

STATE OF NEW YORK

8029

IN SENATE

March 11, 2020

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

AN ACT to amend the agriculture and markets law, in relation to establishing standards for the care of dogs and cats in animal shelters; to amend the general business law, in relation to pet dealers; and to repeal certain provisions of the agriculture and markets law relating to spaying and neutering of dogs and cats and the definition of pet dealers

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

1 Section 1. Legislative Intent. The department of agriculture and
2 markets holds statutory responsibility for the oversight of municipal
3 animal shelters and any duly incorporated humane society, duly incorpo-
4 rated society for the prevention of cruelty to animals or duly incorpo-
5 rated animal protective association providing contractual animal shel-
6 tering services for local governments in this state. The department also
7 holds statutory responsibility for registering not-for-profit animal
8 shelters or rescue organizations as entities exempt from licensure and
9 inspection under the agency's pet dealer program. Currently however, no
10 statutory facility or animal care standards exist in law to which these
11 organizations must conform to adequately and uniformly ensure animal
12 health and wellbeing at and in transport to and from such facilities.
13 The legislature finds that the universe of entities harboring homeless
14 dogs and cats in our communities and providing animal transport in-state
15 and across state lines has evolved and grown exponentially over the past
16 several decades, rendering the existing statutory framework for the
17 oversight of such entities deficient and benefiting neither the adoptive
18 families of dogs and cats in need nor the organizations that work so
19 diligently to find safe, loving homes for them.

20 Therefore, it is the stated purpose of this legislation to establish
21 responsible, uniform and effective standards for the care of dogs and
22 cats in animal shelters as defined herein to improve state oversight,
23 ensure public trust and provide for increased protections for such
24 animals while in the care of such facilities.

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

LBD15356-02-0

§ 2. The agriculture and markets law is amended by adding a new article 26-C to read as follows:

ARTICLE 26-C

REGULATION OF ANIMAL SHELTERS

Section 411. Definitions.

412. License required and inspection of facilities.

413. Personnel training requirements.

414. Recordkeeping and protocols.

415. General facility standards.

416. Animal housing.

417. Sanitation.

418. Population management.

419. Animal husbandry.

420. Veterinary care.

421. Behavior.

422. Humane euthanasia.

423. Transportation of animals imported from other states.

424. Foster care provider requirements.

425. Violations.

§ 411. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. "Adoption" means the transfer of legal ownership to and possession by any natural person eighteen years of age or older, for the limited purpose of harboring a pet, of any dog or cat, owned by the animal shelter regardless of whether a fee is involved.

2. "Adult" shall mean cats and dogs five months of age and older, for the purposes of determining appropriate housing within an animal shelter.

3. "Animal" shall mean a dog or cat as defined in this section, but shall not be construed to diminish or restrict the mission of any animal shelter defined in this section or other entity duly incorporated pursuant to section fourteen hundred three of the not-for-profit corporation law solely to the care of dogs or cats.

4. "Air handling system" shall mean the device or equipment used to regulate, circulate, exchange, heat, and/or cool the air inside a building.

5. "Ambient temperature" shall mean the temperature of the environment inside a room or building.

6. "Animal shelter" shall mean a public or not-for-profit entity owning, operating, or otherwise maintaining a building, structure, or facility where temporary or permanent housing and care is provided to stray, abandoned, abused, seized, impounded, owner-surrendered or otherwise unwanted animals regardless of whether or not such facility also serves as a personal residence. This includes but is not limited to: facilities owned, operated, or maintained by a duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, dog or cat protective association, or pound; any person in the employ of, or organization operated by or under contract to a municipality to provide care for seized or impounded animals; or any other not-for-profit organization involved in the protection, care, or rehoming of animals. Unless otherwise provided in this article, the term "animal shelter" shall not include the personal residence of any foster care provider as defined in this section; a facility commonly known as a boarding kennel, where the ownership of the animal is not transferred; any entity licensed as a pet dealer pursuant to article twenty-six-A of this chapter; any duly incorporated animal hospital owned, operated or

1 supervised by a duly licensed veterinarian; or any facility where the
2 owner or operator is licensed by the New York State department of envi-
3 ronmental conservation as a nuisance wildlife control agent or wildlife
4 rehabilitator.

5 7. "Aseptic" shall mean procedures or techniques performed in a manner
6 sufficient to exclude harmful bacteria, viruses, or other microorgan-
7 isms.

8 8. "Behavioral evaluation" shall mean an ordered series of inter-
9 actions with an animal to determine their behavioral response to various
10 stimuli likely to be encountered in a typical home environment.

11 9. "Cat" shall mean any member of the species Felis catus, regardless
12 of age, sex, breed, ownership status or behavior around humans.

13 10. "Chemical capture" shall mean the use of drugs administered to an
14 animal by a remote delivery system in order to immobilize it for the
15 purposes of capture.

16 11. "Cleaning" shall mean the physical removal of debris and organic
17 material from an environment.

18 12. "Conspecific" shall mean another member of the same species.

19 13. "Control pole" shall mean a restraint device consisting of a rigid
20 metal pole with an adjustable wire noose used for handling and restraint
21 of dogs, also commonly referred to as a catch pole or rabies pole.

22 14. "Death", for the purposes of describing the disposition of an
23 animal, shall mean those animals who die but are not euthanized, regard-
24 less of cause.

25 15. "Disinfection" shall mean the process where microorganisms are
26 killed or inactivated, typically through the application of a chemical
27 or by some physical process (e.g. steam, heat, etc).

28 16. "Dog" shall mean any member of the species Canis lupis familiaris,
29 regardless of age, sex, breed, ownership status or behavior around
30 humans.

31 17. "Drop boxes" shall mean unattended enclosures at an animal shelter
32 that are accessible to the public and used to contain animals brought to
33 the animal shelter outside of regular business hours.

34 18. "Enclosure" shall be defined as an area of confinement used for
35 housing a single animal or group of animals housed together. An enclo-
36 sure may be a cage, run, kennel, room, or other such confining area.

37 19. "Enriched" shall mean environment that reduces stress and promotes
38 the physical health and behavioral well-being of an animal.

39 20. "Enrichment" shall mean a process for improving the environment
40 and behavioral care of confined animals in order to reduce stress and
41 improve well-being. Enrichment shall include, but not be limited to,
42 providing physical and mental stimulation, encouraging species-typical
43 behaviors, and modifying the animal's housing environment.

44 21. "Foster care provider" shall mean any individual voluntarily
45 providing temporary care for one or more animals in their home that
46 remain in the custody and under the responsibility of an animal shelter.

47 22. "Infectious disease" shall mean a disease or condition caused by
48 bacteria, viruses, fungi or parasites that can be transmitted, directly
49 or indirectly, from one animal or individual to another.

