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

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

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

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

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

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

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

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