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

5794--A

2009-2010 Regular Sessions

I N S E N A T E

June 5, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- 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 the release of animals to a pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated animal protective association in certain cases

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

Section 1. Subdivision 2-e and paragraph b of subdivision 5 of section 374 of the agriculture and markets law, subdivision 2-e as added by chapter 619 of the laws of 1987 and paragraph b of subdivision 5 as added by chapter 569 of the laws of 1995, are amended to read as follows:

2-e. No person shall release any [dog or cat] ANIMAL from the custody or control of any pound, [shelter,] DULY INCORPORATED society for the prevention of cruelty to animals, DULY INCORPORATED humane society, [dog] DULY INCORPORATED ANIMAL protective association, dog OR ANIMAL control officer, peace officer or any agent thereof, for any purpose except adoption or redemption by its owner; PROVIDED, HOWEVER THAT SUCH RELEASE MAY BE MADE TO ANOTHER SUCH POUND, DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY OR DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION FOR THE SOLE PURPOSE OF PLACING SUCH ANIMAL IN AN ADOPTIVE HOME, WHEN SUCH ACTION IS REASONABLY BELIEVED TO IMPROVE THE OPPORTUNITY FOR ADOPTION OR FOR THE PURPOSE OF PROVIDING TEMPORARY SHELTER PENDING RESOLUTION OF LITIGATION INVOLVING SUCH ANIMAL. Any violation of this subdivision, or subdivision two-a, two-b, two-c or two-d of this section shall constitute a misde-

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

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meanor and shall be punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO LIMIT OR RESTRICT THE RESPONSIBILITIES OR AUTHORITY OTHERWISE PROVIDED FOR IN THIS SECTION.

b. Pursuant to the provisions of subdivisions two-a, two-b, two-c [and], two-d AND TWO-E of this section, no [dog or cat] ANIMAL in the custody of a duly incorporated society for the prevention of cruelty to animals, a duly incorporated humane society [or its authorized agents thereof], DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, [or a] pound or [shelter] ITS AUTHORIZED AGENTS THEREOF, shall be sold, transferred or otherwise made available to any person for the purpose of research, experimentation or testing. No authorized agent of a duly incorporated society for the prevention of cruelty to animals, [nor of a] duly incorporated humane society, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION OR POUND shall use any animal placed in its custody by the duly incorporated society for the prevention of cruelty to animals or duly incorporated humane society for the purpose of research, experimentation or testing.

S 2. Paragraph b of subdivision 8 of section 374 of the agriculture and markets law, as amended by chapter 479 of the laws of 2009, is amended to read as follows:

b. Pursuant to the provisions of subdivisions two, three, four and five of this section, no [dog or cat] ANIMAL in the custody of a duly incorporated society for the prevention of cruelty to animals, a duly incorporated humane society [or its authorized agents thereof], DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, [or a] pound or [shelter] ITS AUTHORIZED AGENTS THEREOF, shall be sold, transferred or otherwise made available to any person for the purpose of research, experimentation or testing. No authorized agent of a duly incorporated society for the prevention of cruelty to animals, nor of a duly incorporated humane society, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION OR POUND shall use any animal placed in its custody by the duly incorporated society for the prevention of cruelty to animals or duly incorporated humane society for the purpose of research, experimentation or testing.

S 3. Subdivision 7-a of section 118 of the agriculture and markets law, as amended by chapter 619 of the laws of 1987, is amended to read as follows:

7-a. Any [dog or cat] ANIMAL in the custody of a pound [or shelter] shall be made available for adoption or euthanized subject to the provisions of subdivisions two-a, two-b, two-c, two-d, and two-e of section three hundred seventy-four of this chapter after the time for redemption has expired; PROVIDED, HOWEVER THAT SUCH RELEASE MAY BE MADE TO ANOTHER SUCH POUND, DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY OR DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION FOR THE SOLE PURPOSE OF PLACING SUCH ANIMAL IN AN ADOPTIVE HOME, WHEN SUCH ACTION IS REASONABLY BELIEVED TO IMPROVE THE OPPORTUNITY FOR ADOPTION.

S 4. Subdivision 7-a of section 118 of the agriculture and markets law, as amended by chapter 479 of the laws of 2009, is amended to read as follows:

7-a. Any [dog or cat] ANIMAL in the custody of a pound [or shelter] shall be made available for adoption or euthanized subject to subdivisions six, eight and nine of this section and subject to the provisions of section three hundred seventy-four of this chapter after the time for redemption has expired; PROVIDED, HOWEVER, THAT SUCH RELEASE MAY BE MADE

TO ANOTHER SUCH POUND, DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY OR DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION FOR THE SOLE PURPOSE OF PLACING SUCH ANIMAL IN AN ADOPTIVE HOME, WHEN SUCH ACTION IS REASONABLY BELIEVED TO IMPROVE THE OPPORTUNITY FOR ADOPTION.

S 5. This act shall take effect on the sixtieth day after it shall have become a law; provided, that the amendments to subdivision 2-e of section 374 of the agriculture and markets law made by section one of this act shall be subject to the repeal of such subdivision and shall be deemed repealed therewith; and provided further, that sections two and four of this act shall take effect on the same date and in the same manner as chapter 479 of the laws of 2009 takes effect.