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

8536--A

2011-2012 Regular Sessions

I N A S S E M B L Y

July 13, 2011

Introduced by M. of A. ROSENTHAL, MOYA, COLTON, P. RIVERA -- Multi-Sponsored by -- M. of A. GALEF, GLICK, GOTTFRIED -- 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 prohibiting piercing and tattooing of companion animals

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

Section 1. The agriculture and markets law is amended by adding a new section 353-e to read as follows:

S 353-E. COMPANION ANIMAL PIERCING AND TATTOOING PROHIBITED. 1. NO PERSON SHALL PIERCE OR TATTOO A COMPANION ANIMAL UNLESS SUCH PIERCING OR TATTOO PROVIDES FOR THE IDENTIFICATION OF THE COMPANION ANIMAL OR THE PIERCING OR TATTOO PROVIDES A MEDICAL BENEFIT TO THE COMPANION ANIMAL. PIERCING OR TATTOOING AUTHORIZED PURSUANT TO THIS SUBDIVISION SHALL BE COMPLETED BY A LICENSED VETERINARIAN OR UNDER THE SUPERVISION THEREOF.

2. ANYONE FOUND IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION FOR ONE PIERCING OR TATTOO ON A COMPANION ANIMAL IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

3. ANYONE FOUND IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION FOR MORE THAN ONE PIERCING OR MORE THAN ONE TATTOO OR PIERCING WITH A TATTOO ON A COMPANION ANIMAL IS GUILTY OF A FELONY AND SHALL BE SENTENCED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 55.10 OF THE PENAL LAW PROVIDED, HOWEVER, THAT ANY TERM OF IMPRISONMENT IMPOSED FOR VIOLATION OF THIS SECTION SHALL BE A DEFINITE SENTENCE, WHICH MAY NOT EXCEED TWO YEARS.

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

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4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PERSON WHO IS THE OWNER OR POSSESSOR OF ANY COMPANION ANIMAL THAT HAS ANY PIERCING OR TATTOOS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

S 2. This act shall take effect immediately.