

5363--B

2011-2012 Regular Sessions

I N   S E N A T E

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Introduced by Sens. ROBACH, AVELLA, BALL, LANZA, O'MARA -- 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 -- 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 establishing standards for the care of abandoned, stray or seized animals and to require 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:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "companion animal access and rescue act".  
3     S 2. Subdivisions 3, 4, 6, 7-a and 8 of section 117 of the agriculture  
4     and markets law, subdivisions 3 and 6 as added by chapter 220 of the  
5     laws of 1978, subdivision 4 as amended by section 12 of part T of chap-  
6     ter 59 of the laws of 2010, subdivision 7-a as amended by chapter 419 of  
7     the laws of 2010 and subdivision 8 as amended by chapter 221 of the laws  
8     of 1978 and such section as renumbered by section 12 of part T of chap-  
9     ter 59 of the laws of 2010, are amended to read as follows:  
10    3. Each dog seized in accordance with the provisions of this article  
11    shall be properly sheltered, fed [and], watered [for the redemption  
12    period as hereinafter provided] AND CARED FOR IN ACCORDANCE WITH THE  
13    PROVISIONS OF SECTION THREE HUNDRED SEVENTY-THREE-A OF THIS CHAPTER.  
14    4. (A) Each dog which is not identified, whether or not licensed,  
15    shall be held for a MINIMUM period of five days from the day seized  
16    during which period the dog may be redeemed by its owner, provided that  
17    such owner produces proof that the dog has been licensed and has been  
18    identified pursuant to the provisions of this article and further  
19    provided that the owner pays the following impoundment fees:

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

LBD10491-10-1

1 [(a)] (1) not less than ten dollars for the first impoundment of any  
2 dog owned by that person;

3 [(b)] (2) not less than twenty dollars for the first twenty-four hours  
4 or part thereof and three dollars for each additional twenty-four hours  
5 or part thereof for the second impoundment, within one year of the first  
6 impoundment, of any dog owned by that person; or

7 [(c)] (3) not less than thirty dollars for the first twenty-four hours  
8 or part thereof and three dollars for each additional twenty-four hours  
9 or part thereof for the third and subsequent impoundments, within one  
10 year of the first impoundment, of any dog owned by that person.

11 (B) IN THE EVENT THE OWNER OF AN ANIMAL IS SUBSEQUENTLY IDENTIFIED,  
12 THE PROVISIONS OF SUBDIVISION SIX OF THIS SECTION SHALL APPLY WITH  
13 REGARD TO THE ANIMAL; PROVIDED THAT THE ANIMAL MAY BE PLACED WITH AN  
14 ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE  
15 PREVENTION OF CRUELTY TO ANIMALS PRIOR TO THE EXPIRATION OF THE FIVE DAY  
16 HOLDING PERIOD, SUBJECT TO REDEMPTION BY THE OWNER AS DESCRIBED IN  
17 SUBDIVISION SIX OF THIS SECTION.

18 (C) The impoundment fees set forth in [paragraphs (a), (b) and (c)]  
19 SUBPARAGRAPHS ONE, TWO AND THREE OF PARAGRAPH (A) of this subdivision  
20 notwithstanding, any municipality may set by local law or ordinance such  
21 fees in any amount.

22 6. Promptly upon seizure of any identified dog, the owner of record of  
23 such dog shall be notified personally or by certified mail, return  
24 receipt requested, of the facts of seizure and the procedure for redemp-  
25 tion. If notification is personally given, such dog shall be held for a  
26 MINIMUM period of [seven] NINE days after day of notice, during which  
27 period the dog may be redeemed by the owner. If such notification is  
28 made by mail, such dog shall be held for a period of [nine] TWELVE days  
29 from the date of mailing, during which period the dog may be redeemed by  
30 the owner. In either case, the owner may redeem such dog upon payment of  
31 the impoundment fees prescribed by subdivision four of this section and  
32 by producing proof that the dog has been licensed.

33 7-a. Any animal in the custody of a [pound] SOCIETY FOR THE PREVENTION  
34 OF CRUELTY TO ANIMALS, HUMANE SOCIETY, POUND OR SHELTER shall be made  
35 available for adoption or euthanized subject to subdivisions six, eight  
36 and nine of this section and subject to the provisions of section three  
37 hundred seventy-four of this chapter after the time for redemption has  
38 expired[; provided, however, that such release may be made to another  
39 such pound, duly incorporated society for the prevention of cruelty to  
40 animals, duly incorporated humane society or duly incorporated animal  
41 protective association for the sole purpose of placing such animal in an  
42 adoptive home, when such action is reasonably believed to improve the  
43 opportunity for adoption].

44 8. The redemption periods set forth above in this section notwith-  
45 standing, any municipality may establish the duration of such periods by  
46 local law or ordinance, provided that no such period shall be less than  
47 [three] FIVE days, except that where notice to the owner is given by  
48 mail, no such period shall be less than [seven] TWELVE days.

