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

7955--A

I N S E N A T E

May 26, 2010

Introduced by Sen. OPPENHEIMER -- 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

AN ACT to amend the agriculture and markets law, in relation to the disposition of abandoned animals; and to amend the education law, in relation to authorizing certified euthanasia technicians to perform certain veterinary medicine practices without a license

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

Section 1. Section 332 of the agriculture and markets law, as amended by chapter 479 of the laws of 2009, is amended to read as follows:

S 332. Disposition. Any person having in his OR HER care, custody, or control any abandoned animal, as defined in section three hundred thirty-one of this article, may deliver such animal to any duly incorporated society for the prevention of cruelty to animals OR ANY DULY INCORPORATED HUMANE SOCIETY having facilities for the care and eventual disposition of such animals, or, in the case of dogs, cats and other small animals, to any pound maintained by or under contract or agreement with any county, city, town, or village within which such animal was abandoned. The person with whom the animal was abandoned shall, however, on the day of divesting himself OR HERSELF of possession thereof, notify the person who had placed such animal in his OR HER custody of the name and address of the animal society or pound to which the animal has been delivered, such notice to be by registered letter mailed to the last known address of the person intended to be so notified. If an animal is not claimed by its owner within five days after being so delivered to such duly incorporated society for the prevention of cruelty to animals, DULY INCORPORATED HUMANE SOCIETY or pound, such animal may at any time thereafter be placed for adoption in a suitable home or euthanized in accordance with the provisions of section three hundred seventy-four of this chapter. In no event, however, shall the use of a decompression chamber or decompression device of any kind be used for the purpose of destroying or disposing of such animal.

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

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S 2. Subdivisions 1 and 2 of section 374 of the agriculture and markets law, as amended by chapter 479 of the laws of 2009, are amended to read as follows:

1. Any agent or officer of ANY DULY INCORPORATED HUMANE SOCIETY, a duly incorporated society for the prevention of cruelty to animals, any dog control officer, or any police officer, may lawfully cause to be humanely destroyed (by means provided for in paragraph a of subdivision three of this section) any animal found abandoned and not properly cared for, or any lost, strayed, homeless or unwanted animal, if upon examination a licensed veterinarian shall certify in writing, or if two reputable citizens called upon by such agent, officer or police officer to view the same in his or her presence find that the animal is so maimed, diseased, disabled, or infirm so as to be unfit for any useful purpose and that humane euthanasia is warranted; or after such agent, officer or police officer has obtained in writing from the owner of such animal his or her consent to such destruction.

2. In the absence of such findings or certification, A DULY INCORPORATED HUMANE SOCIETY, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village may after five days make available for adoption or have humanely destroyed in accordance with the provisions of this section and subject to subdivisions six, eight and nine of section one hundred eighteen of this chapter, any animal of which possession is taken as provided for in the preceding section, unless the same is earlier redeemed by its owner.

S 3. Section 6705 of the education law is amended by adding a new subdivision 13 to read as follows:

13. ANY PERSON CERTIFIED AND CURRENTLY REGISTERED AS A CERTIFIED EUTHANASIA TECHNICIAN PURSUANT TO SUBDIVISION THREE OF SECTION THREE HUNDRED SEVENTY-FOUR OF THE AGRICULTURE AND MARKETS LAW OR ANY PERSON UNDERGOING TRAINING FOR SUCH CERTIFICATION WHERE SUCH TRAINING IS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF SUCH SECTION, PROVIDED THAT SUCH PRACTICE IS LIMITED TO SUCH CERTIFICATION OR TRAINING.

S 4. This act shall take effect on the same date and in the same manner as section 5 of chapter 479 of the laws of 2009, takes effect.