

# STATE OF NEW YORK

1839--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 13, 2017

Introduced by M. of A. ROSENTHAL, GJONAJ, RIVERA, GALEF -- read once and referred to the Committee on Agriculture -- 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:

1 Section 1. The agriculture and markets law is amended by adding two  
2 new sections 111-a and 111-b to read as follows:

3 § 111-a. Microchipping standards. 1. The commissioner shall adopt and  
4 promulgate rules and regulations that provide for standardization of  
5 technology used in microchips implanted in companion animals that are  
6 dogs or cats and microchip readers so that such readers used by veteri-  
7 narians, animal shelters, dog control officers, and animal control offi-  
8 cers are capable of reading any chip to identify the animals and/or the  
9 owner of record. Such rules and regulations shall also provide for the  
10 collection, sharing, and dissemination of chip identification informa-  
11 tion by entities that possess and manage such information to promote  
12 timely notification of owners when pets are lost, while maintaining  
13 privacy protection of personal information and providing for disclosure  
14 to such owners of the potential sharing of such information.

15 2. The rules and regulations required by this section may provide for  
16 an advisory committee which shall include, but shall not be limited to,  
17 representatives of the animal microchip community who shall advise the  
18 commissioner on the technical requirements necessary in creating  
19 universal standards and access to identifying information. The members  
20 of any such advisory committee shall serve without compensation.

21 § 111-b. Registration of microchips. When microchips are implanted  
22 into companion animals that are dogs or cats and registered by, or on  
23 behalf of, such animals' owner's registration information shall be

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

LBD06539-06-7

1 managed in compliance with regulations developed pursuant to section one  
2 hundred eleven-a of this article.

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

5 § 380. Examination of seized animals or animals taken possession of.

6 1. No later than twenty-four hours, or as soon as practicable, after a  
7 companion animal that is a dog or a cat has been seized or taken  
8 possession of, except for such animals that have been surrendered by the  
9 owner, by any dog control officer or peace officer acting pursuant to  
10 his or her special duties, or police officer in the employ of or under  
11 contract with a municipality, or any duly incorporated society for the  
12 prevention of cruelty to animals, duly incorporated humane society,  
13 pound or shelter that is operated by or under contract to a munici-  
14 pality, such officer, society, pound or shelter shall take steps to:

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

17 (b) Compare the information known about the animal with records of  
18 animals reported to be lost or stolen pursuant to section one hundred  
19 twelve of this article within twenty-four hours or as soon as practica-  
20 ble after such records become available following seizure or taking  
21 possession of such animal; and

22 (c) If practicable, make available to the public on the internet on a  
23 website maintained by or otherwise made available to such officer, soci-  
24 ety, pound or shelter by the municipal or county government in which  
25 such officer, society, pound or shelter is located, a photograph, and a  
26 general description of the animal to assist the owner or owners in find-  
27 ing the animal, including the breed or breeds, if known. Information  
28 about the animal may be withheld if deemed appropriate to facilitate  
29 finding the owner or otherwise protect the safety of the animal. The  
30 notice required by this paragraph may be made by means other than the  
31 internet if use of the internet is impracticable. Nothing in this  
32 section shall be interpreted as requiring a website to be maintained or  
33 equipment or technology to be purchased in order to comply with the  
34 provisions of this section.

35 2. No later than twenty-four hours or as soon as practicable after the  
36 seizure or taking possession of such animal potentially identifiable by  
37 a form of identification, including a license, tag, tattoo or microchip,  
38 or records of animals reported to be lost or stolen pursuant to section  
39 one hundred twelve of this article, reasonable efforts shall be made to  
40 identify and provide actual notice to the owner of the animal by any  
41 means reasonably calculated to provide actual notice to the owner.

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