49 S 3. The agriculture and markets law is amended by adding a new  
50 section 373-a to read as follows:

51 S 373-A. CARE OF IMPOUNDED ANIMALS. 1. ANY OFFICER OR IMPOUNDING  
52 ORGANIZATION TAKING POSSESSION OF ANY ANIMAL IN ACCORDANCE WITH THE  
53 PROVISIONS OF THIS CHAPTER, REGARDLESS OF WHETHER THE ANIMAL'S OWNER IS  
54 IDENTIFIED OR NOT IDENTIFIED, SHALL PROVIDE THE ANIMAL DURING THE  
55 ENTIRETY OF THE ANIMAL'S CUSTODY OR CONSTRUCTIVE CUSTODY WITH:

56 A. FRESH FOOD AND FRESH WATER ON AT LEAST A DAILY BASIS;

1 B. ENVIRONMENTAL ENRICHMENT SUCH AS SOCIALIZATION, TOYS AND TREATS TO  
2 PROMOTE THE ANIMAL'S PSYCHOLOGICAL WELL-BEING;

3 C. REGULAR DAILY EXERCISE SUITABLE TO THE ANIMAL'S PHYSICAL AND  
4 PSYCHOLOGICAL CONDITION;

5 D. CLEAN LIVING ENVIRONMENTS, INCLUDING BUT NOT LIMITED TO THE CAGE,  
6 KENNEL AND/OR SPACE WHERE THE ANIMAL IS HOUSED. SUCH AREAS SHALL PROMPT-  
7 LY RECEIVE NECESSARY CLEANING TO ENSURE ENVIRONMENTS THAT ARE WELCOMING  
8 TO THE PUBLIC AND HYGIENIC FOR BOTH THE PUBLIC AND ANIMALS, AND TO  
9 PREVENT DISEASE. ALL ANIMALS SHALL BE TEMPORARILY REMOVED FROM THEIR  
10 CAGES, KENNELS, OR OTHER LIVING ENVIRONMENTS DURING THE PROCESS OF  
11 CLEANING TO PREVENT THEM FROM BEING EXPOSED TO WATER FROM HOSES OR  
12 SPRAYS, CLEANING SOLUTIONS, DETERGENTS, SOLVENTS, AND/OR CHEMICALS; AND

13 E. PROMPT AND NECESSARY VETERINARY CARE, INCLUDING BUT NOT LIMITED TO  
14 PREVENTATIVE VACCINATIONS, PARASITE CONTROL, CAGE REST, FLUID THERAPY,  
15 PAIN MANAGEMENT, AND/OR ANTIBIOTICS, SUFFICIENT TO ALLEVIATE ANY PAIN OR  
16 SUFFERING CAUSED BY DISEASE OR INJURY, TO PREVENT A CONDITION FROM WORS-  
17 ENING, AND TO ALLOW THE ANIMAL TO LEAVE THE SHELTER IN REASONABLE CONDI-  
18 TION, EVEN IF THE ANIMAL IS NOT A CANDIDATE FOR REDEMPTION, TRANSFER, OR  
19 ADOPTION.

20 2. UPON TAKING POSSESSION OF ANY ANIMAL, ANY OFFICER OR IMPOUNDING  
21 ORGANIZATION TAKING POSSESSION OF ANY ANIMAL IMPOUNDED IN ACCORDANCE  
22 WITH THE PROVISIONS OF THIS CHAPTER SHALL:

23 A. ENSURE THAT THE ANIMAL IS CHECKED FOR ALL CURRENTLY ACCEPTABLE  
24 METHODS OF IDENTIFICATION, INCLUDING MICROCHIPS, IDENTIFICATION TAGS,  
25 COLLARS, TATTOOS, AND LICENSES;

26 B. MAINTAIN LISTS, UPDATED NOT LESS THAN ONCE DAILY, OF ANIMALS  
27 REPORTED LOST IN THE GEOGRAPHIC AREA SERVED BY THE FACILITY HAVING  
28 CUSTODY OF THE ANIMAL, AND COMPARE THE LOST REPORTS WITH ANIMALS  
29 REPORTED FOUND AND ANIMALS IN THE SHELTER; AND

30 C. POST A DESCRIPTION OF EACH STRAY ANIMAL ON THE INTERNET ON A  
31 WEBSITE MAINTAINED FOR THAT PURPOSE. THE DESCRIPTION SHALL BE SUFFI-  
32 CIENTLY DETAILED TO ALLOW THE ANIMAL TO BE RECOGNIZED AND CLAIMED BY ITS  
33 OWNER, AND SHALL INCLUDE BUT NOT BE LIMITED TO DESCRIPTIONS OF IDENTIFI-  
34 CATION FOUND ON THE ANIMAL, THE BREED, APPROXIMATE SIZE AND WEIGHT,  
35 COLORING AND IDENTIFYING MARKS, THE DATE AND HOUR OF SEIZURE, THE OFFI-  
36 CIAL IDENTIFICATION NUMBER OF SUCH ANIMAL, IF ANY, THE LOCATION WHERE  
37 FOUND, THE REASON FOR IMPOUND, AND THE OWNER'S NAME AND ADDRESS, IF  
38 KNOWN.

