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

9448

I N A S S E M B L Y

March 1, 2012

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to rescued 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 356-a to read as follows:

S 356-A. EXAMINATION OF RESCUED COMPANION ANIMALS. 1. ANY ORGANIZATION THAT RECEIVES RESCUED, SEIZED, CAPTURED OR IMPOUNDED COMPANION ANIMALS, SUCH AS ANY RESCUE GROUP, VETERINARIAN, LABORATORY, POUND, SHELTER, SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, ANIMAL CONTROL OFFICER, PEACE OFFICER, AND INCLUDING, BUT NOT LIMITED TO SHELTERS OR POUNDS ESTABLISHED OR CONTRACTED PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER, SHALL EXAMINE EVERY SUCH COMPANION ANIMAL WITHIN TWENTY-FOUR HOURS OF THE INTAKE OF SUCH ANIMAL.

2. SUCH ORGANIZATION SHALL EXAMINE THE COMPANION ANIMAL FOR:

(A) IDENTIFYING MARKS INCLUDING, BUT NOT BE LIMITED TO, TATTOOS;

(B) IDENTIFICATION TAGS;

(C) IDENTIFYING MICROCHIPS; AND

(D) RABIES LICENSE TAGS.

3. (A) REGISTERED OWNERS, CARETAKERS OR AGENTS SHALL BE CONTACTED AS SOON AS REASONABLY POSSIBLE, BY ANY METHOD AVAILABLE FROM SUCH IDENTIFYING INFORMATION, AND ALERTED THAT SUCH ANIMAL HAS BEEN TAKEN IN AND IS AVAILABLE FOR REDEMPTION.

(B) IF LISTED OWNERS, CARETAKERS OR AGENTS CANNOT BE LOCATED OR REFUSE TO RECLAIM POSSESSION OF SUCH COMPANION ANIMAL, SECONDARY CONTACTS LISTED SHALL BE CONTACTED AS SOON AS REASONABLY POSSIBLE.

4. (A) ANY PERSON OR ORGANIZATION, INCLUDING, BUT NOT LIMITED TO ANY SHELTER, VETERINARIAN OR ANIMAL CONTROL OFFICER THAT CONTACTS THE REGISTERED OWNER, CARETAKER OR AGENT OF ANY COMPANION ANIMAL IN GOOD FAITH IS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY, EXCEPT FOR WILLFUL AND WANTON MISCONDUCT.

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

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(B) THIS SUBDIVISION DOES NOT PRECLUDE CIVIL OR CRIMINAL LIABILITY FOR ACTS NOT DIRECTLY RELATED TO ATTEMPTS TO CONTACT REGISTERED OWNERS, CARETAKERS OR AGENTS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.