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

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 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:

Section 1. Short title. This act shall be known and may be cited as "Oreo's law".

S 2. Section 374 of the agriculture and markets law is amended by adding a new subdivision 9 to read as follows:

9. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, NO ANIMAL IN THE CARE OR CUSTODY OF A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, A DULY INCORPORATED HUMANE SOCIETY, OR A POUND OR SHELTER MAINTAINED BY OR UNDER CONTRACT OR AGREEMENT WITH THE STATE OR ANY COUNTY, CITY, TOWN OR VILLAGE, OR AUTHORIZED AGENTS THEREOF, SHALL BE DESTROYED IF, PRIOR TO THE KILLING OF THAT ANIMAL FOR ANY REASON OTHER THAN IRREMEDIABLE PHYSICAL SUFFERING OF THE ANIMAL, A NONPROFIT, AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, ANIMAL RESCUE OR ADOPTION ORGANIZATION REQUESTS POSSESSION OF THE ANIMAL. IN ADDITION TO ANY REQUIRED SPAY OR NEUTER DEPOSIT, THE FACILITY HAVING POSSESSION OF THE ANIMAL, AT ITS DISCRETION, MAY ASSESS A FEE, NOT TO EXCEED THE STANDARD ADOPTION FEE, FOR ANIMALS RELEASED TO SUCH ORGANIZATIONS. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO AN ANIMAL SUSPECTED TO CARRY AND EXHIBITING SIGNS OF RABIES, AS DETERMINED BY A LICENSED VETERINARIAN.

S 3. This act shall take effect immediately.

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

LBD15113-01-9