

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA, ESPAILLAT -- Multi-Sponsored by -- M. of
A. CLARK, HOOPER, J. RIVERA, ROBINSON -- read once and referred to the
Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the
microchipping of dogs and the creation of a registry of dogs

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

- 1 Section 1. Paragraph (c) of subdivision 1 of section 109 of the agri-
2 culture and markets law, as amended by chapter 645 of the laws of 1988,
3 is amended to read as follows:
4 (c) The application shall state the sex, actual or approximate age,
5 breed, color, and official identification number of the dog, and other
6 identification marks, if any, and the name, address, telephone number,
7 county and town, city or village of residence of the owner AND SUCH
8 INFORMATION SHALL BE TRANSMITTED TO THE REGISTRY ON DOGS PURSUANT TO
9 SECTION ONE HUNDRED TWELVE-B OF THIS ARTICLE.
10 S 2. The agriculture and markets law is amended by adding two new
11 sections 112-a and 112-b to read as follows:
12 S 112-A. MICROCHIPPING OF DOGS. 1. ANY PERSON WHO OWNS A DOG SHALL
13 ENSURE THAT BY THE AGE OF FOUR MONTHS SUCH DOG IS IMPLANTED WITH A
14 SPECIAL COMPUTER CHIP DESIGNED TO HOLD INFORMATION RELATING TO IDENTIFI-
15 CATION OF THE OWNER OR CUSTODIAN OF SUCH DOG, CONTACT INFORMATION AND
16 SUCH DOG'S DESCRIPTION AND BREED AND ANY OTHER INFORMATION REQUIRED
17 PURSUANT TO SECTION ONE HUNDRED NINE OF THIS ARTICLE. SUCH INFORMATION
18 SHALL BE TRANSMITTED INTO THE STATE REGISTRY ON DOGS AND SHALL BE
19 COMPATIBLE WITH A MICROCHIP SCANNER OPERATED BY THE COMMISSIONER PURSU-
20 ANT TO SECTION ONE HUNDRED TWELVE-B OF THIS ARTICLE.
21 2. WHENEVER ANY DOG IS LICENSED PURSUANT TO SECTION ONE HUNDRED TWELVE
22 OF THIS ARTICLE, SUCH LICENSING CONTACT INFORMATION SHALL BE TRANSMITTED

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

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1 TO THE REGISTRY OF DOGS AND PLACED ON THE MICROCHIP IN A METHOD ESTAB-
2 LISHED BY THE COMMISSIONER.

3 S 112-B. REGISTRY OF DOGS. 1. THE COMMISSIONER SHALL ESTABLISH A STATE
4 REGISTRY WHICH SHALL CONTAIN IDENTIFICATION INFORMATION RELATING TO ALL
5 ANIMALS LICENSED PURSUANT TO SECTIONS ONE HUNDRED NINE, ONE HUNDRED
6 TWELVE AND ONE HUNDRED TWELVE-A OF THIS ARTICLE.

7 2. SUCH REGISTRY SHALL BE AVAILABLE TWENTY-FOUR HOURS A DAY AND SHALL
8 BE SIMILAR TO ANY NATIONAL REGISTRY IN EXISTENCE. A MICROCHIP SCANNER
9 SHALL BE USED TO DETECT THE IDENTIFICATION NUMBER KEPT ON THE CHIP.

10 3. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OR CUSTODIAN OF SUCH
11 DOG TO CHANGE WITH THE REGISTRY ANY IDENTIFICATION INFORMATION RELATING
12 TO SUCH OWNER OR CUSTODIAN.

13 S 3. Subdivision 1 of section 119 of the agriculture and markets law,
14 as added by chapter 220 of the laws of 1978, paragraph (c) as amended by
15 chapter 404 of the laws of 1986, paragraph (g) as amended and paragraph
16 (h) as added by chapter 263 of the laws of 2000, is amended to read as
17 follows:

18 1. It shall be a violation, punishable as provided in subdivision two
19 of this section, for:

20 (a) any owner to fail to license any dog;

21 (b) any owner to fail to have any dog identified as required by this
22 article;

23 (c) any person to knowingly affix to any dog any false or improper
24 identification tag, special identification tag for identifying guide,
25 service or hearing dogs or purebred license tag;

26 (f) any owner or custodian of any dog to fail to confine, restrain or
27 present such dog for any lawful purpose pursuant to this article;

28 (g) any person to furnish any false or misleading information on any
29 form required to be filed with any municipality or the commissioner
30 pursuant to the provisions of this article or rules and regulations
31 promulgated pursuant thereto;

32 (h) the owner or custodian of any dog to fail to exercise due dili-
33 gence in handling his or her dog if the handling results in harm to
34 another dog that is a guide, hearing or service dog;

35 (I) THE OWNER OR CUSTODIAN OF ANY DOG TO FAIL TO MICROCHIP SUCH DOG.

36 S 4. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law; provided, however, that effective immediate-
38 ly, the addition, amendment and/or repeal of any rule or regulation
39 necessary for the implementation of this act on its effective date are
40 authorized and directed to be made and completed on or before such
41 effective date.