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

98

2015-2016 Regular Sessions

I N  S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring research dogs and cats at certain facilities to be offered for adoption through private placement or a non-profit animal rescue and shelter organization

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

Section 1. Short title. This act shall be known and may be cited as the "Research animal retirement act".

S 2. The education law is amended by adding a new section 239-b to read as follows:

S 239-B. RESEARCH DOGS AND CATS. 1. A HIGHER EDUCATION RESEARCH FACILITY THAT RECEIVES PUBLIC MONEY, INCLUDING TAX-EXEMPT STATUS, OR A FACILITY THAT PROVIDES RESEARCH IN COLLABORATION WITH A HIGHER EDUCATION FACILITY, AND OTHER RELATED RESEARCH FACILITIES THAT CONFINE DOGS OR CATS FOR SCIENCE OR RESEARCH PURPOSES SHALL, AFTER THE COMPLETION OF ANY TESTING OR RESEARCH WHERE THE ANIMAL'S DESTRUCTION IS NOT REQUIRED AND THE ANIMAL IS NO LONGER NEEDED, OFFER THE DOGS OR CATS FOR ADOPTION, EITHER THROUGH PRIVATE PLACEMENT OR TO NON-PROFIT ANIMAL RESCUE AND SHELTER ORGANIZATIONS FOR ADOPTION PRIOR TO EUTHANIZING SUCH ANIMALS. IF PRIVATE PLACEMENT IS UNSUCCESSFUL SUCH FACILITY SHALL OFFER THE DOGS OR CATS TO NON-PROFIT ANIMAL RESCUE AND SHELTER ORGANIZATIONS PRIOR TO EUTHANIZING.

2. A FACILITY THAT IS REQUIRED TO OFFER DOGS OR CATS TO NON-PROFIT ANIMAL RESCUE AND SHELTER ORGANIZATIONS UNDER THIS SECTION MAY ENTER INTO AN AGREEMENT WITH NON-PROFIT ANIMAL RESCUE AND SHELTER ORGANIZATIONS FOR THE IMPLEMENTATION OF THIS SECTION.

3. A FACILITY THAT IS REQUIRED TO OFFER DOGS OR CATS FOR ADOPTION UNDER THIS SECTION SHALL OWE NO DUTY OF CARE TO ANY NON-PROFIT ANIMAL

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

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RESCUE AND SHELTER ORGANIZATION THAT ACCEPTS THE ANIMAL OR TO ANY PERSON OR ENTITY THAT MAY ADOPT SUCH ANIMALS, WHETHER THROUGH SUCH ORGANIZATIONS OR THROUGH PRIVATE PLACEMENT. NO ASSUMPTION OF RESPONSIBILITY OR LIABILITY FOR INJURIES, PROPERTY DAMAGE, OR OTHER DAMAGES OR LOSSES SHALL BE INCURRED BY SUCH RESEARCH FACILITY ON ACCOUNT OF THE ADOPTION OR PLACEMENT OF ANY DOG OR CAT PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

S 3. This act shall take effect on the sixtieth day after it shall have become a law, provided that the state education department is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date, on or before such date.