

739

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, MOYA, COLTON, ENGLEBRIGHT, McDONOUGH,
TEDISCO -- Multi-Sponsored by -- M. of A. GALEF, GLICK, GOTTFRIED --
read once and referred to the Committee on Agriculture

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:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 353-f to read as follows:
3 S 353-F. COMPANION ANIMAL PIERCING AND TATTOOING PROHIBITED. 1. NO
4 PERSON SHALL PIERCE OR TATTOO A COMPANION ANIMAL UNLESS SUCH PIERCING OR
5 TATTOO PROVIDES FOR THE IDENTIFICATION OF THE COMPANION ANIMAL OR THE
6 PIERCING OR TATTOO PROVIDES A MEDICAL BENEFIT TO THE COMPANION ANIMAL.
7 PIERCING OR TATTOOING AUTHORIZED PURSUANT TO THIS SUBDIVISION SHALL BE
8 COMPLETED BY A LICENSED VETERINARIAN OR UNDER THE SUPERVISION THEREOF.
9 2. ANYONE FOUND IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION FOR
10 ONE PIERCING OR TATTOO ON A COMPANION ANIMAL IS GUILTY OF A MISDEMEANOR,
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR A FINE OF NOT
12 MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.
13 3. ANYONE FOUND IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION FOR
14 MORE THAN ONE PIERCING OR MORE THAN ONE TATTOO OR PIERCING WITH A TATTOO
15 ON A COMPANION ANIMAL IS GUILTY OF A FELONY AND SHALL BE SENTENCED
16 PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 55.10 OF THE
17 PENAL LAW PROVIDED, HOWEVER, THAT ANY TERM OF IMPRISONMENT IMPOSED FOR
18 VIOLATION OF THIS SECTION SHALL BE A DEFINITE SENTENCE, WHICH MAY NOT
19 EXCEED TWO YEARS.
20 4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PERSON WHO IS
21 THE OWNER OR POSSESSOR OF ANY COMPANION ANIMAL THAT HAS ANY PIERCING OR
22 TATTOOS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.
23 S 2. This act shall take effect immediately.

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

LBD05036-01-3