



NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Public Hearing and Opportunity to Comment on Proposed Repeal and Re-enactment of Chapter 5

What are we proposing? The New York City Department of Health and Mental Hygiene (the “Department”) is proposing to repeal and re-enact Chapter 5 of the Title 24 of the Rules of the City of New York (the “RCNY”) to align with amendments to State and local laws that prohibit pet shops from selling or offering for sale dogs, cats or rabbits. This proposed rule also adds provisions governing the prohibition against the sale or offering for sale of guinea pigs pursuant to local law.

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place from 10:30AM to 11:30AM on December 5, 2025. The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, please register at this Zoom meeting:

<https://health-nyc.zoomgov.com/meeting/register/h1dculjtTQCKxcHxO-h-gA>

If prompted to provide meeting ID and passcode, please enter the following:

Meeting ID: **160 729 1279**, Passcode: **787300**

- **Phone:** For access, dial: (646) 828-7666 or Toll-free (833) 568-8864; (833) 435-1820, then please enter the following Meeting ID: **160 729 1279**.

How do I comment on the proposed rules? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the Department through the NYC rules website at <https://rules.cityofnewyork.us>
- **Email.** You can email written comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to the Department at:
New York City Department of Health and Mental Hygiene
42-09 28th Street, 14th Floor
Long Island City, NY 11101-4132
Attn: Svetlana Burdeynik
- **Fax.** You can fax written comments to the Department at 347-396-6087.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling the Department at 347-396-6078 or 347-396-6116. You can also sign up at the hearing before the hearing begins on December 5, 2025. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by 5 p.m. on December 5, 2025.

What if I need assistance to participate in the hearing? You must tell the Department if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign

language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078 by November 21, 2025.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <https://rules.cityofnewyork.us/>.

Within a reasonable time after the hearing, a transcript of the hearing, copies of all written comments submitted online and copies of all written comments concerning the proposed rules will be available to the public. A copy of a transcript of the oral comments will be available to the public on request within a reasonable time after the hearing.

What authorizes the Department to make this amendment? The amendment of Chapter 5 of Title 24 of the Rules of the City of New York (“Chapter 5”) is authorized by sections 389(b) and 1043 of the Charter and sections 17-1709 and 17-382 of the Administrative Code.

Where can I find the NYC Health Department’s rules? The rules of the Department are in Title 24 of the RCNY.

What laws govern the rulemaking process? The Department must meet the requirements of section 1043 of the Charter when creating or changing rules. This notice is made according to the requirements of section 1043(b) of the Charter.

Statement of Basis and Purpose

Section 753-f of the General Business Law, which prohibits retail pet shops in New York State from selling or otherwise transferring, including by renting, bartering or auctioning, dogs, cats and rabbits, took effect on December 15, 2024. Before the state law took effect, the sale of rabbits and guinea pigs by pet shops in the City was already prohibited. Following the effective date of the state law, the New York City Council enacted Local Law 132 of 2024, which amended section 17-1702(b) of the Administrative Code to also prohibit the sale of dogs and cats in pet shops and to repeal provisions relating to required information, recordkeeping, and minimum standards in pet shops and applications for pet shop permits. The local law took retroactive effect on December 15, 2024. Both the local and state laws allow pet shops to provide space to certain non-profit animal rescue groups and animal shelters, to showcase dogs, cats or rabbits owned by such organizations for the purpose of adoption.

Chapter 5 of Title 24 of the Rules of the City of New York currently contains rules that govern the sale of dogs and cats by pet shops. The state and local laws prohibiting the sale of dogs and cats render almost all the provisions of the current Chapter 5 inapplicable as of December 15, 2024. Therefore, the Department proposes to repeal Chapter 5 and replace it with a new Chapter 5 as described in the summary below of the new sections.

§ 5-01. Scope and applicability.

This section describes the scope and applicability of Chapter 5.

§ 5-02. Definitions.

This section defines terms used in this Chapter.

§ 5-03. Prohibition.

This section describes the prohibition against the sale or transfer of dogs, cats, rabbits and guinea pigs in pet shops.

§ 5-04. Disposition of and restrictions on permits.

This section provides that non-expired permits that authorized the sale of cats or dogs are null and void effective December 15, 2024. It clarifies that a permitted pet shop that sells animals other than dogs, cats, rabbits or guinea pigs may continue to sell animals allowed by such shop's permit.

§ 5-05. Adoption promotions with certain non-profits.

This section replaces section 5-05 "Adoption promotions at pet shops" but largely preserves the substance of that section. The section allows a pet shop to have adoption promotions in collaboration with certain non-profit organizations, such as animal rescue groups and animal shelters. The section outlines the administrative requirements for using its facility for adoption promotions. It keeps the exemption allowing pet shops to host animal shelter or animal rescue group offering dogs or cats as long as the pet shop does not have an ownership interest in the animals up for adoption.

§ 5-06. Enforcement.

Section 5-06 addresses enforcement measures the Department may take, including animal seizure and forfeiture, against those who are violating the prohibition against the sale or transfer of dogs, cats, rabbits or guinea pigs. These measures substantively mirror the enforcement authority the Department has regarding pet shops pursuant to sections 17-1707 and 17-1708 of the Administrative Code.