50 23. "Intracardiac" shall mean an injection made directly into one of
51 the chambers of the heart.

52 24. "Intrahepatic" shall mean an injection made into the liver.

53 25. "Intrarenal" shall mean an injection made into the kidney.

54 26. "Intrasplenic" shall mean an injection made into the spleen.

1 27. "Juvenile" shall mean any cat or dog between two and five months
2 of age, for the purposes of determining appropriate housing within an
3 animal shelter.

4 28. "Loss", for the purposes of describing the disposition of an
5 animal, shall mean those animals who escape or go missing while in the
6 care of an animal shelter.

7 29. "Long-term stay" shall mean any duration of care in an animal
8 shelter of fourteen days or longer.

9 30. "Neonate" shall mean any cat or dog less than two months of age,
10 for the purposes of determining appropriate housing within an animal
11 shelter.

12 31. "Pathogen" shall mean a biologic organism capable of causing
13 disease in an animal, such as a bacteria, virus, or fungus.

14 32. "Primary enclosure" shall mean the area of confinement used for
15 housing an animal and where the animal spends the majority of its time
16 in an animal shelter.

17 33. "Thermoregulation" shall mean the ability of an animal to maintain
18 its internal body temperature within a normal physiologic range.

19 34. "Transport" shall mean the physical movement of an animal from one
20 location to another, regardless of purpose and whether or not custody or
21 responsibility for the animal changes as a result, when carried out by
22 the shelter or an agent thereof.

23 35. "Transfer" shall mean the transfer of ownership and physical
24 custody of an animal for an animal's care and well-being from an animal
25 shelter to another organization as authorized pursuant to subdivision
26 five of section three hundred seventy-four of this chapter.

27 36. "Unenveloped virus" shall mean those viruses without an outer
28 lipid layer that are more difficult to inactivate through sanitation
29 procedures. Unenveloped viruses of concern in an animal shelter environ-
30 ment include canine and feline parvoviruses, feline calicivirus, and
31 canine adenovirus-2.

32 37. "Zoonotic" shall mean any disease that may be transmitted between
33 humans and animals.

34 § 412. License required and inspection of facilities. 1. Any person
35 eligible for exemption from the definition of pet dealer pursuant to
36 paragraphs (b) and (c) of subdivision four of section four hundred of
37 this chapter shall be licensed by the department pursuant to the
38 provisions of this section. Notwithstanding the foregoing, any person,
39 operating an animal shelter on or before the effective date of this
40 section, who has filed an application for an initial license under this
41 article is hereby authorized to operate without such license until the
42 commissioner grants or, after notice of an opportunity to be heard,
43 declines to grant such license. Each application for license shall be
44 made on a form supplied by the department and shall contain such infor-
45 mation as required by the commissioner. Renewal applications shall be
46 submitted to the commissioner at least thirty days prior to the
47 commencement of the next license year.

48 2. Application for licensure as set forth in this section shall be
49 made annually to the commissioner on a form prescribed by the commis-
50 sioner. Such form shall include but not be limited to the following
51 information, provided however that paragraphs (a), (b) and (c) of this
52 subdivision shall not apply to municipal pounds or shelters as defined
53 in paragraph (b) of subdivision four of section four hundred of this
54 chapter:

55 (a) Proof of the applicant's tax exempt designation pursuant to para-
56 graph (3) of subsection (c) of section 501 of the federal Internal

1 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of
2 the federal Internal Revenue Code, as from time to time amended;

3 (b) Proof of the applicant's incorporation as a not-for-profit organ-
4 ization in this state pursuant to the not-for-profit corporation law,
5 provided further that such organization is in good standing with the
6 attorney general and the department of state;

7 (c) Proof of the applicant's registration with the attorney general
8 pursuant to article seven-A of the executive law;

9 (d) If the applicant is a municipal pound or shelter as defined in
10 paragraph (b) of subdivision four of section four hundred of this chap-
11 ter, a copy of the applicant's employer identification number;

12 (e) The name of the applicant and the name or names under which the
13 applicant offers its services to the public, any name under which the
14 applicant has offered such services to the public during the past five
15 years, and whether the applicant has ever held a pet dealer license
16 issued pursuant to article twenty-six-A of this chapter;

17 (f) The address and telephone number of the applicant and for any
18 other premises owned or leased by such applicant's organization to carry
19 out the purposes for which it was incorporated and by which it is eligi-
20 ble for a licensing exemption pursuant to paragraphs (b) and (c) of
21 subdivision four of section four hundred of this chapter;

22 (g) The website and email address of the applicant;

23 (h) The number of animals taken in, adopted, placed into permanent or
24 temporary homes, or otherwise transferred into, out of, or within the
25 state by the applicant during the prior calendar year;

26 (i) The number of animals currently harbored by the applicant;

27 (j) The species of animal the applicant typically harbors for
28 adoption, placement or transfer;

29 (k) A description of facilities by which the applicant carries out the
30 purposes for which it was incorporated, including a statement regarding
31 whether the applicant harbors the animals in its care in its own phys-
32 ical animal shelter or utilizes foster care provider homes, commercial
33 boarding kennels or other arrangements;

34 (l) A sworn statement, signed by the applicant, declaring an exemption
35 from the definition of pet dealer pursuant to section four hundred of
36 this chapter;

37 (m) Current training protocol and procedural practices as prescribed
38 pursuant to sections four hundred thirteen and four hundred fourteen of
39 this article; and

40 (n) Other information as deemed necessary to satisfy the commissioner
41 of the applicant's character and responsibility.

42 3. The commissioner shall conduct an inspection of the applicant's
43 facilities prior to the issuance of a license pursuant to this section,
44 and annual inspections of the applicant's facilities licensed pursuant
45 to this section prior to renewal of such license. The commissioner may
46 periodically conduct unannounced inspections of such facilities, and
47 whenever, in the discretion of the commissioner, a complaint warrants
48 such investigation. Animal shelters licensed pursuant to this section
49 shall provide open hours to the commissioner so that inspections can
50 occur in a timely manner. Renewal of an animal shelter license shall not
51 be granted until all outstanding violations issued pursuant to this
52 article are corrected and any outstanding monetary penalties assessed
53 pursuant to this article are paid in full.

54 4. Upon validation by the commissioner, the application shall become
55 the license of the animal shelter and an exemption from the definition
56 of pet dealer as defined in section four hundred of this chapter shall

1 be granted. The commissioner shall retain a copy of such license and
2 provide a copy of the license to the animal shelter. Animal shelters
3 licensed pursuant to this section shall conspicuously display their
4 license on the premises where its animals are harbored. The commissioner
5 shall also provide the licensee with a pet dealer exemption identifica-
6 tion number. The licensee's pet dealer exemption identification number
7 shall be prominently displayed on the licensee's websites and any publi-
8 cations or advertisements made available to the public.

