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

4707

2015-2016 Regular Sessions

I N S E N A T E

April 10, 2015

Introduced by Sen. AVELLA -- 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 declawing of cats or other 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 380 to read as follows:

S 380. PROHIBITION OF THE DECLAWING OF CATS OR OTHER ANIMALS. 1. NO PERSON, LICENSED MEDICAL PROFESSIONAL OR OTHERWISE, SHALL PERFORM OR CAUSE TO BE PERFORMED AN ONYCHECTOMY (DECLAWING) OR FLEXOR TENDONECTOMY PROCEDURE BY ANY MEANS ON A CAT OR ON ANY OTHER ANIMAL WITHIN THE STATE OF NEW YORK, EXCEPT WHEN NECESSARY FOR A THERAPEUTIC PURPOSE. THERAPEUTIC PURPOSE MEANS THE NECESSITY TO ADDRESS THE MEDICAL CONDITION OF THE ANIMAL, SUCH AS AN EXISTING OR RECURRING ILLNESS, INFECTION, DISEASE, INJURY OR ABNORMAL CONDITION IN THE CLAW THAT COMPROMISES THE ANIMAL'S HEALTH. THERAPEUTIC PURPOSE DOES NOT INCLUDE COSMETIC OR AESTHETIC REASONS OR REASONS OF CONVENIENCE IN KEEPING OR HANDLING THE ANIMAL.

2. IN THE EVENT THAT AN ONYCHECTOMY OR FLEXOR TENDONECTOMY PROCEDURE IS PERFORMED ON ANY ANIMAL WITHIN THE STATE OF NEW YORK IN VIOLATION OF THIS SECTION, EACH OF THE FOLLOWING PERSONS SHALL BE GUILTY OF A VIOLATION OF THIS SECTION: (A) THE PERSON OR PERSONS PERFORMING THE PROCEDURE, (B) ALL PERSONS ASSISTING IN THE PHYSICAL PERFORMANCE OF THE PROCEDURE AND (C) ALL PERSONS OR ENTITIES THAT PROCURED THE PROCEDURE, INCLUDING BUT NOT LIMITED TO THE OWNER OR PERSON HAVING CUSTODY OR CONTROL OVER THE ANIMAL OR ANY OTHER PERSON OR ENTITY THAT ORDERED, REQUESTED OR PAID FOR THE PROCEDURE.

3. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION PUNISHABLE PURSUANT TO THE PENAL LAW.

S 2. This act shall take effect immediately.

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

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