STATE OF NEW YORK

4675

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. MALLIOTAKIS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring reasonable efforts be made in determining the owners of certain animals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 7-a of section 117 of the agriculture and markets law, as amended by chapter 83 of the laws of 2011, is amended to read as follows:

7-a. Any animal in the custody of a pound or shelter shall**, after the expiration of the appropriate redemption period prescribed by subdivisions six, eight and nine of this section and subject to the provisions of section three hundred seventy-four of this chapter,** be made available for adoption **pursuant to the provisions of subdivision two of section three hundred seventy-four of this chapter** or euthanized subject to [~~subdivisions six, eight and nine of this section and subject to~~] the provisions of section three hundred seventy-four of this chapter [~~after the time for redemption has expired~~]; provided, however, that such release may be made to another such pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated animal protective association for the sole purpose of placing such animal in an adoptive home, when such action is reasonably believed to improve the opportunity for adoption.

§ 2. Subdivision 2 of section 374 of the agriculture and markets law, as amended by chapter 449 of the laws of 2010, is amended to read as follows:

2. In the absence of such findings or certification, a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village [~~may after five days~~]

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

LBD09095-01-9

shall, after the expiration of five days or the applicable redemption period prescribed by subdivisions six, eight and nine of section one hundred seventeen of this chapter, whichever is longer, make available for adoption after a reasonably practicable period which is not less than ninety days or have humanely destroyed in accordance with the provisions of this section [~~and subject to subdivisions six, eight and nine of section one hundred eighteen of this chapter~~], any animal of which possession is taken as provided for in the preceding section, unless the same is earlier redeemed by its owner; provided, however, that such duly incorporated society, pound or shelter shall make a reasonable effort to locate the owner of such animal or to provide for the fostering or adoption of such animal. Such reasonable efforts shall include, but not be limited to, checking the animal for all forms of identification, social media, and placing a photograph and general description of such animal, the breed or breeds and any other identifying information on the internet. For purposes of this subdivision, when determining a reasonably practicable period, consideration shall be given to the number of other animals at the shelter, the shelter's capacity for housing and caring for animals, the length of time that the animal has been in the shelter, and the animal's health.

§ 2-a. Subdivision 2 of section 374 of the agriculture and markets law, as amended by chapter 421 of the laws of 2018, is amended to read as follows:

2. In the absence of such findings or certification, a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village [~~may after five days~~] shall, after the expiration of five days or the applicable redemption period prescribed by subdivisions six, eight and nine of section one hundred seventeen of this chapter, whichever is longer, make available for adoption after a reasonably practicable period which is not less than ninety days or have humanely destroyed in accordance with the provisions of this section [~~and subject to subdivisions six, eight and nine of section one hundred seventeen of this chapter~~], any animal of which possession is taken as provided for in the preceding section, unless the same is earlier redeemed by its owner; provided, however, that such duly incorporated society, pound or shelter shall make a reasonable effort to locate the owner of such animal or to provide for the fostering or adoption of such animal. Such reasonable efforts shall include, but not be limited to, checking the animal for all forms of identification, social media, and placing a photograph and general description of such animal, the breed or breeds and any other identifying information on the internet. For purposes of this subdivision, when determining a reasonably practicable period, consideration shall be given to the number of other animals at the shelter, the shelter's capacity for housing and caring for animals, the length of time that the animal has been in the shelter, and the animal's health. Notwithstanding the redemption periods set forth above in this subdivision, any municipality may establish the duration of such periods by local law or ordinance for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark, provided that no such period shall be less than three days, and provided further that such cat be made available solely for the purposes of adoption and released to an adoptive owner following an examination by a duly-licensed veterinarian, the details of which shall be provided to the adoptive owner.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if chapter 421 of the laws of 2018 shall not have taken effect on or before such date then section two-a of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2018 takes effect. 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 and directed to be made and completed on or before such effective date.