

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 IRREMEDEABLE 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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