9 5. Such license is renewable annually, together with the payment of a
10 nonrefundable fee of one hundred fifty dollars.

11 6. The commissioner may decline to grant or renew, or may suspend or
12 revoke an animal shelter license, on any one or more of the following
13 grounds, provided that before any of the aforementioned actions are
14 taken pursuant to this section, the commissioner shall hold a hearing,
15 upon due notice to the licensee in accordance with any regulations
16 promulgated by the department and in accordance with articles three and
17 four of the state administrative procedure act, and provided further
18 that any action of the commissioner is subject to judicial review in a
19 proceeding under article seventy-eight of the civil practice law and
20 rules:

21 (a) material misstatement in the license application;

22 (b) material misstatement in or falsification of records required to
23 be kept pursuant to this article, or under any regulation promulgated
24 thereunder, or failure to allow the commissioner to inspect records or
25 animal shelter facilities;

26 (c) violation of any provision of this article or conviction of a
27 violation of any provision of article twenty-six of this chapter or
28 regulations promulgated thereunder pertaining to humane treatment of
29 animals, cruelty to animals, endangering the life or health of an
30 animal, or violation of any federal, state, or local law pertaining to
31 the care, treatment, sale, possession, or handling of animals or any
32 regulation or rule relating to the endangerment of the life or health of
33 an animal;

34 (d) failure to comply with any of the provisions of this article or
35 the licensing exemption requirements of section four hundred of this
36 chapter; 1 NYCRR Part 65 regarding the importation of dogs and cats;
37 section twenty-one hundred forty-one of the public health law or any
38 rule or regulation promulgated thereunder; or any rule or regulation
39 promulgated by the commissioner following the effective date of this
40 article to effectuate the purposes of this article;

41 (e) failure to renew a license within the period prescribed in subdivi-
42 vision one of this section; or

43 (f) the applicant or registrant was previously licensed as a pet deal-
44 er pursuant to article twenty-six-A of this chapter.

45 § 413. Personnel training requirements. 1. Each animal shelter
46 licensed pursuant to this article shall provide training to all staff
47 members and volunteers having direct animal care responsibilities. Such
48 training shall be provided within the first sixty days of employment and
49 at least annually thereafter and shall be in addition to any and all
50 training otherwise required by federal, state, or local law or regu-
51 lation.

52 2. Acceptable training modalities shall include, but not be limited
53 to, online webinars, on-site lectures or seminars, off-site conferences
54 for animal shelter staff, or other formal training modalities as author-
55 ized by the commissioner.

1 3. Training topics shall include, but not be limited to, the follow-
2 ing:

- 3 (a) humane handling techniques;
- 4 (b) infectious diseases commonly found in animal shelters;
- 5 (c) zoonotic diseases;
- 6 (d) sanitation procedures;
- 7 (e) body language and normal behaviors for all species regularly
8 handled; and
- 9 (f) required documentation and data entry.

10 4. Complete documentation of training sessions shall be maintained for
11 a period of not less than three years from the date of training
12 completion. Such documentation shall include, but not be limited to, the
13 following:

- 14 (a) the date of training delivery and the date of completion;
- 15 (b) the topic or topics of the training session; and
- 16 (c) the provider of the training and a list of training course attend-
17 ees.

18 § 414. Recordkeeping and protocols. 1. Each animal shelter shall exam-
19 ine an animal upon intake for unique identifiers and any other form of
20 identification that may allow for reunification with an owner, as
21 prescribed in sections one hundred seventeen and three hundred eighty-
22 two of this chapter. The redemption periods prescribed pursuant to
23 sections one hundred seventeen and three hundred seventy-four of this
24 chapter shall not preclude treatment to relieve suffering, which may
25 include humane euthanasia delivered in accordance with section three
26 hundred seventy-four of this chapter if such suffering cannot otherwise
27 be alleviated.

28 2. Each animal shelter shall create and maintain a record for each
29 animal in their custody or possession which shall minimally include:

30 (a) Unique identifiers and any other identification associated with
31 the animal upon examination at entry, including but not limited to a
32 tattoo, a permanent official identification number as prescribed in
33 section one hundred twelve of this chapter or other identification tags,
34 rabies tags and numbers, or a microchip number, if present;

35 (b) The name, address and telephone number of the person surrendering
36 an animal or from whom an animal is seized, and additional contact
37 information as the commissioner may require, or the address or cross-
38 streets and city, town, or village where the animal was located or found
39 prior to intake, if known;

40 (c) The date of intake into and departure from the animal shelter;

41 (d) Whether the animal was adopted, transferred, redeemed by its
42 owner, died or was humanely euthanized, and, if applicable, the name,
43 address, and phone number of the receiving individual or agency;

44 (e) Basic descriptors including species, age, gender, physical
45 description including color, and the spay or neuter status at entry if
46 determinable with reasonable certainty;

47 (f) Any available behavioral or health history or information other-
48 wise obtained at intake, including bite history and rabies vaccination
49 status, when known; and

50 (g) All veterinary and behavioral examinations, treatments, proce-
51 dures, or medications occurring during the animal's time under the care
52 of the shelter.

53 3. Notwithstanding any other provision of law or regulation to the
54 contrary, records for each animal shall be maintained for not less than
55 three years from the date of animal departure.

1 4. Previous bite history shall be fully disclosed in writing to an
2 adopter, transfer partner, or reclaiming owner and provided in any
3 reports regarding the animal, as applicable.

4 5. Nothing in this section shall preclude or otherwise supersede
5 record disclosure requirements prescribed in section sixty-seven hundred
6 fourteen of the education law, or any requirement regarding the
7 creation, maintenance, or retention of veterinary medical records in
8 state or federal law or veterinary practice guideline.

9 6. Each animal shelter shall maintain a record of its designated
10 foster care providers that shall include each provider's name, address,
11 telephone number, email address if available, types of animals for which
12 the provider is willing to provide care, inspection reports, and current
13 number of animals in the care of a designated foster care provider.
14 Such records shall be updated immediately in the event any contact
15 information for a given foster care provider changes.

16 7. Each animal shelter shall maintain summary records of their total
17 annual animal intake and dispositions by species, by source of intake,
18 and by type of disposition. Such records shall be made available to the
19 commissioner upon request. The commissioner shall make such records
20 available to the public upon request pursuant to article six of the
21 public officers law.

22 8. Each animal shelter shall develop and maintain written protocols
23 sufficiently detailed to achieve and maintain the standards prescribed
24 in this section. These shall include, but not be limited to, the follow-
25 ing:

- 26 (a) animal handling;
- 27 (b) behavioral assessment;
- 28 (c) enrichment and stress reduction;
- 29 (d) management of bite/scratch cases; and
- 30 (e) sanitation.