39 3. IF IDENTIFICATION IS FOUND ON AN ANIMAL, THE OFFICER OR IMPOUNDING  
40 ORGANIZATION SHALL, UPON TAKING POSSESSION OF THE ANIMAL, UNDERTAKE  
41 REASONABLE EFFORTS TO NOTIFY THE OWNER OR CARETAKER OF THE LOCATION OF  
42 THE ANIMAL AND THE PROCEDURES AVAILABLE FOR THE LAWFUL RECOVERY OF THE  
43 ANIMAL. THESE EFFORTS SHALL INCLUDE, BUT ARE NOT LIMITED TO, NOTIFYING  
44 THE POSSIBLE OWNER BY TELEPHONE, MAIL, OR PERSONAL SERVICE TO THE LAST  
45 KNOWN ADDRESS. THE OFFICER OR IMPOUNDING ORGANIZATION SHALL, FOLLOWING  
46 THE INITIATION OF EFFORTS TO NOTIFY THE OWNER OR CARETAKER, RETAIN  
47 CUSTODY OF THE ANIMAL FOR A MINIMUM PERIOD OF NINE DAYS TO ALLOW FOR  
48 REDEMPTION.

49 4. A. NO ANIMAL IN THE POSSESSION OF AN OFFICER OR IMPOUNDING ORGAN-  
50 IZATION SHALL BE DESTROYED EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF  
51 THIS SECTION AND SECTION THREE HUNDRED SEVENTY-FOUR OF THIS ARTICLE.  
52 BEFORE AN ANIMAL IS DESTROYED, ALL OF THE FOLLOWING CONDITIONS MUST BE  
53 MET:

54 (1) THERE ARE NO EMPTY CAGES, KENNELS, OR OTHER LIVING ENVIRONMENTS AT  
55 THE IMPOUNDING ORGANIZATION'S FACILITIES OR AT ANY ASSOCIATED FACILI-  
56 TIES; AND

(2) THE ANIMAL CANNOT SHARE A CAGE OR KENNEL WITH ANOTHER ANIMAL BECAUSE THE ANIMAL IS AGGRESSIVE TO OTHER ANIMALS, HAS A CONTAGIOUS ILLNESS THE OTHER ANIMAL DOES NOT HAVE, OR IS INJURED AND SHARING THE CAGE WITH ANOTHER ANIMAL WILL AGGRAVATE THE INJURY; AND

(3) A FOSTER HOME IS NOT AVAILABLE; AND

(4) ANIMAL RESCUE OR ADOPTION ORGANIZATIONS OR ORGANIZATIONS FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS HAVE BEEN NOTIFIED OF THE SCHEDULED EUTHANASIA PURSUANT TO THE PROVISIONS OF SUBDIVISION NINE OF SECTION THREE HUNDRED SEVENTY-FOUR OF THIS ARTICLE AND THERE ARE NO ANIMAL RESCUE OR ADOPTION ORGANIZATIONS OR ORGANIZATIONS FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS WILLING TO ACCEPT THE ANIMAL; AND

(5) ALL MANDATES, PROGRAMS AND SERVICES OF THIS CHAPTER HAVE BEEN MET; AND

(6) THE DIRECTOR OF THE IMPOUNDING ORGANIZATION HAVING CUSTODY OF THE ANIMAL CERTIFIES HE OR SHE HAS NO OTHER ALTERNATIVE.

B. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO:

(1) AN ANIMAL WHO IS EXPERIENCING IRREMEDIABLE PHYSICAL SUFFERING WITH A PROGNOSIS FOR RECOVERY THAT IS POOR OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE, AS CERTIFIED IN WRITING BY A VETERINARIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE; OR

(2) AN ANIMAL SUSPECTED TO CARRY AND EXHIBITING SIGNS OF RABIES AS CERTIFIED IN WRITING BY A VETERINARIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE; OR

(3) A SYMPTOMATIC DOG WITH A CONFIRMED CASE OF PARVOVIRUS WITH A PROGNOSIS FOR RECOVERY THAT IS POOR OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE AS CERTIFIED IN WRITING BY A VETERINARIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE; OR

(4) A SYMPTOMATIC CAT WITH A CONFIRMED CASE OF PANLEUKOPENIA WITH A PROGNOSIS FOR RECOVERY THAT IS POOR OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE AS CERTIFIED IN WRITING BY A VETERINARIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE; OR

