

5467

2011-2012 Regular Sessions

I N   S E N A T E

May 24, 2011

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Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the general municipal law, in relation to confinement of animals in private facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The agriculture and markets law is amended by adding a new  
2     section 356-a to read as follows:  
3     S 356-A. FAILURE TO PROVIDE PROPER CARE TO LARGE NUMBERS OF ANIMALS.  
4     1. A PERSON WHO, HAVING IMPOUNDED, CONFINED OR IN ANY OTHER WAY HOUSED  
5     ANY ANIMAL, REFUSES OR NEGLECTS TO SUPPLY TO SUCH ANIMAL DURING ITS  
6     CONFINEMENT A SUFFICIENT SUPPLY OF GOOD AND WHOLESOME AIR, FOOD, WATER,  
7     SHELTER, INCLUDING PROPER HEAT AND COOLING AS APPROPRIATE, LIGHTING,  
8     HYGIENE, RECORD KEEPING, VETERINARY AND RELATED CARE, OR ALLOWS IT TO  
9     REMAIN IN A CROWDED CONDITION OR IN UNHEALTHFUL OR UNSANITARY  
10    SURROUNDINGS OR NOT PROPERLY CARED FOR, IS GUILTY OF A MISDEMEANOR,  
11    PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF  
12    NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH. IN CASE ANY ANIMAL SHALL  
13    BE AT ANY TIME IMPOUNDED, CONFINED, OR IN ANY OTHER WAY HOUSED AS AFORE-  
14    SAID, AND SHALL CONTINUE TO BE WITHOUT NECESSARY FOOD AND WATER FOR MORE  
15    THAN TWELVE SUCCESSIVE HOURS, IT SHALL BE LAWFUL FOR ANY PERSON, FROM  
16    TIME TO TIME, AND AS OFTEN AS IT SHALL BE NECESSARY, TO ENTER INTO AND  
17    UPON ANY FACILITY IN WHICH ANY SUCH ANIMAL SHALL BE SO CONFINED, AND TO  
18    SUPPLY IT WITH NECESSARY FOOD AND WATER, SO LONG AS IT SHALL REMAIN SO  
19    CONFINED; SUCH PERSON SHALL NOT BE LIABLE TO ANY ACTION FOR SUCH ENTRY,  
20    AND THE REASONABLE COST OF SUCH FOOD AND WATER MAY BE COLLECTED BY HIM  
21    OF THE OWNER OF SUCH ANIMAL, AND THE SAID ANIMAL SHALL NOT BE EXEMPT  
22    FROM LEVY AND SALE UPON EXECUTION ISSUED UPON A JUDGMENT THEREFOR. THE  
23    PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO ANY FACILITY THAT IS USED TO  
24    HOUSE OR CONTAIN MORE THAN TWELVE ADULT ANIMALS OR NINE ANIMALS AND  
25    THREE OR MORE LITTERS OF ANIMALS PER YEAR AND ANIMALS THAT ARE OWNED,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11568-01-1

1 OPERATED, OR MAINTAINED BY A NONGOVERNMENTAL ENTITY INCLUDING, BUT NOT  
2 LIMITED TO, AN ORGANIZATION OPERATING FOR THE PURPOSE OF FINDING OR  
3 PROVIDING PERMANENT ADOPTIVE HOMES FOR ANIMALS, BUT SHALL NOT INCLUDE  
4 WILDLIFE UNDER THE CARE OF WILDLIFE REHABILITATORS OR LABORATORY ANIMALS  
5 HELD IN FACILITIES REGULATED PURSUANT TO 9 C.F.R. PARTS 1, 2 AND 3,  
6 FACILITIES ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION OR  
7 FARM ANIMALS AS DEFINED IN SECTION THREE HUNDRED FIFTY OF THIS ARTICLE.

8 2. (A) THE COMMISSIONER IS DIRECTED TO PROMULGATE REGULATIONS ESTAB-  
9 LISHING STANDARDS FOR HUMANE CARE AND HOUSING OF ANIMALS AND RECORD  
10 KEEPING, INCLUDING ANIMAL HEALTH CERTIFICATES FOR ANY ANIMALS TRANS-  
11 PORTED INTO THE STATE.

12 (B) SUCH REGULATIONS SHALL BE ENFORCED CONCURRENTLY BY THE COMMISSION-  
13 ER AND BY ANY MUNICIPAL CORPORATION IN THE STATE.

14 S 2. The general municipal law is amended by adding a new section 139  
15 to read as follows:

16 S 139. PROPER FOOD, DRINK, SHELTER AND CARE TO IMPOUNDED ANIMALS. ANY  
17 MUNICIPAL CORPORATION MAY BY LOCAL LAW OR ORDINANCE ENFORCE REGULATIONS  
18 PROMULGATED BY THE COMMISSIONER OF AGRICULTURE AND MARKETS PURSUANT TO  
19 SECTION THREE HUNDRED FIFTY-SIX-A OF THE AGRICULTURE AND MARKETS LAW  
20 ADDRESSING PROPER FOOD, DRINK, SHELTER AND CARE TO ANIMALS IMPOUNDED BY  
21 DOG OR ANIMAL CONTROL OFFICER OR ANY PEACE OR POLICE OFFICER.

22 S 3. This act shall take effect on the one hundred eightieth day after  
23 it shall have become a law.