

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

S. 6412--C

A. 9449--C

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

(PREFILED)

January 6, 2010

IN SENATE -- Introduced by Sens. DUANE, ADAMS, ADDABBO, KRUEGER, SAVINO -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. KELLNER, SKARTADOS, PEOPLES-STOKES, MILLMAN, WEISENBERG, MAISEL, BROOK-KRASNY -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 requiring 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 ASSEMBLY, 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. A. 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 IRREMEDEABLE PHYSICAL SUFFERING OF THE

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

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1 ANIMAL UPON A CERTIFICATION MADE IN WRITING AND SIGNED BY A VETERINARIAN
2 LICENSED TO PRACTICE MEDICINE IN THE STATE THAT THE PROGNOSIS FOR RECOV-
3 ERY IS POOR OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETER-
4 INARY CARE, A NONPROFIT, AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL
5 REVENUE CODE ANIMAL RESCUE OR ADOPTION ORGANIZATION REQUESTS POSSESSION
6 OF THE ANIMAL. IN ADDITION TO ANY REQUIRED SPAY OR NEUTER DEPOSIT, THE
7 FACILITY HAVING POSSESSION OF THE ANIMAL, AT ITS DISCRETION, MAY ASSESS
8 A FEE, NOT TO EXCEED THE STANDARD ADOPTION FEE, FOR ANIMALS RELEASED TO
9 SUCH ORGANIZATIONS.

10 B. (1) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION INTERESTED IN TAKING
11 POSSESSION OF ONE OR MORE ANIMALS PURSUANT TO THE PROVISIONS OF THIS
12 SUBDIVISION SHALL NOTIFY THE SOCIETY FOR THE PREVENTION OF CRUELTY TO
13 ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER, AS APPLICABLE, OF ITS
14 DESIRE TO DO SO AND SHALL PROVIDE THE SOCIETY FOR THE PREVENTION OF
15 CRUELTY TO ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER WITH CONTACT
16 INFORMATION FOR THE ANIMAL RESCUE OR ADOPTION ORGANIZATION. AN ANIMAL
17 RESCUE OR ADOPTION ORGANIZATION MAY, AT ITS OPTION, FILE ONE NOTICE WITH
18 A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY,
19 POUND OR SHELTER REQUESTING THAT IT BE NOTIFIED OF ALL ANIMALS HELD BY
20 THAT FACILITY AND SCHEDULED FOR EUTHANASIA.

21 (2) AT LEAST ONE BUSINESS DAY PRIOR TO THE SCHEDULED EUTHANASIA OF AN
22 ANIMAL, THE FACILITY HAVING POSSESSION OF THE ANIMAL SHALL PROVIDE
23 NOTICE TO THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OF THE SCHEDULED
24 EUTHANASIA BY:

25 (A) POSTING OF THE IDENTIFICATION NUMBER OF SUCH ANIMAL ON THE WEBSITE
26 OF THE FACILITY HAVING POSSESSION OF THE ANIMAL BY DIRECT LINK FROM THE
27 FACILITY'S WEBSITE HOME PAGE; AND

28 (B) BY CONTACTING THE ANIMAL RESCUE OR ADOPTION ORGANIZATION DIRECTLY
29 BY ONE OR MORE OF THE FOLLOWING MEANS:

30 (I) E-MAIL TO THE E-MAIL ADDRESS ON FILE;

31 (II) PHONE TO THE PHONE NUMBER ON FILE;

32 (III) TEXT MESSAGE TO THE PHONE NUMBER ON FILE;

33 (IV) FAX TO THE FAX NUMBER ON FILE; OR

34 (V) ANY OTHER MEANS OF ELECTRONIC WRITTEN COMMUNICATION AS PROVIDED BY
35 THE ANIMAL RESCUE OR ADOPTION ORGANIZATION.

36 (3) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION INTENDING TO TAKE
37 POSSESSION OF AN ANIMAL SCHEDULED FOR EUTHANASIA SHALL NOTIFY THE FACIL-
38 ITY HAVING POSSESSION OF THE ANIMAL OF THE ANIMAL RESCUE OR ADOPTION
39 ORGANIZATION'S INTENT TO TAKE POSSESSION OF THE ANIMAL, AT ANY TIME
40 PRIOR TO THE ANIMAL'S EUTHANASIA, BY PHONE, E-MAIL, FAX, TEXT MESSAGE,
41 OR OTHER ELECTRONIC WRITTEN REQUEST.

42 (4) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION TAKING POSSESSION OF AN
43 ANIMAL PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL DO SO WITHIN
44 TWO BUSINESS DAYS OF THE TIME THE ORGANIZATION NOTIFIES THE SOCIETY FOR
45 THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY, OR A POUND OR
46 SHELTER POSSESSING THE ANIMAL, AS APPLICABLE, THAT IT IS SEEKING CUSTODY
47 OF THE ANIMAL, NOT INCLUDING THE DAY UPON WHICH THE NOTICE IS GIVEN.