(5) AN ANIMAL THAT HAS BEEN DETERMINED BY A COURT HAVING COMPETENT JURISDICTION TO BE DANGEROUS PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED TWENTY-THREE OF THIS CHAPTER; OR

(6) A DOG WITH A HISTORY OF UNPROVOKED BITING THAT HAS RESULTED IN SEVERE INJURY TO A HUMAN BEING AND WHICH WAS DOCUMENTED BY THE OFFICER OR IMPOUNDING ORGANIZATION PRIOR TO THE CURRENT IMPOUND OF THE ANIMAL. DOCUMENTATION MUST CONSIST OF MEDICAL REPORTS MADE AT THE TIME THE PRIOR BITE INCIDENT OCCURRED OR WAS REPORTED, AS WELL AS MEDICAL REPORTS DOCUMENTING THE CIRCUMSTANCES OF THE BITE AND THE SEVERITY OF THE INJURY.

C. THE DETERMINATION THAT ALL CONDITIONS OF PARAGRAPH A OF THIS SUBDIVISION HAVE BEEN MET OR THAT ONE OR MORE OF THE EXCEPTIONS UNDER PARAGRAPH B OF THIS SUBDIVISION APPLY SHALL BE MADE IN WRITING, SIGNED BY THE DIRECTOR OF THE AGENCY, AND BE MADE AVAILABLE FOR FREE PUBLIC INSPECTION FOR NO LESS THAN THREE YEARS.

5. EACH OFFICER OR IMPOUNDING ORGANIZATION SHALL POST, IN A CONSPICUOUS PLACE AT THE LOCATION WHERE ANIMALS ARE BEING RELINQUISHED, A SIGN WHICH IS CLEARLY VISIBLE AND READABLE FROM ANY VANTAGE POINT IN THE AREA, CONTAINING THE FOLLOWING INFORMATION, IDENTIFIED BY SPECIES-TYPE, AND SHALL POST SUCH INFORMATION ON THE INTERNET IN A WEBSITE MAINTAINED FOR THAT PURPOSE, AND SHALL PROVIDE SUCH INFORMATION IN WRITING, AT NO COST, TO ANY PERSON REQUESTING THE INFORMATION:

A. THE NUMBER OF ANIMALS IMPOUNDED AT THE FACILITY DURING THE PRIOR CALENDAR YEAR; AND

B. THE NUMBER OF ANIMALS IMPOUNDED DURING THE PRIOR CALENDAR YEAR WHO WERE ADOPTED; AND

1 C. THE NUMBER OF ANIMALS IMPOUNDED DURING THE PRIOR CALENDAR YEAR WHO  
2 WERE TRANSFERRED TO OTHER AGENCIES FOR ADOPTION; AND

3 D. THE NUMBER OF ANIMALS IMPOUNDED DURING THE PRIOR CALENDAR YEAR WHO  
4 WERE RECLAIMED BY THEIR OWNERS; AND

5 E. THE NUMBER OF ANIMALS IMPOUNDED DURING THE PRIOR CALENDAR YEAR WHO  
6 DIED, WERE LOST, AND/OR WERE STOLEN; AND

7 F. THE NUMBER OF ANIMALS IMPOUNDED DURING THE PRIOR CALENDAR YEAR WHO  
8 WERE DESTROYED.

9 6. AS USED IN THIS SECTION:

10 A. "IMPOUNDING ORGANIZATION" SHALL HAVE THE MEANING DEFINED IN SUBDI-  
11 VISION SIX OF SECTION THREE HUNDRED SEVENTY-THREE OF THIS ARTICLE;

12 B. "OFFICER" MEANS A DOG CONTROL OFFICER OR PEACE OFFICER, ACTING  
13 PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER IN THE EMPLOY  
14 OR UNDER CONTRACT TO A MUNICIPALITY;

15 C. "SEVERE INJURY" MEANS ANY PHYSICAL INJURY THAT RESULTS IN BROKEN  
16 BONES, PERMANENTLY DISFIGURING LACERATIONS REQUIRING MULTIPLE SUTURES OR  
17 COSMETIC SURGERY; AND

18 D. "UNPROVOKED BITE" MEANS A BITE THAT IS NOT PROVOKED. A BITE IS  
19 PROVOKED IF, AMONG OTHER THINGS, IT OCCURS BECAUSE THE DOG WAS BEING  
20 TAUNTED, OR THE DOG WAS ACTING IN DEFENSE OF SELF, A PERSON, ANOTHER  
21 ANIMAL, OR PROPERTY, OR THE DOG WAS ACTING FROM MATERNAL INSTINCT, OR  
22 THE DOG WAS REACTING TO HUNGER, PAIN, OR FEAR, OR THE DOG BITES ACCI-  
23 DENTALLY, AS WHEN PLAYING.

