

10306

I N   A S S E M B L Y

May 20, 2016

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

AN ACT to amend the agriculture and markets law, in relation to requiring reasonable efforts be made in determining the owners of certain animals

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

1     Section 1. Subdivision 7-a of section 117 of the agriculture and  
2 markets law, as amended by chapter 83 of the laws of 2011, is amended to  
3 read as follows:  
4     7-a. Any animal in the custody of a pound or shelter shall, AFTER THE  
5 EXPIRATION OF THE APPROPRIATE REDEMPTION PERIOD PRESCRIBED BY SUBDIVI-  
6 SIONS SIX, EIGHT AND NINE OF THIS SECTION AND SUBJECT TO THE PROVISIONS  
7 OF SECTION THREE HUNDRED SEVENTY-FOUR OF THIS CHAPTER, be made available  
8 for adoption PURSUANT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION  
9 THREE HUNDRED SEVENTY-FOUR OF THIS CHAPTER or euthanized subject to  
10 [subdivisions six, eight and nine of this section and subject to] the  
11 provisions of section three hundred seventy-four of this chapter [after  
12 the time for redemption has expired]; provided, however, that such  
13 release may be made to another such pound, duly incorporated society for  
14 the prevention of cruelty to animals, duly incorporated humane society  
15 or duly incorporated animal protective association for the sole purpose  
16 of placing such animal in an adoptive home, when such action is reason-  
17 ably believed to improve the opportunity for adoption.  
18     S 2. Subdivision 2 of section 374 of the agriculture and markets law,  
19 as amended by chapter 449 of the laws of 2010, is amended to read as  
20 follows:  
21     2. In the absence of such findings or certification, a duly incorpo-  
22 rated humane society, a duly incorporated society for the prevention of  
23 cruelty to animals, or any pound maintained by or under contract or  
24 agreement with any county, city, town or village [may after five days]  
25 SHALL, AFTER THE EXPIRATION OF FIVE DAYS OR THE APPLICABLE REDEMPTION  
26 PERIOD PRESCRIBED BY SUBDIVISIONS SIX, EIGHT AND NINE OF SECTION ONE  
27 HUNDRED SEVENTEEN OF THIS CHAPTER, WHICHEVER IS LONGER, make available

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

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1 for adoption AFTER A REASONABLY PRACTICABLE PERIOD WHICH IS NOT LESS  
2 THAN NINETY DAYS or have humanely destroyed in accordance with the  
3 provisions of this section [and subject to subdivisions six, eight and  
4 nine of section one hundred eighteen of this chapter], any animal of  
5 which possession is taken as provided for in the preceding section,  
6 unless the same is earlier redeemed by its owner; PROVIDED, HOWEVER,  
7 THAT SUCH DULY INCORPORATED SOCIETY, POUND OR SHELTER SHALL MAKE A  
8 REASONABLE EFFORT TO LOCATE THE OWNER OF SUCH ANIMAL OR TO PROVIDE FOR  
9 THE FOSTERING OR ADOPTION OF SUCH ANIMAL. SUCH REASONABLE EFFORTS SHALL  
10 INCLUDE, BUT NOT BE LIMITED TO, CHECKING THE ANIMAL FOR ALL FORMS OF  
11 IDENTIFICATION, SOCIAL MEDIA, AND PLACING A PHOTOGRAPH AND GENERAL  
12 DESCRIPTION OF SUCH ANIMAL, THE BREED OR BREEDS AND ANY OTHER IDENTIFY-  
13 ING INFORMATION ON THE INTERNET. FOR PURPOSES OF THIS SUBDIVISION, WHEN  
14 DETERMINING A REASONABLY PRACTICABLE PERIOD, CONSIDERATION SHALL BE  
15 GIVEN TO THE NUMBER OF OTHER ANIMALS AT THE SHELTER, THE SHELTER'S  
16 CAPACITY FOR HOUSING AND CARING FOR ANIMALS, THE LENGTH OF TIME THAT THE  
17 ANIMAL HAS BEEN IN THE SHELTER, AND THE ANIMAL'S HEALTH.

18 S 3. This act shall take effect on the ninetieth day after it shall  
19 have become a law; provided, however, that effective immediately, the  
20 addition, amendment and/or repeal of any rule or regulation necessary  
21 for the implementation of this act on its effective date are authorized  
22 and directed to be made and completed on or before such effective date.