

STATE OF NEW YORK

1839--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 13, 2017

Introduced by M. of A. ROSENTHAL, GJONAJ, RIVERA, GALEF, SEPULVEDA -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing microchipping standards; in relation to the registration of microchips; and in relation to the examination of seized animals and animals taken possession of

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 two new sections 111-a and 111-b to read as follows:

§ 111-a. Microchipping standards. 1. The commissioner shall adopt and promulgate rules and regulations that provide for standardization of technology used in microchips implanted in companion animals that are dogs or cats and microchip readers so that such readers used by veterinarians, animal shelters, dog control officers, and animal control officers are capable of reading any chip to identify the animals and/or the owner of record. Such rules and regulations shall also provide for the collection, sharing, and dissemination of chip identification information by entities that possess and manage such information solely to promote timely notification of owners when pets are lost, while maintaining privacy protection of personal information and providing for disclosure to such owners of the sharing of such information.

2. The rules and regulations required by this section may provide for an advisory committee which shall include, but shall not be limited to, representatives of the animal microchip community who shall advise the commissioner on the technical requirements necessary in creating

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

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1 universal standards and access to identifying information. The members
2 of any such advisory committee shall serve without compensation.

3 § 111-b. Registration of microchips. When microchips are implanted
4 into companion animals that are dogs or cats and registered by, or on
5 behalf of, such animals' owner's registration information shall be
6 managed in compliance with regulations developed pursuant to section one
7 hundred eleven-a of this article.

8 § 2. The agriculture and markets law is amended by adding a new
9 section 380 to read as follows:

10 § 380. Examination of seized animals or animals taken possession of.
11 1. Consistent with the provisions of section one hundred seventeen of
12 this chapter and sections three hundred seventy-three and three hundred
13 seventy-four of this article, no later than twenty-four hours, or as
14 soon as practicable, after a companion animal that is a dog or a cat has
15 been seized or taken possession of, except for such animals that have
16 been surrendered by the owner, by any dog control officer, animal
17 control officer or peace officer acting pursuant to his or her special
18 duties, or police officer in the employ of or under contract with a
19 municipality, or any duly incorporated society for the prevention of
20 cruelty to animals, duly incorporated humane society, pound or shelter
21 that is operated by or under contract to a municipality, such officer,
22 society, pound or shelter shall take steps to:

23 (a) Check such animal for all forms of identification, including, but
24 not limited to, tags, microchips, tattoos or licenses; and

25 (b) If practicable and if the necessary technology and equipment are
26 available, for the purposes of this paragraph, make available to the
27 public on the internet on a website or social media maintained by or
28 otherwise made available to such officer, society, pound or shelter by
29 the municipal or county government in which such officer, society, pound
30 or shelter is located, a photograph, and a general description of the
31 animal to assist the owner or owners in finding the animal, including
32 the breed or breeds, if known. Information about the animal may be with-
33 held if deemed appropriate to facilitate finding the owner or otherwise
34 protect the safety of the animal. The notice required by this paragraph
35 may be made by means other than the internet if use of the internet is
36 impracticable.

37 2. No later than twenty-four hours or as soon as practicable after the
38 seizure or taking possession of such animal potentially identifiable by
39 a form of identification, including a license, tag, tattoo or microchip,
40 or records or reports that are readily available of animals reported to
41 be lost, reasonable efforts shall be made to identify and provide actual
42 notice to the owner of the animal by any means reasonably calculated to
43 provide actual notice to the owner.

44 § 3. This act shall take effect on the one hundred twentieth day after
45 it shall have become a law; provided however section two of this act
46 shall take effect upon the adoption of regulations by the commissioner
47 of agriculture pursuant to section one of this act; provided, further,
48 that the commissioner of agriculture shall notify the legislative bill
49 drafting commission upon the adoption of regulations pursuant to section
50 one of this act in order that the commission may maintain an accurate
51 and timely effective data base of the official text of the laws of the
52 state of New York in furtherance of effectuating the provisions of
53 section 44 of the legislative law and section 70-b of the public offi-
54 cers law. Effective immediately, the addition, amendment and/or repeal
55 of any rule or regulation necessary for the implementation of this act
56 on its effective date are authorized to be made on or before such date.