24 S 4. Subdivision 2 of section 374 of the agriculture and markets law,  
25 as amended by chapter 449 of the laws of 2010, is amended to read as  
26 follows:

27 2. In the absence of such findings or certification, a duly incorpo-  
28 rated humane society, a duly incorporated society for the prevention of  
29 cruelty to animals, or any pound maintained by or under contract or  
30 agreement with any county, city, town or village may after five days  
31 make available for adoption or have humanely destroyed in accordance  
32 with the provisions of this section and subject to SUBDIVISION FOUR OF  
33 SECTION THREE HUNDRED SEVENTY-THREE-A OF THIS ARTICLE AND TO SUBDIVISION  
34 NINE OF THIS SECTION AND TO subdivisions six, eight and nine of section  
35 one hundred [eighteen] SEVENTEEN of this chapter, any animal of which  
36 possession is taken as provided for in the preceding section, unless the  
37 same is earlier redeemed by its owner.

38 S 5. Section 374 of the agriculture and markets law is amended by  
39 adding a new subdivision 9 to read as follows:

40 9. A. NO ANIMAL IN THE CARE OR CUSTODY OF A DULY INCORPORATED SOCIETY  
41 FOR THE PREVENTION OF CRUELTY TO ANIMALS, A DULY INCORPORATED HUMANE  
42 SOCIETY, OR A POUND OR SHELTER, WHETHER SUCH ENTITY BE PUBLIC OR  
43 PRIVATE, SHALL BE DESTROYED IF, PRIOR TO THE KILLING OF THAT ANIMAL FOR  
44 ANY REASON OTHER THAN IRREMEDIAL PHYSICAL SUFFERING OF THE ANIMAL UPON  
45 A CERTIFICATION MADE IN WRITING AND SIGNED BY A VETERINARIAN LICENSED TO  
46 PRACTICE MEDICINE IN THE STATE THAT THE PROGNOSIS FOR RECOVERY IS POOR  
47 OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE, A  
48 NONPROFIT, AS DEFINED IN SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE  
49 ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE  
50 PREVENTION OF CRUELTY TO ANIMALS REQUESTS POSSESSION OF THE ANIMAL.  
51 ONLY FOR PURPOSES OF ESTABLISHING THE INITIAL RELATIONSHIP BETWEEN THE  
52 SHELTER AND THE ANIMAL ADOPTION OR RESCUE ORGANIZATION OR ORGANIZATION  
53 FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS, THE SHELTER MAY REQUEST  
54 THAT THE ANIMAL ADOPTION OR RESCUE ORGANIZATION OR ORGANIZATION FORMED  
55 FOR THE PREVENTION OF CRUELTY TO ANIMALS PROVIDE ONE TIME PROOF THAT IT  
56 HAS BEEN IN EXISTENCE FOR AT LEAST ONE YEAR, AND THE ORGANIZATION HAS A

1 RELATIONSHIP WITH A LICENSED VETERINARIAN. PROOF OF THE ONE YEAR RESCUE  
2 THRESHOLD SHALL BE CONCLUSIVELY ESTABLISHED BY A COPY OF THE ORGANIZA-  
3 TION'S ARTICLES OF INCORPORATION SHOWING AN INCORPORATION DATE OF AT  
4 LEAST ONE YEAR PAST, OR A LETTER FROM A LICENSED VETERINARIAN STATING  
5 THAT THE VETERINARIAN HAS BEEN TREATING ANIMALS RESCUED BY THE ORGANIZA-  
6 TION FOR AT LEAST ONE YEAR, OR THROUGH OTHER OBJECTIVE CRITERIA SUCH AS  
7 A DATED ADVERTISEMENT CONCERNING THE RESCUE EFFORTS OF THE ORGANIZATION.  
8 PROOF OF A RELATIONSHIP WITH A LICENSED VETERINARIAN SHALL BE CONCLU-  
9 SIVELY ESTABLISHED BY A LETTER FROM A LICENSED VETERINARIAN CONFIRMING  
10 THE RELATIONSHIP. IN ADDITION TO ANY REQUIRED SPAY OR NEUTER DEPOSIT,  
11 THE FACILITY HAVING POSSESSION OF THE ANIMAL, AT ITS DISCRETION, MAY  
12 ASSESS A FEE, NOT TO EXCEED THE STANDARD ADOPTION FEE, FOR ANIMALS  
13 RELEASED TO SUCH ORGANIZATIONS.

14 B. (1) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION  
15 FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS INTERESTED IN TAKING  
16 POSSESSION OF ONE OR MORE ANIMALS PURSUANT TO THE PROVISIONS OF THIS  
17 SUBDIVISION SHALL NOTIFY THE SOCIETY FOR THE PREVENTION OF CRUELTY TO  
18 ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER, AS APPLICABLE, OF ITS  
19 DESIRE TO DO SO AND SHALL PROVIDE THE SOCIETY FOR THE PREVENTION OF  
20 CRUELTY TO ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER WITH CONTACT  
21 INFORMATION FOR THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZA-  
22 TION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS. AN ANIMAL RESCUE  
23 OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE PREVENTION OF  
24 CRUELTY TO ANIMALS MAY, AT ITS OPTION, FILE ONE NOTICE WITH A SOCIETY  
25 FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY, POUND OR SHEL-  
26 TER REQUESTING THAT IT BE NOTIFIED OF ALL ANIMALS HELD BY THAT FACILITY  
27 AND SCHEDULED FOR EUTHANASIA.

