



C. James Robert von Scholz SC  
*Advocate / Agent / Federal Lobbyist*  
Direct Tel. +1.212.444.2670  
Direct Fax. +1.212.590.6136  
www.birchhillchambers.com  
jvonscholz@bhchambers.com

Thursday, December 4, 2025

**BY WEBSITE SUBMISSION / NO HARDCOPY SENT:**

<https://rules.cityofnewyork.us/rule/rules-prohibiting-sale-of-dogs-cats-and-rabbits-by-pet-shops/>

Submitted to: **New York City Department of Health and Mental Hygiene**

Attn: **Office of General Counsel**

Re: **Formal Comment on Proposed Repeal and Re-enactment of Chapter 5 Prohibiting the Sale of Dogs, Cats, Rabbits, and Guinea Pigs by Pet Shops**

Rulemaking Reference: **DOHMH-164**

To Whom It May Concern:

I submit this comment as a registered representative before the Office of Administrative Trials and Hearings with long experience in enforcement, compliance, and record-based adjudication across multiple City agencies.

The proposed repeal and re-enactment of Chapter 5 is necessary to align the Health Code with current State and local law and to provide a clear and enforceable regulatory structure.

**I. Benefits to Consumers**

**1. Removal of a high-risk retail channel**

Retail pet shops have been a recurring source of incomplete or inaccurate veterinary and sourcing documentation.

OATH matters involving these businesses show consistent defects such as missing vaccination histories, unverifiable origin statements, and outdated health records.

B I R C H   H I L L   C H A M B E R S  
115 Forest Avenue, Unit 61, Locust Valley, NY 11560

Eliminating retail sales closes a channel that has generated documented consumer injury.

## **2. Reduction of early veterinary costs**

Animals supplied through high-volume breeding pipelines often require immediate medical intervention due to respiratory illness, gastrointestinal disease, or congenital conditions.

In New York City, emergency veterinary treatment during the first days after purchase can range from one to three thousand dollars.

Adoption organizations complete these treatments before placement which lowers costs for adopters.

## **3. Improvement of public health conditions**

Commercial retail environments have been linked to past zoonotic exposures involving ringworm, campylobacter, and other pathogens.

Shelters and rescue groups operate with defined quarantine and veterinary protocols that exceed the standards found in typical retail settings.

## **4. Preservation of public access to companion animals**

The proposed rule allows pet shops to host animals from registered shelters or rescue groups.

Consumers retain access to companion animals through a safer and regulated placement structure.

# **II. Benefits to Animals**

## **1. Reduction in demand for commercial breeding mills**

Retail outlets have long served as distribution points for high-volume breeders whose practices fall below humane standards.

Removing the retail outlet reduces demand for animals produced under these conditions.

*(continued on next page)*

## **2. Stabilized adoption outcomes**

Shelters and rescue groups follow structured adoption protocols, behavioral screening, and veterinary checks.

These measures reduce the likelihood of surrender and improve stability after placement.

## **3. Full medical and custody traceability**

Organizations regulated under Agriculture and Markets Law § 408 maintain documented medical records and transparent custody histories.

This level of documentation supports long-term animal welfare.

## **4. Elimination of display-driven harm**

Retail display cages create avoidable stress, limit proper socialization, and increase disease spread. The proposed rule ends those conditions.

# **III. Administrative Law Considerations**

## **1. Statutory alignment**

General Business Law § 753-f and Local Law 132 of 2024 already prohibit these retail sales.

The Department's proposal harmonizes the Health Code with these mandates and removes obsolete permit categories.

## **2. Clear enforceability**

The enforcement structure mirrors existing penalty authority under Administrative Code §§ 17-1707 and 17-1708.

The availability of seizure and forfeiture supports consistent adjudication before OATH.

## **3. Reduced administrative burden**

Eliminating outdated permit classifications streamlines oversight and focuses enforcement resources on current statutory requirements.

*(continued on next page)*

#### **IV. Stakeholder Considerations**

##### **1. Transition for pet shops**

Businesses that previously relied on selling dogs, cats, rabbits, or guinea pigs will need to transition to goods-and-services models supported by adoption partnerships.

Comparable jurisdictions have achieved this without destabilizing the retail sector.

##### **2. Enforcement vigilance**

Some operators may attempt informal or off-book transfers. Routine inspections and consistent summons issuance will deter unlawful conduct.

##### **3. Public education**

A short public notice clarifying that State and local law already prohibit retail sales would help limit consumer misunderstanding.

#### **V. Conclusion**

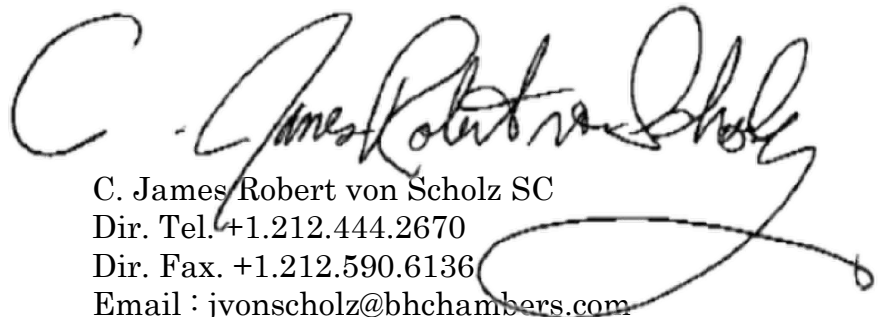
The proposed rule is necessary, enforceable, and beneficial to consumers, animals, and the public.

It aligns municipal regulations with State law, removes outdated provisions, improves public health protections, and supports stable adoption pathways.

Adoption without modification is appropriate.

Thank you for the opportunity to comment.

Respectfully Submitted:



C. James Robert von Scholz SC  
 Dir. Tel. +1.212.444.2670  
 Dir. Fax. +1.212.590.6136  
 Email : jvonscholz@bhchambers.com

cc : File