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

7545--C

Cal. No. 495

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. MILLMAN -- Multi-Sponsored by -- M. of A. COOK, GLICK, HOOPER, JOHN, KELLNER, LUPARDO, MARKEY, McENENY, PHEFFER, REILLY, ROBINSON, SCHIMEL, TITONE -- read once and referred to the Committee on Agriculture -- 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 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law, in relation to defining appropriate shelter for dogs restrained outdoors

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

Section 1. Subdivision 3 of section 353-b of the agriculture and markets law, as added by chapter 594 of the laws of 2003, is amended to read as follows:

3. Minimum standards for determining whether shelter is appropriate to a dog's breed, physical condition and the climate shall include:

(a) For dogs that are restrained in any manner outdoors, shade by natural or artificial means to protect the dog from direct sunlight at all times when exposure to sunlight is likely to threaten the health of the dog. SUCH SHADE SHALL BE FREELY AND EASILY ACCESSIBLE TO THE DOG. THE SOURCE OF THE SHADE SHALL BE LARGE ENOUGH TO CAST A SHADOW SUFFICIENT TO SHADE THE DOG'S ENTIRE BODY. IF MULTIPLE DOGS ARE RESTRAINED IN A COMMON AREA, THE SOURCE OF THE SHADE SHALL BE LARGE ENOUGH TO CAST A SHADOW SUFFICIENT TO SHADE THE BODIES OF ALL DOGS OCCUPYING THE AREA.

(b) For all dogs that are left outdoors in inclement weather, a housing facility, which must: (1) have: (A) a waterproof roof WHICH COVERS ALL OF THE HOUSING FACILITY OR AN AREA OF THE FACILITY LARGE ENOUGH TO COMPLETELY SHELTER THE DOG; (B) A PREDOMINANT AMOUNT OF THE FLOOR CONSTRUCTED OF A SOLID MATERIAL OR MATERIALS, INCLUDING BUT NOT LIMITED

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

LBD06744-07-0

TO, WOOD, SOLID STONE, CONCRETE OR CARPET OVER WOOD, CONCRETE OR SOLID STONE, BUT EXCLUDING SECTIONS OF METAL CAGES, WHICH AMOUNT SHALL, AT A MINIMUM, BE OF AN AREA EQUAL TO THE AREA OCCUPIED BY THE DOG WHEN IT IS LYING DOWN WITH ITS LIMBS FULLY EXTENDED; AND (C) FOUR ENCLOSED SIDES, ONE OF WHICH INCLUDES AN APPROPRIATELY-SIZED ENTRANCE WITH A CORRESPONDINGLY-SIZED FLAP TO SERVE AS A DOOR; (2) be structurally sound with insulation appropriate to local climatic conditions and sufficient to protect the dog from inclement weather; (3) be constructed to allow each dog adequate freedom of movement to FREELY make normal postural adjustments, including the ability to stand up, turn around and lie down with its limbs outstretched; [and] (4) allow for effective removal of excretions, other waste material; dirt and trash; (5) BE OF AN APPROPRIATE SIZE IN PROPORTION TO THE SIZE OF THE DOG AND IN CONSIDERATION OF THE DOG'S PHYSICAL CONDITION TO PERMIT THE BUILD-UP WITHIN THE HOUSING FACILITY OF THE DOG'S RADIANT BODY HEAT IN COLD WEATHER; AND (6) BE FREELY AND EASILY ACCESSIBLE TO THE DOG. The housing facility and the area immediately surrounding it shall be regularly cleaned to maintain a healthy and sanitary environment and to minimize health hazards. IF MULTIPLE DOGS ARE RESTRAINED IN A COMMON AREA, A SEPARATE HOUSING FACILITY SHALL BE PROVIDED FOR EACH DOG OR A SINGLE HOUSING FACILITY LARGE ENOUGH TO SHELTER ALL OF THE DOGS SIMULTANEOUSLY SHALL BE PROVIDED.

S 2. Subdivision 6 of section 353-b of the agriculture and markets law is renumbered subdivision 7 and a new subdivision 6 is added to read as follows:

6. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A DOG SHALL NOT BE LEFT OUTDOORS IN WEATHER THAT PLACES THE DOG IN IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL INJURY DUE TO EXPOSURE TO HEAT OR COLD, GIVEN THE DOG'S PHYSICAL CONDITION, WITHOUT READY ACCESS TO, AND THE ABILITY TO ENTER, AN APPROPRIATELY TEMPERATURE-CONTROLLED BUILDING INCLUDING BUT NOT LIMITED TO A RESIDENTIAL HOUSE, APARTMENT BUILDING, OFFICE BUILDING OR OTHER PLACE OF BUSINESS OF ITS OWNER OR OF THE PERSON WHO HAS CUSTODY OR CONTROL OF THE DOG.

S 3. This act shall take effect immediately.