The proposal is as follows.

Note: Matter to be deleted is in [brackets]

Matter underlined is new.

"Must" and "shall" are used interchangeably for mandatory requirements.

Section 1. Chapter 5 of Title 24 of the Rules of the City of New York, relating to the retail sale of cats and dogs, is REPEALED.

§ 2. Title 24 of the Rules of the City of New York is amended by adding a new Chapter 5, to read as follows:

§ 5-01. Scope and applicability.

This Chapter contains rules applicable to pet shops as defined in New York City Administrative Code section 17-371 or successor provision.

§ 5-02. Definitions.

When used in this Chapter, the following terms have the following meanings:

“Animal rescue group” has the same meaning as in section 17-802 of the Administrative Code.

“Animal shelter” has the same meaning as in section 17-802 of the Administrative Code.

“Cat” has the same meaning as in section 161.02 of the Health Code.

“Dog” has the same meaning as in section 161.02 of the Health Code.

“Health Code” means the New York City Health Code.

“Pet shop” has the same meaning as in section 17-371 of the Administrative Code.

“Small animal” has the same meaning as in section 161.02 of the Health Code.

§ 5-03. Prohibition.

No pet shop may sell, lease, offer to lease, offer to sell, barter, auction, or otherwise transfer ownership of any dog, cat, guinea pig or rabbit.

§ 5-04. Disposition of and restrictions on permits.

(a) *Permit authorizing sale of dogs or cats.* Any permit issued by the Department authorizing the permittee to sell or offer for sale of dogs or cats lapsed by operation of law effective December 15, 2024 and is null and void.

(b) *Permit authorizing the sale of small animals other than dogs and cats.* The holder of a permit issued pursuant to section 161.09 of the Health Code must not sell or offer for sale animals other than small animals authorized by such permit and for which possession is not prohibited by section 161.01 of the Health Code and transfer is not prohibited by section 5-03 of this chapter.

§ 5-05. Adoption promotions with certain non-profits.

(a) A person or entity operating an establishment selling or offering for sale small animals other than dogs, cats, rabbits, and guinea pigs, may allow an animal shelter or non-profit animal rescue group to use its facilities to offer animals for adoption provided that it satisfies the following requirements:

(1) Must obtain a copy of either a valid permit issued to the animal shelter by the Commissioner pursuant to section 161.09 of the Health Code, or proof of the animal rescue group’s incorporated not-for-profit status.

(2) Whenever the animal shelter or animal rescue group is offering animals for adoption at the establishment, the establishment must have on site, and available for inspection upon request, a copy of the animal shelter’s permit or animal rescue group’s registration with the New York State Department of Agriculture and Markets Registered Rescues and Shelters List, and the animal shelter’s or animal rescue group’s proof of not-for-profit status, and the animal shelter or animal

rescue group's registration of such status and exemption from the definition of 'pet dealer', issued by the New York State Department of Agriculture and Markets pursuant to section 408 of the New York State Agriculture and Markets Law.

(b) A pet shop is not required to comply with the requirements of sections 5-03 and 5-04 of this Chapter regarding any dog or cat offered for adoption by an animal shelter or animal rescue group using such pet shop's facilities, provided that such pet shop does not have an ownership interest in such animal.

§ 5-06. Enforcement.

(a) *Summons and penalty.*

(1) Any person or entity found to be offering for sale, delivering, bartering, auctioning, giving away or transferring a dog, cat, rabbit or guinea pig in violation of section 5-03 of this Chapter will be issued a summons subject to a penalty of \$500 per day and per animal offered for sale.

(2) Any person or entity found to be in violation of section 5-04(b) of this Chapter shall be issued a summons subject to a penalty of \$500.

(b) *Seizure.* The Department may seize any dog, cat, rabbit or guinea pig found on premises operated as a pet shop or other entity that is prohibited from selling, leasing, offering to sell or lease, barter, auction or otherwise transfer these animals.

(c) *Forfeiture.* Any dog, cat, rabbit or guinea pig seized pursuant to this section is subject to forfeiture after notice and hearing unless the Department, in its sole discretion, allows the owner to reclaim the animal. If the Department allows the owner to reclaim the animal, it may impose any terms and conditions to reclamation it deems appropriate.

(d) *Impoundment and disposition.* The Department may provide for the appropriate disposition of any dog, cat, rabbit or guinea pig seized pursuant to this section. Such disposition may include impoundment at an animal shelter or by an animal rescue group.

(e) *Expenses.* The Department may impose upon the owner of any animal seized pursuant to this section a fee for the Department's expenses incurred in connection with seizing or impounding such animal.

(f) *Authorized agents.* Employees or designees of the Department and officers of the NYPD are authorized to enforce the provisions of this Chapter.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Rules Prohibiting Sale of Dogs, Cats and Rabbits by Pet Shops

REFERENCE NUMBER: DOHMH-164

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the violation cannot be corrected or undone, poses significant risks of environment hazards and to public health/safety, and is not practicable under the circumstances.

/s/ Francisco X. Navarro
Mayor's Office of Operations

October 23, 2025
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Rules Prohibiting Sale of Dogs, Cats and Rabbits by Pet Shops

REFERENCE NUMBER: 2025 RG 065

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: October 23, 2025