31 9. Each animal shelter shall also develop and maintain the following
32 written protocols, approved by a duly licensed veterinarian and suffi-
33 ciently detailed to achieve and maintain the standards prescribed in
34 this article:

- 35 (a) nutrition and feeding;
- 36 (b) physical examination;
- 37 (c) emergency veterinary care;
- 38 (d) pain management;
- 39 (e) vaccinations;
- 40 (f) parasite control;
- 41 (g) anesthesia and surgery, if performed on-site by the organization;
- 42 (h) euthanasia; and
- 43 (i) outbreak management/control of infectious diseases.

44 10. Protocols established by each animal shelter pursuant to this
45 section shall be reviewed annually and updated as necessary by desig-
46 nated administrative and managerial staff. Such protocols shall be made
47 readily accessible to appropriate staff and volunteers.

48 § 415. General facility standards. 1. All facilities and all interior
49 components of each animal shelter shall be constructed of materials that
50 ensure a sound physical structure, and be maintained so as to protect
51 animals from injury, ensure containment of animals within the property,
52 and restrict unauthorized entry of other animals and humans to the
53 building.

54 2. Indoor building surfaces in direct contact with animals shall be
55 constructed of materials that are non-porous, water resistant, non-toxic

1 and able to withstand regular cleaning and disinfection. Adequate drain-
2 age shall prevent the accumulation of water or other liquids on floors.

3 3. Electrical power and running water shall be maintained to all parts
4 of the facility that house animals, with written emergency plans for
5 back-up sources or relocation of the animals to a safe environment in
6 the event of outages lasting more than four hours.

7 4. Readily accessible sinks shall be convenient to all animal care
8 areas. Single service soap and towels or electric hand dryers shall be
9 available at all hand-washing locations.

10 5. Ambient temperatures in all indoor animal housing areas shall be
11 routinely maintained between sixty and eighty degrees Fahrenheit.

12 6. Each animal shall be monitored and provided with an environment
13 allowing maintenance of normal body temperature based on species, breed,
14 body condition, medical condition, and age.

15 7. Each animal shelter shall document regular maintenance of air
16 handling systems according to the manufacturer's recommendations.

17 8. Ammonia levels shall be kept at less than two parts per million.

18 9. Each animal shelter shall provide separate housing areas, segre-
19 gated by species and from uninfected, unexposed animals, for the housing
20 of any animal with an infectious disease that may be transmitted within
21 the shelter environment and requiring isolation as determined by a
22 licensed veterinarian. Doors separating such rooms from the remainder of
23 the facility shall be kept closed.

24 10. Each animal shelter shall minimize continuous exposure of person-
25 nel and animals to sound levels exceeding eighty-five decibels. Active
26 measures shall be taken and documented to minimize sound levels in hous-
27 ing areas. Such measures may include modified kennel design, relocation
28 of particularly loud animals, or use of visual barriers, sound baffling,
29 and behavioral enrichment protocols. Each animal shelter shall use a
30 decibel-meter at a minimum of once weekly to measure the level of sound
31 in their kennels during cleaning and resting times. A record of such
32 measurements and the date such measurements were recorded shall be main-
33 tained by each animal shelter.

34 11. Each animal shelter shall provide animal housing areas that
35 provide adequate lighting and a means to maintain diurnal light cycles
36 pursuant to an established schedule. All animals shall have a minimum of
37 eight hours each of light and darkness within a twenty-four-hour cycle.

38 12. Each animal shelter shall establish and maintain a written plan
39 for pest and vermin control including the following:

40 (a) Method of controlling rodent infestation that is effective and
41 safe for both humans and other animals housed in the facility;

42 (b) A record or copies of service reports from outside service provid-
43 ers related to pest and vermin control that documents dates, methods,
44 locations, and outcomes, if applicable; and

45 (c) Food stored in rodent proof containers to prevent spoilage,
46 contamination, and infestation once opened, if packaging has been
47 damaged, or as otherwise required by such plan.

48 13. The use of unattended drop boxes for intake of animals is prohib-
49 ited.

50 § 416. Animal housing. 1. Each licensed animal shelter shall provide
51 each animal in its custody or possession with a suitable primary enclo-
52 sure that meets the requirements prescribed in this section.

53 2. Unsupervised tethering for periods exceeding thirty minutes is
54 prohibited.

55 3. Animal housing shall meet the following requirements:

1 (a) materials used in housing construction shall be non-porous, water
2 resistant, non-toxic, and able to withstand regular cleaning and disin-
3 fection;

4 (b) drainage shall prevent accumulation of water or other liquids on
5 floors; and

6 (c) housing shall be structurally sound, in good repair and maintained
7 in a safe, working condition to properly confine animals, prevent inju-
8 ry, keep animals safe from predation, keep other animals out, and allow
9 animals to remain dry and clean.

10 4. Wire or slat-bottom cages are prohibited unless a solid tray is
11 provided for the cage bottom to prevent injury to the animal.

12 5. Animal populations shall be segregated appropriately, in accordance
13 with the following requirements:

14 (a) dogs and cats shall be housed in separate rooms with efforts made
15 to minimize the exposure of cats to the barking of dogs;

16 (b) animals of the same species shall be separated by age groups (e.g.
17 neonates and juveniles; adults) except that nursing animals may be
18 housed with their offspring;

19 (c) animals with known or suspected infectious diseases shall be
20 housed in isolation areas as prescribed in subdivision nine of section
21 four hundred-fifteen of this article;

22 (d) nothing in this subdivision shall be construed to prevent the
23 temporary housing of animals in areas without such segregation for
24 medical care and in pre- and post-operative surgical areas.

25 6. Well-socialized, healthy animals may be housed with one or more
26 conspecifics. Animals housed together shall be compatible and have simi-
27 lar environmental requirements. Such housing shall not allow exposure to
28 numerous different animals on a frequently changing basis.

29 7. Prior to being housed with one or more other animals the following
30 conditions shall apply:

31 (a) all animals are vaccinated and dewormed against the pathogens
32 specified in section four hundred twenty of this article;

33 (b) physical examinations verifying the absence of clinical signs of
34 infectious diseases have been performed;

35 (c) surgical sterilization or housing in same-sex groupings, except
36 littermates under twelve weeks of age; and

37 (d) the animal has a collar or tag to facilitate visual identifica-
38 tion, unless the animal's age or condition is such that application of
39 visual identification is not practicable or would be detrimental to the
40 animal's health.

41 8. Animals that are poorly socialized, fearful, or aggressive towards
42 other animals or that are ill, injured, or within a week of whelping or
43 queening shall be housed individually in a suitably sized, enriched
44 primary enclosure.