48 C. UPON TAKING POSSESSION OF AN ANIMAL, AN ANIMAL RESCUE OR ADOPTION
49 ORGANIZATION SHALL ASSUME ALL LIABILITY FOR THE ANIMAL; PROVIDED THAT
50 THE ORGANIZATION SHALL NOT BE DEEMED RESPONSIBLE FOR HARM CAUSED TO THE
51 ANIMAL THAT:

52 (1) OCCURRED PRIOR TO THE TIME THE ORGANIZATION ASSUMED POSSESSION OF
53 THE ANIMAL; OR

54 (2) IS DUE TO THE ACTS OR OMISSIONS OF A PERSON NOT ASSOCIATED WITH
55 THE ORGANIZATION;

56 D. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO:

1 (1) AN ANIMAL SUSPECTED TO CARRY AND EXHIBITING SIGNS OF RABIES, AS
2 DETERMINED BY A LICENSED VETERINARIAN;

3 (2) SYMPTOMATIC DOGS WITH CONFIRMED CASES OF PARVOVIRUS UPON A CERTIF-
4 ICATION MADE IN WRITING AND SIGNED BY A VETERINARIAN LICENSED TO PRAC-
5 TICE MEDICINE IN THE STATE THAT THE PROGNOSIS FOR RECOVERY IS POOR OR
6 GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE;

7 (3) SYMPTOMATIC CATS WITH CONFIRMED BASES OF PANLUEKOPENIA UPON A
8 CERTIFICATION MADE IN WRITING AND SIGNED BY A VETERINARIAN LICENSED TO
9 PRACTICE MEDICINE IN THE STATE THAT THE PROGNOSIS FOR RECOVERY IS POOR
10 OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE;
11 OR

12 (4) AN ANIMAL THAT HAS BEEN DETERMINED BY A COURT HAVING COMPETENT
13 JURISDICTION TO BE DANGEROUS PURSUANT TO THE PROVISIONS OF SECTION ONE
14 HUNDRED TWENTY-ONE OF THIS CHAPTER.

15 E. (1) ANY ANIMAL RESCUE OR ADOPTION ORGANIZATION HAVING AN OFFICER,
16 BOARD MEMBER, STAFF MEMBER OR VOLUNTEER WHO HAS BEEN CONVICTED OF A
17 STATUTE HAVING AS ITS PRIMARY EFFECT THE PREVENTION OR PUNISHMENT OF
18 ANIMAL NEGLECT OR ANIMAL CRUELTY OR DOG FIGHTING SHALL BE PROHIBITED
19 FROM BEING AN ADOPTIVE ORGANIZATION UNDER THE TERMS OF THIS SUBDIVISION
20 UNTIL SUCH TIME AS THAT OFFICER, BOARD MEMBER, STAFF MEMBER OR VOLUNTEER
21 IS NO LONGER AN OFFICER OR BOARD MEMBER OF THE ORGANIZATION.

22 (2) ANY ANIMAL RESCUE OR ADOPTION ORGANIZATION HAVING AN OFFICER,
23 BOARD MEMBER, STAFF MEMBER OR VOLUNTEER AGAINST WHOM CHARGES OF VIOLAT-
24 ING THE PROVISIONS OF A STATUTE HAVING AS ITS PRIMARY EFFECT THE
25 PREVENTION OR PUNISHMENT OF ANIMAL NEGLECT OR ANIMAL CRUELTY OR DOG
26 FIGHTING ARE PENDING IN A COURT OF LAW SHALL BE PROHIBITED FROM BEING AN
27 ADOPTIVE ORGANIZATION UNDER THE TERMS OF THIS SUBDIVISION UNTIL SUCH
28 TIME AS THAT OFFICER, BOARD MEMBER, STAFF MEMBER OR VOLUNTEER IS NO
29 LONGER AN OFFICER OR BOARD MEMBER OF THE ORGANIZATION OR SUCH CHARGES
30 ARE DISMISSED OR DROPPED.

31 F. AS USED IN THIS SUBDIVISION, "IRREMEDIAL PHYSICAL SUFFERING"
32 MEANS THAT THE ANIMAL SUFFERS FROM A MEDICAL CONDITION THAT HAS A POOR
33 OR GRAVE PROGNOSIS AND THAT THE ANIMAL IS UNLIKELY TO BE ABLE TO LIVE
34 WITHOUT PROLONGED, SEVERE AND UNREMITTING PAIN DESPITE NECESSARY VETERI-
35 NARY CARE.

36 S 3. This act shall take effect immediately.