

S T A T E   O F   N E W   Y O R K

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S. 6412--A

A. 9449--A

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

(PREFILED)

January 6, 2010

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IN SENATE -- Introduced by Sens. DUANE, 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

IN ASSEMBLY -- Introduced by M. of A. KELLNER, SKARTADOS, PEOPLES-STOKES, MILLMAN, WEISENBERG, MAISEL -- 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

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 IRREDEMIABLE 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.

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

LBD15113-05-0

1 B. (1) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION INTERESTED IN TAKING  
2 POSSESSION OF ONE OR MORE ANIMALS PURSUANT TO THE PROVISIONS OF THIS  
3 SUBDIVISION SHALL NOTIFY THE SOCIETY FOR THE PREVENTION OF CRUELTY TO  
4 ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER, AS APPLICABLE, OF ITS  
5 DESIRE TO DO SO AND SHALL PROVIDE THE SOCIETY FOR THE PREVENTION OF  
6 CRUELTY TO ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER WITH CONTACT  
7 INFORMATION FOR THE ANIMAL RESCUE OR ADOPTION ORGANIZATION. AN ANIMAL  
8 RESCUE OR ADOPTION ORGANIZATION MAY, AT ITS OPTION, FILE ONE NOTICE WITH  
9 A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY,  
10 POUND OR SHELTER REQUESTING THAT IT BE NOTIFIED OF ALL ANIMALS HELD BY  
11 THAT FACILITY AND SCHEDULED FOR EUTHANASIA.

12 (2) AT LEAST ONE BUSINESS DAY PRIOR TO THE SCHEDULED EUTHANASIA OF AN  
13 ANIMAL, THE FACILITY HAVING POSSESSION OF THE ANIMAL SHALL PROVIDE  
14 NOTICE TO THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OF THE SCHEDULED  
15 EUTHANASIA BY:

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

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

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

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

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

24 (IV) FAX TO THE FAX NUMBER ON FILE, OR

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

27 (3) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION INTENDING TO TAKE  
28 POSSESSION OF AN ANIMAL SCHEDULED FOR EUTHANASIA SHALL NOTIFY THE FACIL-  
29 ITY HAVING POSSESSION OF THE ANIMAL OF THE ANIMAL RESCUE OR ADOPTION  
30 ORGANIZATION'S INTENT TO TAKE POSSESSION OF THE ANIMAL, AT ANY TIME  
31 PRIOR TO THE ANIMAL'S EUTHANASIA, BY PHONE, E-MAIL, FAX, TEXT MESSAGE,  
32 OR OTHER ELECTRONIC WRITTEN REQUEST.

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

39 C. UPON TAKING POSSESSION OF AN ANIMAL, AN ANIMAL RESCUE OR ADOPTION  
40 ORGANIZATION SHALL ASSUME ALL LIABILITY FOR THE ANIMAL; PROVIDED THAT  
41 THE ORGANIZATION SHALL NOT BE DEEMED RESPONSIBLE FOR HARM CAUSED TO THE  
42 ANIMAL THAT:

43 (1) OCCURRED PRIOR TO THE TIME THE ORGANIZATION ASSUMED POSSESSION OF  
44 THE ANIMAL; OR

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

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

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

50 (2) AN ANIMAL THAT HAS BEEN DETERMINED BY A COURT HAVING COMPETENT  
51 JURISDICTION TO BE DANGEROUS PURSUANT TO THE PROVISIONS OF SECTION ONE  
52 HUNDRED TWENTY-ONE OF THIS CHAPTER.

53 E. (1) ANY ANIMAL RESCUE OR ADOPTION ORGANIZATION HAVING AN OFFICER OR  
54 BOARD MEMBER WHO HAS BEEN CONVICTED OF A STATUTE HAVING AS ITS PRIMARY  
55 EFFECT THE PREVENTION OR PUNISHMENT OF ANIMAL NEGLECT OR ANIMAL CRUELTY  
56 OR DOG FIGHTING SHALL BE PROHIBITED FROM BEING AN ADOPTIVE ORGANIZATION

1 UNDER THE TERMS OF THIS SUBDIVISION UNTIL SUCH TIME AS THAT OFFICER OR  
2 BOARD MEMBER IS NO LONGER AN OFFICER OR BOARD MEMBER OF THE ORGANIZA-  
3 TION.  
4 (2) ANY ANIMAL RESCUE OR ADOPTION ORGANIZATION HAVING AN OFFICER OR  
5 BOARD MEMBER AGAINST WHOM CHARGES OF VIOLATING THE PROVISIONS OF A STAT-  
6 UTE HAVING AS ITS PRIMARY EFFECT THE PREVENTION OR PUNISHMENT OF ANIMAL  
7 NEGLECT OR ANIMAL CRUELTY OR DOG FIGHTING ARE PENDING IN A COURT OF LAW  
8 SHALL BE PROHIBITED FROM BEING AN ADOPTIVE ORGANIZATION UNDER THE TERMS  
9 OF THIS SUBDIVISION UNTIL SUCH TIME AS THAT OFFICER OR BOARD MEMBER IS  
10 NO LONGER AN OFFICER OR BOARD MEMBER OF THE ORGANIZATION OR SUCH CHARGES  
11 ARE DISMISSED OR DROPPED.  
12 F. AS USED IN THIS SUBDIVISION, "IRREMEDIAL PHYSICAL SUFFERING"  
13 MEANS THAT THE ANIMAL SUFFERS FROM A MEDICAL CONDITION THAT HAS A POOR  
14 OR GRAVE PROGNOSIS AND THAT THE ANIMAL IS UNLIKELY TO BE ABLE TO LIVE  
15 WITHOUT PROLONGED, SEVERE AND UNREMITTING PAIN DESPITE NECESSARY VETERI-  
16 NARY CARE.  
17 S 3. This act shall take effect immediately.