28 (2) AT LEAST ONE BUSINESS DAY PRIOR TO THE SCHEDULED EUTHANASIA OF AN  
29 ANIMAL, THE FACILITY HAVING POSSESSION OF THE ANIMAL SHALL PROVIDE  
30 NOTICE TO THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION  
31 FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS OF THE SCHEDULED EUTHA-  
32 NASIA BY:

33 (A) POSTING OF THE IDENTIFICATION NUMBER OF SUCH ANIMAL ON THE WEBSITE  
34 OF THE FACILITY HAVING POSSESSION OF THE ANIMAL BY DIRECT LINK FROM THE  
35 FACILITY'S WEBSITE HOME PAGE IF THEY CURRENTLY HAVE ONE; OR

36 (B) BY CONTACTING THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGAN-  
37 IZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS DIRECTLY BY ONE  
38 OR MORE OF THE FOLLOWING MEANS:

39 (I) E-MAIL TO THE E-MAIL ADDRESS ON FILE;

40 (II) PHONE TO THE PHONE NUMBER ON FILE;

41 (III) TEXT MESSAGE TO THE PHONE NUMBER ON FILE;

42 (IV) FAX TO THE FAX NUMBER ON FILE; OR

43 (V) ANY OTHER MEANS OF ELECTRONIC WRITTEN COMMUNICATION AS PROVIDED BY  
44 THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR  
45 THE PREVENTION OF CRUELTY TO ANIMALS.

46 (3) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED  
47 FOR THE PREVENTION OF CRUELTY TO ANIMALS INTENDING TO TAKE POSSESSION OF  
48 AN ANIMAL SCHEDULED FOR EUTHANASIA SHALL NOTIFY THE FACILITY HAVING  
49 POSSESSION OF THE ANIMAL OF THE ANIMAL RESCUE OR ADOPTION ORGANIZATION'S  
50 OR ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS' INTENT  
51 TO TAKE POSSESSION OF THE ANIMAL, AT ANY TIME PRIOR TO THE ANIMAL'S  
52 EUTHANASIA, BY PHONE, E-MAIL, FAX, TEXT MESSAGE, OR OTHER ELECTRONIC  
53 WRITTEN REQUEST.

54 (4) AN ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED  
55 FOR THE PREVENTION OF CRUELTY TO ANIMALS TAKING POSSESSION OF AN ANIMAL  
56 PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL DO SO WITHIN TWO

BUSINESS DAYS OF THE TIME THE ORGANIZATION NOTIFIES THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY, OR A POUND OR SHELTER POSSESSING THE ANIMAL, AS APPLICABLE, THAT IT IS SEEKING CUSTODY OF THE ANIMAL, NOT INCLUDING THE DAY UPON WHICH THE NOTICE IS GIVEN.

C. UPON TAKING POSSESSION OF AN ANIMAL, AN ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS SHALL ASSUME ALL LIABILITY FOR THE ANIMAL WHILE THE ANIMAL IS IN THE CUSTODY AND CONTROL OF THE ORGANIZATION; PROVIDED THAT THE ORGANIZATION SHALL NOT BE DEEMED RESPONSIBLE FOR HARM CAUSED TO OR BY THE ANIMAL THAT:

(1) OCCURRED PRIOR TO THE TIME THE ORGANIZATION ASSUMED POSSESSION OF THE ANIMAL; OR

(2) IS DUE TO THE ACTS OR OMISSIONS OF A PERSON NOT ASSOCIATED WITH THE ORGANIZATION.

D. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO:

(1) AN ANIMAL SUSPECTED TO CARRY AND EXHIBITING SIGNS OF RABIES, AS DETERMINED BY A LICENSED VETERINARIAN;

(2) SYMPTOMATIC DOGS WITH CONFIRMED CASES OF PARVOVIRUS UPON A CERTIFICATION MADE IN WRITING AND SIGNED BY A VETERINARIAN LICENSED TO PRACTICE MEDICINE IN THE STATE THAT THE PROGNOSIS FOR RECOVERY IS POOR OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE;

(3) SYMPTOMATIC CATS WITH CONFIRMED CASES OF PANLEUKOPENIA UPON A CERTIFICATION MADE IN WRITING AND SIGNED BY A VETERINARIAN LICENSED TO PRACTICE MEDICINE IN THE STATE THAT THE PROGNOSIS FOR RECOVERY IS POOR OR GRAVE EVEN WITH COMPREHENSIVE PROMPT AND NECESSARY VETERINARY CARE;