45 (a) Littermates under the age of twelve weeks may be co-housed in an
46 isolation area if all individuals are infected with the same infectious,
47 contagious, parasitic or communicable disease.

48 (b) Dogs and cats within a week of giving birth or until separation
49 from the offspring shall be provided with a box with a solid floor large
50 enough to allow the animal to lie fully stretched on its side, permit-
51 ting all offspring to nurse and to accommodate all offspring until
52 weaned; and an area large enough to allow the dam or queen to leave the
53 whelping box.

54 9. Each enclosure shall clearly indicate the identities of all animals
55 contained within, specifying each animal's unique identifier as required

1 under section four hundred fourteen of this article. Each animal shall
2 also be individually identified.

3 10. All primary enclosures shall provide sufficient space to allow
4 each animal, regardless of species, to:

5 (a) make all normal postural adjustments;

6 (b) fully stretch its body and have sufficient room to circle, lie
7 down, and stand upright without the head or tail touching the sides of
8 the enclosure even with the presence of water and food bowls, beds,
9 litter boxes, and other normal cage objects; and

10 (c) allow animals to sit, sleep and eat away from areas of their
11 enclosure where they defecate and urinate.

12 11. Any primary enclosure housing two or more animals shall provide
13 the following:

14 (a) sufficient space and quality of environment to allow all animals
15 to maintain social distances;

16 (b) adequate areas for hiding, resting, feeding, and elimination with
17 sufficient space to separate areas and the ability for all animals to
18 access those areas.

19 12. Regardless of the size of the primary enclosure, the number of
20 animals cohoused in a primary enclosure at one time shall not exceed the
21 following thresholds:

22 (a) twelve adult cats;

23 (b) two litters of kittens not to exceed ten kittens total;

24 (c) five adult dogs; or

25 (d) one litter of puppies.

26 13. Puppies and kittens less than sixteen weeks of age shall not be
27 housed in the same enclosure with adults other than their dam or queen,
28 or foster or surrogate dam or queen.

29 14. All animals housed with one or more conspecifics shall be sepa-
30 rated for feeding or observed at feeding times for antagonistic inter-
31 actions that pose a safety and welfare concern.

32 15. Animals shall not be housed outdoors for more than twelve hours
33 within a twenty-four-hour period, with the exception of free-roaming
34 cats under the care of the animal shelter.

35 16. Outdoor primary enclosures shall comply with all housing require-
36 ments prescribed in this section and shall provide the following:

37 (a) protection from the elements at all times;

38 (b) adequate drainage to prevent the accumulation of excess water in
39 or around the enclosures;

40 (c) a moisture-proof, insulated shelter structure large enough to
41 simultaneously accommodate all animals in the enclosure, unless immedi-
42 ate entry to an indoor portion of the enclosure is accessible;

43 (d) security from unauthorized entry of other animals into the enclo-
44 sure;

45 (e) a separate, shaded area sufficient to simultaneously accommodate
46 all animals, except when animals have immediate access to an indoor
47 portion of the enclosure;

48 (f) clean dry bedding at all times and a heat source when the outdoor
49 temperature falls below fifty degrees Fahrenheit; and

50 (g) enclosures that allow outdoor access for cats shall be fully
51 enclosed to prevent escape from the enclosure.

52 17. For any animal in the custody or possession of any animal shelter
53 for fourteen days or longer, alternative housing shall be provided in
54 one of the following formats:

55 (a) enriched cages at least twice the size otherwise required for an
56 animal's size;

1 (b) foster care in a private home, office, or other suitable off-site
2 location; or

3 (c) room housing.

4 § 417. Sanitation. 1. Any animal shelter licensed pursuant to this
5 article shall establish and maintain sanitation protocols that include
6 the following:

7 (a) use of one or more agents that have cleaning and disinfectant
8 properties that are effective under conditions present in a given envi-
9 ronment and with demonstrated effectiveness against the pathogens for
10 which animals are at risk;

11 (b) removal of animals from enclosures and placement in another appro-
12 priate enclosure or separation from the area being cleaned or disin-
13 fected by a guillotine or compartment door when water, cleaning, or
14 disinfecting agents are sprayed in or near an animal's enclosure;

15 (c) dedicated equipment for cleaning and disinfection for use in each
16 separate area of the shelter designated as cat or dog isolation, hold-
17 ing, adoptions or other functionally separate areas within the facility;

18 (d) cleaning and disinfecting in between each use of items and
19 surfaces that come into contact with animals, including but not limited
20 to food and water bowls, litter boxes and exam tables, or procedures to
21 discard and replace with new items for each animal;

22 (e) cleaning and disinfecting all enclosures for temporary or perma-
23 nent housing before a new animal enters such enclosure;

24 (f) daily cleaning and at least once weekly disinfecting of enclosures
25 that house the same animal or animals during a long-term stay;

26 (g) cleaning and disinfecting enclosures when the enclosure becomes
27 heavily soiled or otherwise contaminated or a new animal is added to the
28 enclosure;

29 (h) laundering of all animal bedding in a machine with detergent when
30 soiled and thoroughly drying such bedding before reuse, or removing and
31 disposing of such bedding appropriately;

32 (i) cleaning of outdoor premises from clutter that may pose a safety
33 concern and fecal material removed at least once daily;

34 (j) appropriate use and disposal of protective garments worn during
35 cleaning and other intensive animal-handling activities within an animal
36 shelter, including but not limited to treatment of infected animals or
37 humane euthanasia; and

38 (k) proper hygiene of shelter staff, volunteers, and visitors, includ-
39 ing signage, supervision, and hand sanitation.

40 § 418. Population management. 1. Each animal shelter shall have a
41 clear, written, management structure that defines staff authority,
42 reporting structure and responsibilities, and is readily accessible to
43 all staff and volunteers.

44 2. Staffing shall be sufficient to allow adequate time, per animal,
45 for cleaning and daily feeding, and to meet the minimum requirements for
46 socialization and exercise of animals as prescribed in section four
47 hundred twenty-one of this article.

48 3. The total number of animals housed in an animal shelter facility or
49 foster home shall not exceed the number of humane housing units avail-
50 able at the facility as required by section four hundred sixteen of this
51 article; provided, however, that exceptions to the provisions of this
52 subdivision shall be permissible for periods not to exceed forty-five
53 contiguous days in the event of an animal seizure pursuant to article
54 twenty-six of this chapter or a natural disaster where an official
55 declaration of the disaster or emergency has been made.

1 4. All animals shall be observed daily by a manager or designee to
2 identify each animal's needs for care, housing and service and to ensure
3 that each animal has a plan to advance efficiently through the shelter
4 to a final disposition.

5 § 419. Animal husbandry. 1. (a) Each animal shelter shall provide each
6 animal under its care with fresh, potable water at all times unless
7 otherwise directed by a duly licensed veterinarian.

