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

600

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL, PHEFFER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the release of dogs and cats to a pound, shelter, society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated animal protective association in certain cases

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

Section 1. Subdivision 2-e and paragraph b of subdivision 5 of section 374 of the agriculture and markets law, subdivision 2-e as added by chapter 619 of the laws of 1987 and paragraph b of subdivision 5 as added by chapter 569 of the laws of 1995, are amended to read as follows:

2-e. No person shall release any dog or cat from the custody or control of any pound, shelter, society for the prevention of cruelty to animals, DULY INCORPORATED humane society, [dog] DULY INCORPORATED ANIMAL protective association, [dog] ANIMAL control officer, peace officer or any agent thereof, for any purpose except adoption or redemption by its owner; PROVIDED, HOWEVER THAT SUCH RELEASE MAY BE MADE TO ANOTHER SUCH POUND, SHELTER, SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY OR DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION FOR THE SOLE PURPOSE OF PLACING SUCH DOG OR CAT IN AN ADOPTIVE HOME, WHEN SUCH ACTION IS REASONABLY BELIEVED TO IMPROVE THE OPPORTUNITY FOR ADOPTION. Any violation of this subdivision, or subdivision two-a, two-b, two-c or two-d of this section shall constitute a misdemeanor and shall be punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO LIMIT OR RESTRICT THE RESPONSIBILITIES OR AUTHORITY OTHERWISE PROVIDED FOR IN THIS SECTION.

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

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b. Pursuant to the provisions of subdivisions two-a, two-b, two-c [and], two-d AND TWO-E of this section, no dog or cat in the custody of a duly incorporated society for the prevention of cruelty to animals, a duly incorporated humane society [or its authorized agents thereof], DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, [or a] pound [or], shelter OR ITS AUTHORIZED AGENTS THEREOF, shall be sold, transferred or otherwise made available to any person for the purpose of research, experimentation or testing. No authorized agent of a duly incorporated society for the prevention of cruelty to animals, [nor of a] duly incorporated humane society, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, POUND OR SHELTER shall use any animal placed in its custody by the duly incorporated society for the prevention of cruelty to animals or duly incorporated humane society for the purpose of research, experimentation or testing.

S 2. This act shall take effect immediately.