(4) AN ANIMAL THAT HAS BEEN DETERMINED BY A COURT HAVING COMPETENT JURISDICTION TO BE DANGEROUS PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED TWENTY-THREE OF THIS CHAPTER; OR

(5) A DOG WITH A HISTORY OF UNPROVOKED BITING THAT HAS RESULTED IN SEVERE INJURY TO A HUMAN BEING AND WHICH WAS DOCUMENTED BY THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, THE HUMANE SOCIETY, POUND OR SHELTER, AS APPLICABLE, PRIOR TO THE CURRENT IMPOUND OF THE ANIMAL. DOCUMENTATION MUST CONSIST OF MEDICAL REPORTS MADE AT THE TIME THE PRIOR BITE INCIDENT OCCURRED OR WAS REPORTED, AS WELL AS MEDICAL RECORDS DOCUMENTING THE CIRCUMSTANCES OF THE BITE AND THE SEVERITY OF THE INJURY. THE DOCUMENTATION SHALL BE KEPT ON FILE WITH THE DOCUMENTING ENTITY FOR THREE YEARS.

(6) AS USED IN THIS SUBDIVISION: (A) "SEVERE INJURY" MEANS ANY PHYSICAL INJURY THAT RESULTS IN BROKEN BONES, PERMANENTLY DISFIGURING LACERATIONS REQUIRING MULTIPLE SUTURES OR COSMETIC SURGERY; AND

(B) "UNPROVOKED BITING" MEANS BITING THAT IS NOT PROVOKED. BITING IS PROVOKED IF, AMONG OTHER THINGS, IT OCCURS BECAUSE THE DOG WAS BEING TAUNTED, OR THE DOG WAS ACTING IN DEFENSE OF SELF, A PERSON, ANOTHER ANIMAL, OR PROPERTY, OR THE DOG WAS ACTING FROM MATERNAL INSTINCT, OR THE DOG WAS REACTING TO HUNGER, PAIN, OR FEAR, OR THE DOG BITES ACCIDENTALLY, AS WHEN PLAYING.

E. (1) ANY ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS HAVING AN OFFICER, BOARD MEMBER, STAFF MEMBER OR VOLUNTEER WHO HAS BEEN CONVICTED OF A CRIMINAL OFFENSE HAVING AS ITS PRIMARY EFFECT THE PREVENTION OR PUNISHMENT OF ANIMAL NEGLECT OR ANIMAL CRUELTY OR DOG FIGHTING SHALL BE PROHIBITED FROM BEING AN ADOPTIVE ORGANIZATION UNDER THE TERMS OF THIS SUBDIVISION UNTIL SUCH TIME AS THAT OFFICER, BOARD MEMBER, STAFF MEMBER OR VOLUNTEER IS NO LONGER ASSOCIATED WITH THE ORGANIZATION.

(2) ANY ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS HAVING AN OFFICER, BOARD

1 MEMBER, STAFF MEMBER OR VOLUNTEER AGAINST WHOM CHARGES OF VIOLATING THE  
2 PROVISIONS OF A STATUTE HAVING AS ITS PRIMARY EFFECT THE PREVENTION OR  
3 PUNISHMENT OF ANIMAL NEGLECT OR ANIMAL CRUELTY OR DOG FIGHTING ARE PEND-  
4 ING IN A COURT OF LAW SHALL BE PROHIBITED FROM BEING AN ADOPTIVE ORGAN-  
5 IZATION UNDER THE TERMS OF THIS SUBDIVISION UNTIL SUCH TIME AS THAT  
6 OFFICER, BOARD MEMBER, STAFF MEMBER OR VOLUNTEER IS NO LONGER ASSOCIATED  
7 WITH THE ORGANIZATION OR SUCH CHARGES ARE DISMISSED OR DROPPED.

8 (3)(A) IF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, THE  
9 HUMANE SOCIETY, POUND OR SHELTER HAS LEGALLY SUFFICIENT REASONABLE  
10 SUSPICION TO BELIEVE THAT THE PLACEMENT OF AN ANIMAL WITH A PARTICULAR  
11 ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE  
12 PREVENTION OF CRUELTY TO ANIMALS WILL EXPOSE THE ANIMAL TO A SITUATION  
13 INVOLVING CRIMINAL NEGLECT OR CRUELTY TO ANIMALS, IT MAY CONDITION THE  
14 RELEASE OF THE ANIMAL TO SUCH ANIMAL RESCUE OR ADOPTION ORGANIZATION OR  
15 ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS UPON THE  
16 CONDUCT OF AN INSPECTION OF THE ANIMAL RESCUE OR ADOPTION ORGANIZATION'S  
17 FACILITY TO WHICH THAT ANIMAL IS GOING.