8 (b) Each animal shelter shall feed each animal under its care a
9 complete and nutritionally balanced, species-specific and life-stage-ap-
10 propriate diet as indicated by the animal's age, weight, and medical
11 health, or as directed by a duly licensed veterinarian in accordance
12 with the written protocols required by section four hundred fourteen of
13 this article.

14 (c) Food shall be provided at least once daily for adult animals, at
15 least twice daily for animals less than six months of age, and at least
16 three times daily for animals less than two months of age.

17 (d) Perishable animal food shall be refrigerated.

18 (e) Animal food and water containers shall be present in sufficient
19 number and location to safely enable each animal in the enclosure to
20 access an adequate supply of food and water. Food and water bowls shall
21 be of the type that can be easily sanitized, be kept clean and shall be
22 cleaned and disinfected prior to use by a different animal, unless
23 disposable bowls are used and replaced between animals.

24 (f) Each animal shall be observed during or following each feeding
25 time to ensure daily food intake, or at least once every twenty-four
26 hours for animals continually offered food. Such observations shall be
27 recorded.

28 2. (a) Humane and safe physical restraint to limit some or all normal
29 voluntary movement of any animal in each animal shelter's care shall
30 minimize fear, pain, stress and suffering for the animal, protect both
31 the animal and personnel from harm, and be of the least intensity and
32 duration required to allow the specific procedure or procedures to be
33 performed properly.

34 (b) (i) Frightened or fractious animals may be appropriately tranqui-
35 lized, under the orders and supervision of a duly licensed veterinarian,
36 if they cannot be restrained safely and humanely.

37 (ii) No physical force shall be used as punishment or in anger.

38 (iii) Handling methods shall minimize the chance of escape and ensure
39 the safety of both humans and animals.

40 (c) Restraint devices and handling techniques employed by each animal
41 shelter shall be used in a manner that minimizes animal stress and risk
42 of injury to both animals and personnel, in the event such devices and
43 techniques are necessary for the safe handling of the animal.

44 (i) All equipment shall be maintained in good working order.

45 (ii) Cats shall not be restrained with control poles. Humane traps,
46 cat boxes, nets, towels, or other equipment appropriate for handling
47 fractious animals may be used. Squeeze cages, feral cat boxes, or humane
48 traps with dividers shall be used for restraining cats and administering
49 tranquilizers prior to handling.

50 § 420. Veterinary care. 1. Prescription medications and treatments
51 shall be administered by each animal shelter under the advisement of or
52 in accordance with written protocols provided by a duly licensed veteri-
53 narian.

54 2. All drugs shall be documented and dispensed by each animal shelter
55 in accordance with applicable local, state, and federal laws and regu-
56 lations.

1 3. All incoming animals shall be assessed within two hours after
2 intake by a trained animal shelter staff member to determine if any
3 physical abnormalities exist that require immediate veterinary attention
4 in accordance with the shelter's written protocol for emergency care.

5 4. Each animal shelter shall have the ability to provide for veteri-
6 nary assessment and humane care or euthanasia in a timely fashion
7 through in-house facilities or at an off-site location.

8 5. An emergency medical plan shall be established and maintained by
9 each animal shelter to provide appropriate and timely veterinary care
10 for any animal that is in distress, experiencing pain, or showing signs
11 of significant illness or injury.

12 6. Each animal shelter shall recognize and treat acute and chronic
13 pain appropriately. The legal status regarding the ownership of any
14 animal shall not prevent treatment to relieve suffering, which may
15 include humane euthanasia delivered in accordance with section three
16 hundred seventy-four of this chapter if suffering cannot otherwise be
17 alleviated.

18 7. Each animal shelter shall provide a complete physical examination
19 of all animals in its custody or possession by trained shelter staff
20 within twenty-four hours of intake to identify medical or behavioral
21 conditions that require further evaluation and care. Animals shall
22 specifically be examined for bite wounds; animals that have potentially
23 been exposed to rabies shall be managed in accordance with applicable
24 local and state laws. Each animal shelter shall comply with the rabies
25 reporting requirements prescribed in 10 NYCRR 2.14.

26 8. Each animal shelter shall vaccinate each animal in its custody or
27 possession within twelve hours of intake with core vaccines as recom-
28 ended by national standards and guidelines specific to animal shelters
29 as established, endorsed or approved by the American Association of
30 Feline Practitioners (AAFP), American Animal Hospital Association
31 (AAHA), or the Association of Shelter Veterinarians (ASV).

32 9. Each animal shelter shall provide all dogs, cats, and ferrets in
33 its custody or possession with a rabies vaccination prior to release in
34 accordance with local public health laws. Each animal shelter shall be
35 in compliance at all times with section one hundred nine of this chapter
36 and title four of article twenty-one of the public health law.

37 10. At a minimum, each animal shelter shall treat all animals in its
38 custody or possession for hookworms and roundworms prior to release
39 and/or placement in foster care.

40 11. When a physical or behavioral abnormality is identified at the
41 time of intake or at any time during any animal's shelter stay, staff
42 members shall follow written medical protocols to determine if and when
43 any animal in its custody or possession needs to be examined by a duly
44 licensed veterinarian. If the animal is in foster care, the foster care
45 provider shall follow written medical protocols to determine whether the
46 animal needs to be examined by a duly licensed veterinarian.

47 12. Any animal in the custody or possession of any animal shelter for
48 more than thirty days shall be examined and weighed at least monthly by
49 a trained staff member. Animals in foster care shall be examined and
50 weighed at least once every six months by a trained staff member.

51 13. Any apparently healthy animal remaining within the custody or
52 possession of any animal shelter shall be examined by a duly licensed
53 veterinarian at least every six months, or more frequently if problems
54 are identified.

55 14. Each animal shelter shall provide regular grooming to prevent
56 discomfort or injury to each animal in its custody or possession.

1 Matted, soiled, or otherwise unkempt animals shall be provided with
2 timely grooming to alleviate discomfort and prevent injury within
3 forty-eight hours of intake or identification of condition. Severe
4 matting that prevents normal movement, an animal's ability to eat,
5 drink, urinate, or defecate, or that compromises tissue health shall be
6 treated as a medical emergency requiring immediate care.

7 15. (a) No animal shelter shall release any dog or cat for adoption to
8 any person unless it is found that because of old age or other health
9 reasons, as certified by a duly licensed veterinarian examining such dog
10 or cat, spaying or neutering would endanger the animal's life.

11 (b) Prior to performing spay/neuter surgery at any animal shelter:

12 (i) All animals in such shelter's custody or possession shall receive
13 an examination by a duly licensed veterinarian within twenty-four hours
14 of surgery and anesthesia. Such examination may be performed under
15 sedation or anesthesia if, due to the animal's behavior, an examination
16 is not possible while awake.

