

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the microchipping of dogs and the creation of a registry of dogs

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

- 1     Section 1. Paragraph (c) of subdivision 1 of section 109 of the agri-  
2     culture and markets law, as amended by section 4 of part T of chapter 59  
3     of the laws of 2010, is amended to read as follows:  
4     (c) The application shall state the sex, actual or approximate age,  
5     breed, color, and municipal identification number of the dog, and other  
6     identification marks, if any, and the name, address, telephone number,  
7     county and town, city or village of residence of the owner AND SUCH  
8     INFORMATION SHALL BE TRANSMITTED TO THE REGISTRY ON DOGS PURSUANT TO  
9     SECTION ONE HUNDRED TWELVE-B OF THIS ARTICLE. Municipalities may also  
10    require additional information on such application as deemed appropri-  
11    ate.  
12    S 2. The agriculture and markets law is amended by adding two new  
13    sections 112-a and 112-b to read as follows:  
14    S 112-A. MICROCHIPPING OF DOGS. 1. ANY PERSON WHO OWNS A DOG SHALL  
15    ENSURE THAT BY THE AGE OF FOUR MONTHS SUCH DOG IS IMPLANTED WITH A  
16    SPECIAL COMPUTER CHIP DESIGNED TO HOLD INFORMATION RELATING TO IDENTIFI-  
17    CATION OF THE OWNER OR CUSTODIAN OF SUCH DOG, CONTACT INFORMATION AND  
18    SUCH DOG'S DESCRIPTION AND BREED AND ANY OTHER INFORMATION REQUIRED  
19    PURSUANT TO SECTION ONE HUNDRED NINE OF THIS ARTICLE. SUCH INFORMATION  
20    SHALL BE TRANSMITTED INTO THE STATE REGISTRY ON DOGS AND SHALL BE  
21    COMPATIBLE WITH A MICROCHIP SCANNER OPERATED BY THE COMMISSIONER PURSU-  
22    ANT TO SECTION ONE HUNDRED TWELVE-B OF THIS ARTICLE.  
23    2. WHENEVER ANY DOG IS LICENSED PURSUANT TO SECTION ONE HUNDRED TWELVE  
24    OF THIS ARTICLE, SUCH LICENSING CONTACT INFORMATION SHALL BE TRANSMITTED

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

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1 TO THE REGISTRY OF DOGS AND PLACED ON THE MICROCHIP IN A METHOD ESTAB-  
2 LISHED BY THE COMMISSIONER.

3 S 112-B. REGISTRY OF DOGS. 1. THE COMMISSIONER SHALL ESTABLISH A STATE  
4 REGISTRY WHICH SHALL CONTAIN IDENTIFICATION INFORMATION RELATING TO ALL  
5 ANIMALS LICENSED PURSUANT TO SECTIONS ONE HUNDRED NINE, ONE HUNDRED  
6 TWELVE AND ONE HUNDRED TWELVE-A OF THIS ARTICLE.

7 2. SUCH REGISTRY SHALL BE AVAILABLE TWENTY-FOUR HOURS A DAY AND SHALL  
8 BE SIMILAR TO ANY NATIONAL REGISTRY IN EXISTENCE. A MICROCHIP SCANNER  
9 SHALL BE USED TO DETECT THE IDENTIFICATION NUMBER KEPT ON THE CHIP.

10 3. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OR CUSTODIAN OF SUCH  
11 DOG TO CHANGE WITH THE REGISTRY ANY IDENTIFICATION INFORMATION RELATING  
12 TO SUCH OWNER OR CUSTODIAN.

13 S 3. Subdivision 1 of section 118 of the agriculture and markets law,  
14 as amended by section 14 of part T of chapter 59 of the laws of 2010, is  
15 amended to read as follows:

16 1. It shall be a violation, punishable as provided in subdivision two  
17 of this section, for:

18 (a) any owner to fail to license any dog;

19 (b) any owner to fail to have any dog identified as required by this  
20 article;

21 (c) any person to knowingly affix to any dog any false or improper  
22 identification tag, special identification tag for identifying guide,  
23 service or hearing dogs or purebred license tag;

24 (d) any owner or custodian of any dog to fail to confine, restrain or  
25 present such dog for any lawful purpose pursuant to this article;

26 (e) any person to furnish any false or misleading information on any  
27 form required to be filed with any municipality pursuant to the  
28 provisions of this article or rules and regulations promulgated pursuant  
29 thereto;

30 (f) the owner or custodian of any dog to fail to exercise due dili-  
31 gence in handling his or her dog if the handling results in harm to  
32 another dog that is a guide, hearing or service dog;

33 (g) any owner of a dog to fail to notify the municipality in which his  
34 or her dog is licensed of any change of ownership or address as required  
35 by section one hundred twelve of this article;

36 (H) THE OWNER OR CUSTODIAN OF ANY DOG TO FAIL TO MICROCHIP SUCH DOG.

37 S 4. This act shall take effect on the one hundred eightieth day after  
38 it shall have become a law; provided, however, that if part T of chapter  
39 59 of the laws of 2010 has not taken effect as of such date then  
40 sections one and three of this act shall take effect on the same date  
41 and in the same manner as such chapter takes effect; provided, however,  
42 that effective immediately, the addition, amendment and/or repeal of any  
43 rule or regulation necessary for the implementation of this act on its  
44 effective date are authorized and directed to be made and completed on  
45 or before such effective date.