18 (B) THE NEED FOR AND REASONABLE SUSPICION FOR REQUESTING SUCH  
19 INSPECTION MAY NOT BE DETERMINED SOLELY ON THE BASIS OF ANONYMOUS  
20 COMPLAINTS EXCEPT IF MADE BY A RELATIVE OF THE RESCUER. UPON REQUEST,  
21 THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, THE HUMANE SOCIE-  
22 TY, POUND OR SHELTER, AS APPLICABLE SHALL DIVULGE TO THE ANIMAL RESCUE  
23 OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE PREVENTION OF  
24 CRUELTY TO ANIMALS ANY AND ALL INFORMATION PERTAINING TO ITS DETERMI-  
25 NATION OF REASONABLE SUSPICION FOR AN INSPECTION, PROVIDED THAT THE  
26 SHELTER CAN EXCISE THE NAME OF THE COMPLAINANT.

27 (C) THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED  
28 FOR THE PREVENTION OF CRUELTY TO ANIMALS MAY AGREE TO OR REFUSE THE  
29 INSPECTION. IF THE ORGANIZATION AGREES TO AN INSPECTION, SUCH INSPECTION  
30 SHALL BE CONDUCTED WITHIN FORTY-EIGHT HOURS OF THE TIME THE ORGANIZATION  
31 AGREES TO THE INSPECTION. IF THE INSPECTION IS NOT CONDUCTED WITHIN THE  
32 FORTY-EIGHT HOUR PERIOD, THE RIGHT TO AN INSPECTION SHALL BE DEEMED TO  
33 HAVE BEEN WAIVED. IF THE ORGANIZATION REFUSED THE INSPECTION, THE SOCIE-  
34 TY FOR THE PREVENTION OF CRUELTY TO ANIMALS, THE HUMANE SOCIETY, POUND  
35 OR SHELTER, AS APPLICABLE, MAY DECLINE TO PLACE THE ANIMAL WITH THE  
36 REFUSING ORGANIZATION.

37 (D) THE INSPECTION AUTHORIZED BY THE PROVISIONS OF THIS SUBPARAGRAPH  
38 SHALL BE CONDUCTED BY A PEACE OFFICER, AS DEFINED IN SECTION 2.10 OF THE  
39 CRIMINAL PROCEDURE LAW, WHO IS AUTHORIZED TO INVESTIGATE CRIMES PURSUANT  
40 TO HIS OR HER REGULAR DUTIES.

41 (E) THE INSPECTED ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZA-  
42 TION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS SHALL BE NOTIFIED  
43 OF THE RESULTS OF THE INSPECTION AND WHETHER THE ANIMAL WILL BE RELEASED  
44 TO THE ANIMAL RESCUE OR ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR  
45 THE PREVENTION OF CRUELTY TO ANIMALS WITHIN TWENTY-FOUR HOURS OF THE  
46 COMPLETION OF THE INSPECTION.

47 (F) A FILING OF CRIMINAL NEGLECT OR CRUELTY CHARGES FOLLOWING  
48 INSPECTION AS PROVIDED IN THIS SUBPARAGRAPH WILL CONSTITUTE A FAILED  
49 INSPECTION.

50 (G) NO ANIMAL SHALL BE DESTROYED UNTIL AT LEAST TWENTY-FOUR HOURS  
51 AFTER THE FILING OF CRIMINAL CHARGES AGAINST THE ANIMAL RESCUE OR  
52 ADOPTION ORGANIZATION OR ORGANIZATION FORMED FOR THE PREVENTION OF  
53 CRUELTY TO ANIMALS AND PROVIDED NO OTHER ORGANIZATION HAS REQUESTED THE  
54 ANIMAL.

55 (H) AN ANIMAL WHOSE PLACEMENT IS THE SUBJECT OF AN INSPECTION AS  
56 PROVIDED IN THIS SUBPARAGRAPH MAY BE RELEASED PRIOR TO OR DURING THE



1 CONDUCT OF AN INSPECTION TO ANOTHER ANIMAL RESCUE OR ADOPTION ORGANIZA-  
2 TION OR ORGANIZATION FORMED FOR THE PREVENTION OF CRUELTY TO ANIMALS  
3 THAT REQUESTS THE ANIMAL.

4 F. AS USED IN THIS SUBDIVISION, "IRREMEDIABLE PHYSICAL SUFFERING"  
5 MEANS THAT THE ANIMAL SUFFERS FROM A MEDICAL CONDITION THAT HAS A POOR  
6 OR GRAVE PROGNOSIS AND THAT THE ANIMAL IS UNLIKELY TO BE ABLE TO LIVE  
7 WITHOUT PROLONGED, SEVERE AND UNREMITTING PAIN DESPITE NECESSARY VETERI-  
8 NARY CARE.

9 S 6. This act shall take effect immediately.