17 (ii) Balanced anesthetic protocols that include sedation, the
18 provision of pre- and post-operative analgesia, stress reduction, muscle
19 relaxation and controlled, reversible loss of consciousness shall be
20 utilized for all animals.

21 (iii) While surgery is being performed, the operating area shall be
22 dedicated to surgery and contain the necessary equipment for anesthesia
23 and patient monitoring.

24 (iv) Aseptic surgical technique shall be required, and separate ster-
25 ile instruments shall be used for each patient. All instruments and
26 equipment shall be maintained in proper working condition.

27 (v) A permanent tattoo shall be placed on the ventral abdomen of shel-
28 ter-owned cats and dogs at the time of spay or neuter.

29 (vi) Each animal shelter shall provide adoptive owners instructions in
30 both written and verbal forms for ten-day post-operative care of recent-
31 ly spayed or neutered animals.

32 (c) Written protocols shall be in place to handle related post-opera-
33 tive emergencies.

34 § 421. Behavior. 1. Each animal shelter shall take measures, by way of
35 written questionnaire, personal interview or other means deemed neces-
36 sary by the commissioner, to collect a behavioral history for each
37 animal in its custody or possession at the time of intake.

38 2. The size and design of the primary enclosure shall meet the
39 animal's behavioral needs and allow for the performance of species-spe-
40 cific normal behaviors.

41 3. Routine care and handling of any animal in the custody or
42 possession of each animal shelter, including the timing of feeding,
43 sanitation procedures, and socialization, shall be performed on a regu-
44 lar daily schedule.

45 4. At least ten minutes of positive social interactions, in addition
46 to time spent providing feeding, cleaning, basic husbandry or care with
47 people shall be provided by each animal shelter on a daily basis for any
48 animal in such shelter's custody or possession except those so poorly
49 socialized to humans that such contact would be unpleasant, stressful or
50 pose a safety risk to other animals or humans. Daily handling and posi-
51 tive exposure to people and other animals shall be provided for any dog
52 or cat less than four months of age, while taking appropriate precau-
53 tions to limit infectious disease. Positive social interactions shall
54 include but not be limited to petting an animal, walking, positive-rein-
55 forcement based training or interactive play with toys. Time spent

1 providing basic husbandry and animal care shall not be used to offset
2 the social interaction time requirements of this subdivision.

3 5. Each animal shelter shall provide each animal in its custody or
4 possession opportunity for exercise and exploration in the following
5 manner:

6 (a) all cats housed in a cage, kennel, or room that provides less than
7 eighteen square feet of floor space per cat for fourteen days or longer
8 shall be permitted at least fifteen minutes per day at least five days
9 per week outside of their primary enclosure to exercise and explore;

10 (b) all dogs residing in the shelter for fourteen days or longer shall
11 be permitted time outside of their primary enclosure to exercise and
12 explore for at least fifteen minutes per day five days per week; or

13 (c) in the event such activities are not possible due to any animal's
14 health, behavior, order of the commissioner or legal restriction, the
15 condition and reason shall be documented in such animal's medical
16 record.

17 6. Each animal shelter shall implement additional measures for enrich-
18 ment and stress reduction for any animal in its custody or possession
19 showing persistent hiding, hostile interactions with other animals,
20 reduced activity, depression or social withdrawal, barrier frustration
21 or aggression, self-injurious behavior, repetitive non goal-oriented
22 movement, or stereotypic behaviors. Such measures shall be documented in
23 such animal's medical record.

24 7. Use of physical force in animal training or behavioral modification
25 is prohibited.

26 8. Animal shelters may perform a systematic behavioral evaluation on
27 animals prior to rehoming or other placement. In the event such evalu-
28 ations are performed, the following requirements shall apply:

29 (a) staff performing such evaluations shall receive, in advance,
30 adequate training in the performance and interpretation of the behav-
31 ioral evaluation or evaluations; and

32 (b) a standardized form shall be used to document every behavioral
33 evaluation performed and added to such animal's permanent medical
34 record.

35 9. Each licensed animal shelter shall fully disclose all available
36 information regarding the behavior of any animal in its custody or
37 possession prior to such animal's transfer to an individual or another
38 organization as authorized pursuant to section three hundred seventy-
39 four of this chapter. Such information shall include, but not be limited
40 to prior history, observed behaviors in the shelter, and the results of
41 any systematic behavioral evaluations performed.

42 10. Any animal in the custody or possession of a licensed animal shel-
43 ter that is observed to be experiencing mental suffering or behavioral
44 deterioration shall be assessed and appropriately treated. If treatment
45 sufficient to alleviate suffering is not available or cannot be provided
46 and alternate placement for the animal is unavailable, humane euthanasia
47 may be performed in accordance with section four hundred twenty-two and
48 section three hundred seventy-four of this chapter.

49 § 422. Humane euthanasia. 1. Any animal shelter performing euthanasia
50 in their facility shall, in coordination with a duly licensed veterina-
51 rian, establish and maintain written protocols for humane euthanasia in
52 accordance with current American Veterinary Medical Association (AVMA)
53 Guidelines for Euthanasia and subdivision seven-a of section one hundred
54 seventeen of this chapter, section three hundred seventy-four of this
55 chapter and any other applicable law regarding the humane euthanasia of
56 animals if such procedures are performed within the facility.

1 2. Humane euthanasia shall only be performed by a duly licensed veter-
2 inarian, duly licensed veterinary technician, or a duly certified eutha-
3 nasia technician, unless otherwise provided pursuant to article one
4 hundred thirty-five of the education law and any other exception
5 provided in applicable law.

6 3. Any person authorized to perform humane euthanasia pursuant to this
7 section shall be trained in multiple methods of humane restraint,
8 including methods for all species commonly harbored in the shelter,
9 fractious animals, and highly frightened animals.

10 4. Any animal scheduled to be humanely euthanized shall be unconscious
11 or anesthetized with appropriate pre-euthanasia medications prior to an
12 intracardiac, intrasplenic, intrahepatic, or intrarenal injection. Chem-
13 ical restraint or pre-euthanasia medications shall be used when animals
14 are aggressive, severely distressed, or frightened.

15 5. Each animal shelter shall verify the identity of any animal to be
16 euthanized immediately prior to euthanasia, regardless of whether eutha-
17 nasia is performed in such animal shelter's facility. This shall include
18 but not be limited to proper scanning for a microchip several times
19 using a scanner capable of detecting microchips of all commercially
20 available frequencies. Once an animal's identity is firmly established,
21 animal shelter personnel shall verify and document that the animal is
22 designated for the procedure. Notwithstanding actions to relieve animal
23 suffering performed pursuant to subdivision one of section four hundred
24 fourteen of this article, animals with one or more forms of identifica-
25 tion not previously identified on examination shall not be euthanized
26 until appropriate measures to locate a potential owner have been
27 completed in accordance with section one hundred seventeen and section
28 three hundred eighty-two of this chapter.

