

3467

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. ROSENTHAL, GLICK, MILLMAN, CARROZZA, PAULIN,  
J. RIVERA, HOOPER, KELLNER, COLTON -- Multi-Sponsored by -- M. of A.  
BENJAMIN, DESTITO, GALEF, GUNTHER, MAYERSOHN, McENENY, PERRY, PHEFFER,  
SWEENEY, WEISENBERG -- read once and referred to the Committee on  
Education

AN ACT to amend the education law, in relation to the humane treatment  
of animals

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

1 Section 1. Subdivisions 4, 5 and 6 of section 809 of the education  
2 law, as amended by chapter 542 of the laws of 1994, are amended and a  
3 new subdivision 7 is added to read as follows:

4 4. Dissection of animals. Any student expressing a moral or religious  
5 objection to the performance or witnessing of the dissection of an  
6 animal, either wholly or in part, shall be provided the opportunity to  
7 undertake and complete an alternative project that shall be approved by  
8 such student's teacher; provided, however, that such objection is  
9 substantiated in writing by the student's parent or legal guardian.  
10 Students who perform alternative projects who do not perform or witness  
11 the dissection of animals shall not be penalized. TEACHERS SHALL NOTIFY  
12 STUDENTS OF THEIR RIGHTS UNDER THIS SUBDIVISION PRIOR TO THE USE OF ANY  
13 ANIMAL FOR DISSECTION.

14 5. Treatment of live vertebrate animals. a. Except as provided for in  
15 this subdivision, no school district, school principal, administrator,  
16 or teacher shall require or permit the performance of a lesson or exper-  
17 imental study on a live vertebrate animal in any such school or during  
18 any activity conducted under the auspices of such school whether or not  
19 the activity takes place on the premises of such school [where such  
20 lesson or experimental study employs: (i) micro-organisms which cause  
21 disease in humans or animals, (ii) ionizing radiation, (iii) known  
22 cancer producing agents, (iv) chemicals at toxic levels, (v) drugs

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

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1 producing pain or deformity, (vi) severe extremes of temperature, (vii)  
2 electric or other shock, (viii) excessive noise, (ix) noxious fumes, (x)  
3 exercise to exhaustion, (xi) overcrowding, (xii) paralysis by muscle  
4 relaxants or other means, (xiii) deprivation or excess of food, water or  
5 other essential nutrients, (xiv) surgery or other invasive procedures,  
6 (xv) other extreme stimuli, or (xvi) termination of life].

7 b. [Notwithstanding any inconsistent provision of this section, the  
8 commissioner may, upon the submission of a written program plan, issue  
9 to such school a written waiver of such restrictions for students  
10 subject to the following provisions: (i) the student shall be in grade  
11 ten, eleven, or twelve; and (ii) the student shall be under the super-  
12 vision of one or more teachers certified in science; and (iii) the  
13 student shall be pursuing an accelerated course of study in the sciences  
14 as defined by the commissioner in preparation for taking a state or  
15 national advanced placement examination. The commissioner shall issue a  
16 waiver of such restrictions for any teacher certified in science  
17 instructing such student. The written program plan shall include, but  
18 not be limited to: (i) the educational basis for requesting a waiver;  
19 (ii) the objective of the lesson or experiment; (iii) the methods and  
20 techniques to be used; and (iv) any other information required by the  
21 commissioner.] LIVE VERTEBRATES ARE DEFINED AS ANY LIVE, NON-HUMAN  
22 VERTEBRATE, MAMMALIAN EMBRYO OR FETUS, BIRD AND REPTILE EGGS WITHIN  
23 THREE DAYS (72 HOURS) OF HATCHING, AND ALL OTHER VERTEBRATES AT HATCHING  
24 OR BIRTH. EXCLUDED FROM THE ABOVE PROVISIONS ARE:

25 (I) LESSONS AND EXPERIMENTAL STUDIES INVOLVING ANIMALS IN THEIR  
26 NATURAL ENVIRONMENT THAT ARE NON-INVASIVE AND NON-INTRUSIVE STUDIES  
27 (I.E. OBSERVATIONAL, BEHAVIORAL) THAT DO NOT AFFECT AN ANIMAL'S HEALTH  
28 OR WELL-BEING BY CAUSING STRESS, DISCOMFORT OR PAIN AND IN WHICH THE  
29 STUDENT WILL HAVE NO PHYSICAL CONTACT WITH THE ANIMAL; OR

30 (II) LESSONS AND EXPERIMENTAL STUDIES BEING CONDUCTED IN A REGISTERED  
31 INSTITUTION OR LABORATORY WHERE ANIMAL EXPERIMENTATION IS TAKING PLACE  
32 AND IN WHICH THE STUDENT WILL HAVE NO PHYSICAL CONTACT WITH THE ANIMAL;  
33 AND THE STUDENT WORKS ONLY WITH NON-LIVING MATERIAL (E.G. TISSUE,  
34 BLOOD) THAT HAS BEEN SUPPLIED TO THE STUDENT BY THE SUPERVISING SCIENTIST;  
35 AND THE ANIMAL INVOLVED IS SACRIFICED FOR A PURPOSE OTHER THAN THE  
36 RESEARCH BEING CONDUCTED BY THE STUDENT.

37 ALL OF THE ABOVEMENTIONED LESSONS, AND EXPERIMENTAL STUDIES MUST HAVE  
38 A NON-HUMAN VERTEBRATE ANIMAL EXCEPTION FORM COMPLETED BY THE STUDENT'S  
39 SUPERVISING SCIENTIST WHICH ATTESTS TO COMPLIANCE WITH THIS SUBDIVISION.  
40 SUCH FORMS SHALL BE SENT BY THE STUDENT'S SCHOOL TO THE COMMISSIONER  
41 UPON COMMENCEMENT OF THE LESSONS OR EXPERIMENTAL STUDIES.

42 6. Report. On or before the first day of January next succeeding the  
43 effective date of this amended section, the commissioner shall annually  
44 submit a report to the governor and the legislature which shall include,  
45 but not be limited to, the [number of written program plan proposals  
46 submitted by schools and the number of such proposals subsequently  
47 approved by the commissioner. In those cases where a program plan  
48 proposal has been approved by the commissioner, such plan shall be  
49 appended to and become a part of the commissioner's annual report] NON-  
50 HUMAN VERTEBRATE EXCEPTION FORMS COMPLETED BY STUDENTS' SUPERVISING  
51 SCIENTIST AND SUBMITTED TO THE COMMISSIONER BY THEIR SCHOOLS.

52 7. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AND  
53 DEVELOP SUCH FORMS AS ARE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS  
54 SECTION.

55 S 2. This act shall take effect on the first of July next succeeding  
56 the date on which it shall have become a law.