STATE OF NEW YORK

9137

IN ASSEMBLY

January 23, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring higher education research facilities to provide information to the department of education regarding dogs or cats available for adoption

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

Section 1. Subdivision 1 of section 239-b of the education law, as added by chapter 240 of the laws of 2016, is amended and two new subdivisions 4 and 5 are added to read as follows:

1. A higher education research facility that receives public money, including tax-exempt status, or a facility that provides research in collaboration with a higher education facility shall after the completion of any testing or research involving a dog or cat, assess the health of the dog or cat and determine whether it is suitable for adoption. Such facility shall thereafter make reasonable efforts**, including, but not limited to, efforts specified in subdivision four of this section,** to offer for adoption the dog or cat determined to be suitable for adoption, either through private placement or through an animal rescue and shelter organization, a duly incorporated society for the prevention of cruelty to animals, a duly incorporated humane society, or a duly incorporated animal protective association that operates physical animal sheltering facilities and offers household pets to the public for adoption by way of an established adoption program, prior to euthanizing such dog or cat. **All animal rescues, organizations, associations and societies selected by the higher education research facility to adopt such animals shall be exempt from taxes pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended.** Nothing in this section shall create a duty upon such an organization, association or society to accept a dog or cat offered by a higher education research facility for adoption.

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

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4. (a) A facility that is required to offer dogs or cats for adoption under this section shall provide to the department relevant information about each dog or cat that is available for adoption, including, but not limited to:

(1) the species;

(2) the breed, if known;

(3) the approximate age; and

(4) the sex.

(b) The department shall post such information regarding each dog or cat that is available for adoption on the department's website promptly after receiving the information from the facility. A facility that is required to offer dogs or cats for adoption under this section shall hold such dogs and cats for at least fourteen days from the date of posting of the availability of such dog or cat for adoption on the department's website in order to provide an opportunity for private placement or placement with such animal rescues, organizations, associations, and societies specified in subdivision one of this section.

5. The department shall promulgate regulations as shall be necessary to implement the provisions of this section.

§ 2. This act shall take effect on the sixtieth day after it shall have become a 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 and completed on or before such effective date.