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I N   S E N A T E

January 9, 2012

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Introduced by Sens. ZELDIN, AVELLA, GRISANTI, KRUEGER, MAZIARZ, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to restricting the performance of surgical devocalization procedures on dogs and cats

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 365-a to read as follows:  
3     S 365-A. DEVOCALIZATION OF ANIMALS. 1. NO PERSON SHALL PERFORM THE  
4     SURGICAL DEVOCALIZATION OF A DOG OR CAT EXCEPT IN ACCORDANCE WITH THE  
5     PROVISIONS OF THIS SECTION.  
6     2. A. SURGICAL DEVOCALIZATION OF A DOG OR CAT SHALL BE PERFORMED ONLY  
7     BY A PERSON LICENSED AS A VETERINARIAN IN THIS STATE UNDER THE  
8     PROVISIONS OF ARTICLE ONE HUNDRED THIRTY-FIVE OF THE EDUCATION LAW.  
9     B. SURGICAL DEVOCALIZATION OF A DOG OR CAT MAY BE PERFORMED ONLY WHEN  
10    THE PROCEDURE IS MEDICALLY NECESSARY TO TREAT OR RELIEVE A PHYSICAL  
11    ILLNESS, DISEASE OR INJURY OR CORRECT A CONGENITAL ABNORMALITY SUFFERED  
12    BY THE ANIMAL, WHICH PHYSICAL ILLNESS, DISEASE, INJURY OR CONGENITAL  
13    ABNORMALITY IS CAUSING OR MAY REASONABLY CAUSE THE ANIMAL PHYSICAL PAIN  
14    OR HARM.  
15    3. A. ANY PERSON WHO PERFORMS A SURGICAL DEVOCALIZATION PROCEDURE ON A  
16    DOG OR CAT SHALL INCLUDE INFORMATION RELATED TO THE PROCEDURE INCLUDING  
17    THE MEDICAL NECESSITY IN THE ANIMAL'S TREATMENT RECORD AS DEFINED IN  
18    SECTION SIXTY-SEVEN HUNDRED FOURTEEN OF THE EDUCATION LAW.  
19    B. ANY PERSON WHO PERFORMS A DEVOCALIZATION PROCEDURE ON A DOG OR CAT  
20    SHALL REPORT THE NUMBER IN THE AGGREGATE OF ALL SUCH PROCEDURES TO THE  
21    STATE BOARD FOR VETERINARY MEDICINE ANNUALLY ON OR BEFORE MARCH THIRTI-  
22    ETH. THE BOARD SHALL MAINTAIN ALL NOTICES RECEIVED UNDER THIS SUBDIVI-  
23    SION FOR FOUR YEARS FROM THE DATE OF RECEIPT.

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

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1 4. AS USED IN THIS SECTION, "DEVOCALIZATION" MEANS A SURGICAL PROCE-  
2 DURE ON THE LARYNX OR VOCAL CORDS OF AN ANIMAL WHICH CAUSES THE  
3 REDUCTION OR ELIMINATION OF VOCAL SOUNDS PRODUCED BY THAT ANIMAL AND  
4 INCLUDES PROCEDURES COMMONLY REFERRED TO AS "DEBARKING", "SILENCING" OR  
5 "BARK SOFTENING".

6 5. A. ANY PERSON WHO PERFORMS, OR KNOWINGLY CAUSES TO BE PERFORMED,  
7 THE SURGICAL DEVOCALIZATION OF A DOG OR CAT IN VIOLATION OF THE  
8 PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR  
9 PUNISHABLE BY IMPRISONMENT FOR A PERIOD OF NOT MORE THAN ONE YEAR OR BY  
10 A FINE OF NOT TO EXCEED FIVE THOUSAND DOLLARS OR BY BOTH SUCH FINE AND  
11 IMPRISONMENT.

12 B. IN ADDITION TO THE PENALTIES DESCRIBED IN PARAGRAPH A OF THIS  
13 SUBDIVISION, THE COURT MAY ORDER ANY PERSON WHO VIOLATES THE PROVISIONS  
14 OF THIS SECTION TO SUCCESSFULLY COMPLETE A COURSE OF INSTRUCTION RELA-  
15 TIVE TO THE HUMANE TREATMENT OF ANIMALS OR BE BARRED FROM OWNING OR  
16 KEEPING A DOG OR CAT OR SHARING A RESIDENCE WITH ANOTHER WHO OWNS OR  
17 KEEPS A DOG OR CAT FOR A PERIOD OF TIME AS DETERMINED BY SAID COURT. THE  
18 COURT MAY FURTHER ORDER ANY PERSON WHO VIOLATES THIS SECTION TO SURREN-  
19 DER THE ANIMAL ON WHICH THE PROCEDURE WAS PERFORMED, AS WELL AS ANY  
20 OTHER ANIMALS OWNED OR CONTROLLED BY SUCH PERSON.

21 C. ANY VETERINARIAN WHO PERFORMS A SURGICAL DEVOCALIZATION PROCEDURE  
22 IN VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE  
23 REVOCATION OR SUSPENSION OF HIS OR HER LICENSE.

24 S 2. The commissioner of agriculture and markets and the commissioner  
25 of education are authorized and directed to promulgate and implement all  
26 rules, regulations and standards they respectively deem necessary to  
27 enforce the provisions of this act on or before the effective date of  
28 this act.

29 S 3. This act shall take effect on the ninetieth day after it shall  
30 have become a law.