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

7218

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. GLICK, CASTRO, COLTON, DINOWITZ, EDDINGTON, KELLNER, PAULIN, ROSENTHAL -- Multi-Sponsored by -- M. of A. BALL, BOYLAND, GOTTFRIED, McDONOUGH, McENENY -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to making tail docking of dogs unlawful

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. DOCKING DOG TAILS; UNLAWFUL. 1. ANY PERSON WHO CUTS THE BONE, TISSUES, MUSCLES OR TENDONS OF THE TAIL OF ANY DOG, OR OTHERWISE OPERATES UPON IT IN ANY MANNER FOR THE PURPOSE OR WITH THE EFFECT OF DOCKING OR OTHERWISE ALTERING THE NATURAL CARRIAGE OR LENGTH OF THE TAIL, OR ASSISTS, PROCURES, PROMOTES OR ENCOURAGES SUCH CUTTING OR OPERATION FOR REASONS OTHER THAN TO PROTECT THE LIFE OR HEALTH OF THE DOG AS DEEMED NECESSARY BY A DULY LICENSED VETERINARIAN, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS.

2. ANY PERSON WHO SHOWS OR EXHIBITS A DOG, THE TAIL OF WHICH HAS BEEN CUT, ALTERED OR OPERATED UPON IN THE MANNER REFERRED TO IN SUBDIVISION ONE OF THIS SECTION, AT A SHOW OR OTHER EXHIBITION IN THIS STATE OR WHO ENCOURAGES, PROCURES OR SPONSORS SUCH AN EXHIBITION, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS.

3. ANY DOG OWNER WHO IS INJURED OR DAMAGED IN ANY WAY BY A VIOLATION OF THE FOREGOING PROVISIONS OF THIS SECTION, OR ANY NEW YORK ANIMAL RIGHTS ORGANIZATION, MAY INSTITUTE AND MAINTAIN IN THE SUPREME COURT OF THIS STATE A PRIVATE RIGHT OF ACTION, INCLUDING A PROCEEDING FOR A DECLARATORY JUDGMENT, TO OBTAIN REDRESS FOR SUCH INJURY OR VIOLATION.

4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY DOG OR PERSON WHO IS THE OWNER OR POSSESSOR OF ANY DOG WHOSE TAIL HAS BEEN CERTIFIED

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

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AS HAVING BEEN DOCKED, CUT OR ALTERED PRIOR TO AUGUST FIRST, TWO THOUSAND NINE.

S 2. This act shall take effect August 1, 2009; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after August 1, 2009.