

S. 6412

A. 9449

S E N A T E - A S S E M B L Y

(PREFILED)

January 6, 2010

IN SENATE -- Introduced by Sen. DUANE -- read twice and ordered printed,
and when printed to be committed to the Committee on Agriculture

IN ASSEMBLY -- Introduced by M. of A. KELLNER -- read once and referred
to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requir-
ing the release of a shelter animal to a rescue group upon request of
the rescue group prior to euthanasia of the animal

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Oreo's law".
3 S 2. Section 374 of the agriculture and markets law is amended by
4 adding a new subdivision 9 to read as follows:
5 9. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE
6 CONTRARY, NO ANIMAL IN THE CARE OR CUSTODY OF A DULY INCORPORATED SOCIE-
7 TY FOR THE PREVENTION OF CRUELTY TO ANIMALS, A DULY INCORPORATED HUMANE
8 SOCIETY, OR A POUND OR SHELTER MAINTAINED BY OR UNDER CONTRACT OR AGREE-
9 MENT WITH THE STATE OR ANY COUNTY, CITY, TOWN OR VILLAGE, OR AUTHORIZED
10 AGENTS THEREOF, SHALL BE DESTROYED IF, PRIOR TO THE KILLING OF THAT
11 ANIMAL FOR ANY REASON OTHER THAN IRREMIEDIABLE PHYSICAL SUFFERING OF THE
12 ANIMAL, A NONPROFIT, AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL
13 REVENUE CODE, ANIMAL RESCUE OR ADOPTION ORGANIZATION REQUESTS POSSESSION
14 OF THE ANIMAL. IN ADDITION TO ANY REQUIRED SPAY OR NEUTER DEPOSIT, THE
15 FACILITY HAVING POSSESSION OF THE ANIMAL, AT ITS DISCRETION, MAY ASSESS
16 A FEE, NOT TO EXCEED THE STANDARD ADOPTION FEE, FOR ANIMALS RELEASED TO
17 SUCH ORGANIZATIONS. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY
18 TO AN ANIMAL SUSPECTED TO CARRY AND EXHIBITING SIGNS OF RABIES, AS
19 DETERMINED BY A LICENSED VETERINARIAN.
20 S 3. This act shall take effect immediately.

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

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