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

2165

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, CLARK -- Multi-Sponsored by -- M. of A. CANESTRARI, COOK, DelMONTE, ENGLEBRIGHT, GREENE, TOWNS, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the administration of rabies vaccine to livestock and providing for the repeal of such provisions upon expiration thereof

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 89-a to read as follows:

S 89-A. ADMINISTRATION OF RABIES VACCINE. (1) NOTWITHSTANDING ANY OTHER SECTION OF LAW, ANY LIVESTOCK OWNER MAY DIRECTLY PURCHASE KILLED RABIES VACCINE FOR THE SOLE PURPOSE OF VACCINATING LIVESTOCK OWNED BY SUCH LIVESTOCK OWNER. LIVESTOCK VACCINATED IN SUCH A MANNER WITHOUT THE DIRECT OR SUPERVISORY PARTICIPATION OF A VETERINARIAN WILL NOT BE CONSIDERED AS VACCINATED BY THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF AGRICULTURE AND MARKETS, OR ANY OTHER DEPARTMENT, AGENCY, OR AGENT OF THE STATE FOR THE PURPOSES OF MATTERS INVOLVING STATE ACTION OR POLICY TOWARDS LIVESTOCK, INCLUDING, BUT NOT LIMITED TO, QUARANTINE IN THE CASE OF A RABIES OUTBREAK OR LOCAL RABIES EMERGENCY, AND ELIGIBILITY FOR PARTICIPATION IN THE NEW YORK STATE FAIR OR ANY COUNTY OR LOCAL FAIR RUN BY ANY POLITICAL SUBDIVISION OF THE STATE OF NEW YORK. LIVESTOCK VACCINATED PURSUANT TO THIS SECTION SHALL NOT BE ELIGIBLE FOR INDEMNIFICATION FOR RABIES AS PROVIDED FOR IN ARTICLE SIX-A OF THIS CHAPTER IF IT IS DETERMINED THAT SUCH VACCINATIONS, CONDUCTED WITHOUT THE DIRECT OR SUPERVISORY PARTICIPATION OF A VETERINARIAN, CONTRIBUTED TO THE DAMAGES TO THE ANIMAL.

(2) FOR PURPOSES OF THIS SECTION, THE TERM "LIVESTOCK" SHALL MEAN CATTLE AND HORSES AND ANY SPECIES OF LIVESTOCK THAT ARE INDICATED ON THE VACCINE LABEL OR PACKAGE INSERT. THE TERM "LIVESTOCK" SHALL NOT MEAN DOGS AND CATS. ALL KILLED RABIES VACCINES MUST BE ADMINISTERED IN

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

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ACCORDANCE WITH THE SPECIFICATIONS OF THE PRODUCT LABEL OR PACKAGE INSERT.

S 2. This act shall take effect immediately and shall expire and be deemed repealed 2 years after such effective date.