S T A T E O F N E W Y O R K

6167--B

I N S E N A T E

January 9, 2012

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:

Section 1. The agriculture and markets law is amended by adding a new section 365-a to read as follows:

S 365-A. DEVOCALIZATION OF ANIMALS. 1. NO PERSON SHALL PERFORM THE SURGICAL DEVOCALIZATION OF A DOG OR CAT EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

2. A. SURGICAL DEVOCALIZATION OF A DOG OR CAT SHALL BE PERFORMED ONLY BY A PERSON LICENSED AS A VETERINARIAN IN THIS STATE UNDER THE PROVISIONS OF ARTICLE ONE HUNDRED THIRTY-FIVE OF THE EDUCATION LAW.

B. SURGICAL DEVOCALIZATION OF A DOG OR CAT MAY BE PERFORMED ONLY WHEN THE PROCEDURE IS MEDICALLY NECESSARY TO TREAT OR RELIEVE A PHYSICAL ILLNESS, DISEASE OR INJURY OR CORRECT A CONGENITAL ABNORMALITY SUFFERED BY THE ANIMAL, WHICH PHYSICAL ILLNESS, DISEASE, INJURY OR CONGENITAL ABNORMALITY IS CAUSING OR MAY REASONABLY CAUSE THE ANIMAL PHYSICAL PAIN OR HARM.

3. A. ANY PERSON WHO PERFORMS A SURGICAL DEVOCALIZATION PROCEDURE ON A DOG OR CAT SHALL INCLUDE INFORMATION RELATED TO THE PROCEDURE INCLUDING THE MEDICAL NECESSITY IN THE ANIMAL'S TREATMENT RECORD AS DEFINED IN SECTION SIXTY-SEVEN HUNDRED FOURTEEN OF THE EDUCATION LAW.

B. ANY PERSON WHO PERFORMS A DEVOCALIZATION PROCEDURE ON A DOG OR CAT SHALL REPORT THE NUMBER IN THE AGGREGATE OF ALL SUCH PROCEDURES TO THE STATE BOARD FOR VETERINARY MEDICINE ANNUALLY ON OR BEFORE MARCH THIRTIETH. THE BOARD SHALL MAINTAIN ALL NOTICES RECEIVED UNDER THIS SUBDIVISION 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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4. AS USED IN THIS SECTION, "DEVOCALIZATION" MEANS A SURGICAL PROCEDURE ON THE LARYNX OR VOCAL CORDS OF AN ANIMAL WHICH CAUSES THE REDUCTION OR ELIMINATION OF VOCAL SOUNDS PRODUCED BY THAT ANIMAL AND INCLUDES PROCEDURES COMMONLY REFERRED TO AS "DEBARKING", "SILENCING" OR "BARK SOFTENING".

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

B. IN ADDITION TO THE PENALTIES DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION, THE COURT MAY ORDER ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION TO SUCCESSFULLY COMPLETE A COURSE OF INSTRUCTION RELATIVE TO THE HUMANE TREATMENT OF ANIMALS OR BE BARRED FROM OWNING OR KEEPING A DOG OR CAT OR SHARING A RESIDENCE WITH ANOTHER WHO OWNS OR KEEPS A DOG OR CAT FOR A PERIOD OF TIME AS DETERMINED BY SAID COURT. THE COURT MAY FURTHER ORDER ANY PERSON WHO VIOLATES THIS SECTION TO SURRENDER THE ANIMAL ON WHICH THE PROCEDURE WAS PERFORMED, AS WELL AS ANY OTHER ANIMALS OWNED OR CONTROLLED BY SUCH PERSON.

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

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

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