

STATE OF NEW YORK

4570--A

2017-2018 Regular Sessions

IN SENATE

February 17, 2017

Introduced by Sen. TEDISCO -- read twice and ordered printed, and when printed to be committed 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 solely to
12 promote timely notification of owners when pets are lost, while main-
13 taining privacy protection of personal information and providing for
14 disclosure to such owners of the 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.

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

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1 § 111-b. Registration of microchips. When microchips are implanted
2 into companion animals that are dogs or cats and registered by, or on
3 behalf of, such animals' owner's registration information shall be
4 managed in compliance with regulations developed pursuant to section one
5 hundred eleven-a of this article.

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

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

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

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

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

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 or reports that are readily available of animals reported to
39 be lost, reasonable efforts shall be made to identify and provide actual
40 notice to the owner of the animal by any means reasonably calculated to
41 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.