STATE OF NEW YORK

6851

2019-2020 Regular Sessions

IN SENATE

November 13, 2019

Introduced by Sens. MARTINEZ, KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the agriculture and markets law, in relation to restraining dogs outdoors

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 a new section 353-g to read as follows:

§ 353-g. Outdoor restraint of dogs. 1. For purposes of this section, "tether" means to restrain a dog by attaching such dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include the use of a leash to walk a dog nor the tethering of a dog in a public location for no more than fifteen minutes.

2. It shall be unlawful to tether a dog outdoors, except when all of the following conditions are met:

(a) The tether shall be attached to such dog and shall restrain such dog to the owner's property.

(b) Such dog shall be at least six months old and free of any known health condition that would be exacerbated by tethering.

(c) Such dog shall not be a nursing mother whose offspring are present.

(d) If there are multiple dogs, each dog shall be tethered separately and shall not be restrained in a manner in which they are able to come into contact with one another at any point in time while restrained.

(e) Such dog is tethered between the hours of five a.m. and eleven p.m.

3. All tethers shall meet the following requirements:

(a) Include a buckle type collar or a body harness made of nylon or leather that is at least one inch thick.

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

LBD14010-02-9

(b) (i) The length of a stationary tether shall be at least ten feet or five times the length of such dog's body as measured from the tip of the nose to the base of the tail, whichever length is greater.

(ii) The length of a tether that is a pulley, running line or cable system shall be a minimum of fifteen feet long and less than seven feet above the ground.

(c) The tether shall connect at both ends with a swivel, shall be free of tangles and shall weigh less than one-tenth of such dog's weight.

4. In addition to the above requirements, tethered dogs must be free of cruel conditions or inhumane tethering at any time. For purposes of this section, "cruel conditions or inhumane tethering" shall include, but not be limited to, the following:

(a) Exposure to animal waste, garbage, noxious odors or objects that could injure or kill a dog.

(b) Exposure to taunting, prodding, provoking, hitting, harassing, threatening or otherwise harming a tethered or confined dog.

(c) Exposing a dog to dangerous conditions, including potential attacks by other animals.

(d) Allowing a dog to become entangled.

(e) Allowing a dog to be tethered longer than three hours at a time.

(f) Allowing a dog to be tethered (i) by means of a choke or pinch collar, a collar with attached weights, a device that is embedded or partially embedded or may become embedded in a dog's skin; (ii) by chains that are more than one-quarter inch thick; or (iii) by a tether that has become tangled.

(g) Allowing a dog to be tethered outdoors for more than fifteen minutes when a weather advisory or warning is issued by local, state or federal authorities or when outdoor environmental conditions, including but not limited to, heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of such dog based on such dog's breed, age or physical condition.

5. (a) A violation of any of the provisions of this section shall be a class A misdemeanor.

(b) For a third or subsequent offense, a person may be subject to the forfeiture of the animal, at the discretion of a court of competent jurisdiction.

(c) Nothing in this subdivision shall prevent the seizure of a dog for a violation of this section pursuant to the authority granted in this article.

6. Nothing in this section shall be construed to limit or prevent a municipality from enacting or enforcing a local law, rule, regulation or ordinance regarding the tethering or chaining of dogs, provided, however, that any such local law, rule, regulation or ordinance shall be no less stringent than the provisions of this section.

7. Nothing in this section shall be construed to affect any protections afforded to dogs under any other provisions of this article or other law or regulation.

8. The provisions of this section shall not apply to:

(a) Any federal, state, or local law enforcement agency.

(b) A "guide dog", "police work dog", "hearing dog" or "service dog" as defined in section one hundred eight of this chapter.

(c) "Working dog" as defined in section ninety of the state law.

(d) Any licensed veterinary practice that tethers a dog in the course of such veterinary practice.

(e) Any exhibition, show, contest or other temporary event in which the skill, breeding or stamina of such dog is judged or examined.

(f) Any exhibition, class, training session or other temporary event in which such dog is used in a lawful manner to hunt a species of wildlife during the hunting season for such species of wildlife or in which such dog receives training in a lawful manner to hunt such species of wildlife.

(g) Temporary tethering of a dog at any camping or recreational area.

(h) Temporary tethering of a dog at a grooming facility in the course of grooming such dog.

9. The department is authorized to promulgate rules and regulations necessary to effectuate the provisions of this section.

§ 2. This act shall take effect on the ninetieth 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.