

2211

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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  
23 TO THE REGISTRY OF DOGS AND PLACED ON THE MICROCHIP IN A METHOD ESTAB-  
24 LISHED BY THE COMMISSIONER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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