce the New York State spay/neuter law, which mandates a surcharge on the license fee for unaltered dogs. Spaying or neutering is in the best interest of your pet because it helps reduce the stray animal population and may help reduce unwanted behaviors as well.

New York State Department of
Agriculture and Markets
Division of Animal Industry
10B Airline Drive
Albany, NY 12235
518-457-3502
Fax: 518-485-7773

Information courtesy of:

~SpayUSA.org

~New York City Department of Health

~NYS/DAM Dog Licensing Division

Pedigree registration means that the particular registry maintains information on the parentage and identity of the animal

NYS General Business Law
Article 35-D, §753-c, 3a

DISCLOSURE OF ANIMAL PEDIGREE REGISTRATION

Description of animal: _____

The animal you are purchasing is registered / registrable (circle one) with the:

(ENTER NAME OF RECOGNIZED BREED REGISTRY)

Registration means that _____
(ENTER NAME OF RECOGNIZED BREED REGISTRY)

maintains information regarding the parentage and identity of this animal.

Persons buying animals represented by a pet dealer as being registrable are entitled to the papers necessary to affect such registration within 120 days of purchase. Failure to provide such papers entitles the purchaser to remedies under law. However, if the purchaser notifies the pet dealer within the 120 day period that he or she has not received such papers, the pet dealer shall have an additional 60 days commencing at the end of the 120 day period in which to provide the documents.

I acknowledge receipt of a copy of the above statement:

Date _____ Purchaser's Signature _____

NYS General Business Law
Article 35D, §753-c

The disclosure shall be signed and dated by the purchaser of the animal, acknowledging receipt of the statement. Pet dealer keeps a copy.

Article 35-D of the General Business Law, hereinafter referred to as “the Law”, sets forth certain rights which arise when a consumer purchases a dog or a cat from a pet dealer. Pursuant to the Law the Commissioner of Agriculture and Markets has promulgated regulations which require a pet dealer to provide certain information to a consumer in writing upon the sale of an animal. Such information shall include a description, including the breed of the animal, the date of purchase, the name, address and telephone number of the consumer and the pet dealer and the amount of the purchase. The pet dealer shall certify such information by signing and dating the document in which it is contained. Additionally, every pet dealer who sells an animal required to be vaccinated against rabies, to a consumer shall provide the consumer at point of sale with a written notice summarizing rabies immunization requirements.

The Law further provides that if, within fourteen business days following the sale of an animal subject to this article or receipt of the written notice required by section seven hundred fifty-four of this article, whichever occurred last, a veterinarian of the consumer's choosing, licensed by a state certifies such animal to be unfit for purchase due to illness or the presence of symptoms of a contagious or infectious disease, or if, within one hundred eighty calendar days following such sale or receipt, whichever occurred last, a licensed veterinarian certifies such animal to be unfit for purchase due to a congenital malformation which adversely affects the health of the animal, the pet dealer shall afford the consumer the right to choose one of the following options:

- ◆ The right to return the animal and receive a refund of the purchase price including sales tax and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase; or
- ◆ The right to return the animal and to receive an exchange animal of the consumer's choice of equivalent value and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase; or
- ◆ The right to retain the animal and to receive reimbursement from a pet dealer for veterinary services from a licensed veterinarian of the consumer's choosing, for the purpose of curing or attempting to cure the animal. The reasonable value of reimbursable services rendered to cure or attempting to cure the animal shall not exceed the purchase price of the animal. The value of such services is reasonable if comparable to the value of similar services rendered by other licensed veterinarians in proximity to treating veterinarians. Such reimbursement shall not include the costs of initial veterinary examination, fees and diagnostic fees not directly related to the veterinarian's certification that the animal is unfit for purchase.

The law requires that any refund and/or reimbursement required shall be made by a pet dealer not later than ten business days following receipt of a signed veterinary certificate as herein required. Such certification shall be presented to the pet dealer not later than three business days following receipt thereof by the consumer.

The Commissioner of Agriculture and Markets has prescribed a form for the certification that an animal is unfit for purchase which shall be provided to a consumer by an examining veterinarian upon the examination of a dog or cat subject to the Law. That form includes information which identifies the type of animal, the owner, the date and diagnosis of the animal, the treatment recommended, if any, and an estimate of the actual cost of such treatment. Such form also includes this notice.

The Law provides that a veterinary finding of intestinal parasites shall not be grounds for declaring the dog or cat unfit for sale unless the animal is clinically ill due to such condition. An animal may not be found unfit for sale on account of an injury sustained or illness contracted subsequent to the consumer taking possession thereof.

The Law provides that if a pet dealer wishes to contest a demand for a refund, exchange or reimbursement made by a consumer such dealer shall have the right to require the consumer to produce the animal for examination by a licensed veterinarian designated by such dealer. Upon examination if the consumer and the dealer are unable to reach an agreement which constitutes one of the options set forth in the Law within ten business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such refund, exchange and/or reimbursement. Nothing in § 753 of the General Business Law, however, in any way limits the rights or remedies which are otherwise available to consumers under any other law.

For the purposes of the Law, “consumer” means an individual purchasing a dog or a cat from a pet dealer. A pet dealer shall not be considered a consumer. “Pet dealer” means any person, firm, partnership, corporation or other association which in the ordinary course of business engages in the sale or offers for sale more than nine dogs or cats per year for profit to the public. Such definition includes breeders of animals who sell or offer to sell animals directly to a consumer but does 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.