29 6. Means of humane euthanasia shall be performed in accordance with
30 section three hundred seventy-four of this chapter and delivered by way
31 of one or more of the following:

32 (a) intravenous injection for animals that are tractable, with or
33 without the administration of pre-euthanasia sedatives or other medica-
34 tions, with staff authorized and trained in accordance with subdivisions
35 three and four of this section;

36 (b) intraperitoneal injection, except on pregnant animals or dogs
37 weighing in excess of ten pounds or older than six weeks of age;

38 (c) intracardiac injection, provided that the animal is anesthetized
39 or unconscious; or

40 (d) intrasplenic, intrarenal or intrahepatic injection when performed
41 by a duly licensed veterinarian and the animal is anesthetized or uncon-
42 scious.

43 7. Death shall be verified by staff authorized and trained in accord-
44 ance with subdivisions three and four of this section before disposal of
45 any body, including those animals euthanized as well as those presented
46 or found presumably dead. Methods of confirming death shall include one
47 or more of the following:

48 (a) testing for the absence of corneal reflex, heartbeat, withdrawal
49 on toe pinch, and respirations;

50 (b) cardiac puncture with a needle and syringe to confirm cardiac
51 standstill; or

52 (c) identification of rigor mortis.

53 8. Each licensed animal shelter shall, regardless of whether euthana-
54 sia is performed in such animal shelter's facility, dispose of remains
55 following euthanasia by injection in a manner that protects such remains
56 from consumption by predators.

1 9. Humane euthanasia records shall be maintained in accordance with
2 subdivision seven of section four hundred fourteen of this article and
3 any applicable state and federal law.

4 § 423. Transportation of animals imported from other states. 1. (a)
5 Vehicles and operators employed by or otherwise serving as an agent of
6 any animal shelter to transport animals shall adhere to all applicable
7 federal, state, and local laws.

8 (b) Any animal transported by animal shelter or its agent shall not be
9 placed unconfined or tethered in the back of an open pick-up or flat-bed
10 truck.

11 (c) Any animal shelter or its agent transporting any animal shall
12 safely and securely confine such animal in an enclosure such as a crate,
13 carrier, or cage within the vehicle.

14 (d) Crates, carriers or cages shall not be stacked in the transport
15 vehicle in a manner that increases animal stress or discomfort, compro-
16 mises ventilation, allows waste material to pass between cages, inter-
17 feres with care and observation, or hinders emergency removal.

18 (e) The animal compartment of the transport vehicle shall provide
19 fresh air, free of vehicle exhaust fumes.

20 (f) Each transport vehicle, including cargo spaces, shall be heated
21 and cooled as necessary to provide for normal thermoregulation of the
22 animals being transported.

23 (g) Each transport vehicle shall have a thermometer placed in the
24 animal compartment. The ambient temperature in the cargo space shall be
25 maintained between sixty and eighty-five degrees Fahrenheit, unless the
26 health of the animal necessitates an ambient temperature that exceeds or
27 is less than such parameters. The operator of such vehicle shall monitor
28 cargo area temperatures at least every four hours to ensure such temper-
29 atures are maintained.

30 2. (a) A written contract or memorandum of understanding between the
31 animal shelter of origin, any intermediate animal shelter, the destina-
32 tion animal shelter and any transporting agent not directly employed by
33 such shelters, shall be executed for each animal transfer of one or more
34 animals. Such document shall include the responsibilities of each party
35 and shall be revised or updated as necessary to ensure that information
36 is current.

37 (b) A contact person shall be designated for each animal shelter and
38 any intermediate transfer point.

39 (c) Each transporting organization identified in any agreement estab-
40 lished pursuant to subparagraph (i) of paragraph (d) of this subdivision
41 shall adhere to all public health laws and local laws for source
42 location, intermediate transfer points, and final destination.

43 (d) (i) The animal shelter of origin shall cause to be vaccinated each
44 dog or cat aged three months of age or older against rabies not more
45 than twelve months prior to the date of transport as evidenced by a
46 valid certificate of immunization signed by a duly licensed veterinari-
47 an. Such vaccine shall be approved by the United States department of
48 agriculture. The immunization requirement shall not apply if a veterina-
49 rian certifies in writing that because of old age or other reason, the
50 life of the dog would be endangered by the administration of the rabies
51 vaccine.

52 (ii) At a minimum, the animal shelter of origin shall administer the
53 following core vaccinations to each dog or cat to be transported that is
54 four weeks of age or older:

55 (1) For dogs, a modified live product for Distemper virus, Adenovirus,
56 and Parvovirus as well as an intranasal or oral avirulent culture Borde-

1 tella bronchiseptica vaccination prior to departing from the animal
2 shelter of origin.

3 (2) For cats, a modified live product for Feline Viral Rhinotracheit-
4 is, Feline Calici Virus, and Feline Panleukopenia.

5 (iii) Prior to transporting the animal, the animal shelter of origin
6 shall treat each animal for internal and external parasites as appropri-
7 ate for the age, species, and medical condition.

8 (iv) For dogs testing positive for heartworm infection, initial treat-
9 ment to eliminate circulating microfilariae and render the dog non-in-
10 fectious to other animals shall be administered.

11 (v) Prior to transporting the animal, the animal shelter of origin
12 shall examine each dog and cat for medical or behavioral concerns at
13 most twenty-four hours prior to initiation of transport. All medical and
14 behavioral observations shall be recorded and communicated to any inter-
15 mediate animal shelter, the destination animal shelter and any trans-
16 porting agent not directly employed by such shelters.

17 (1) A health record shall accompany each animal transported.

18 (2) A certificate of veterinary inspection is required for each animal
19 to be transported into the state. Such certificate shall accompany each
20 animal during transport and be completed and signed by a duly licensed
21 veterinarian.

22 (3) A rabies vaccination certificate is required for each animal to be
23 transported, unless the animal is under the age of three months or if a
24 veterinarian certifies in writing that due to old age or other reason,
25 the life of the dog would be endangered by the administration of a
26 rabies vaccine.

27 (vi) Each animal shall be individually identified with a collar, tag,
28 tattoo, microchip or combination of such identifiers. All animals shall
29 have, at a minimum, one form of visual identification.

30 (e) (i) (1) Each animal transported shall be provided with absorbent
31 bedding.

32 (2) No animal shall be sedated or tranquilized unless recommended by a
33 duly licensed veterinarian and veterinary guidance is provided for such
34 animal's care during transport.

35 (ii) The maximum transport time to an intermediate animal shelter or a
36 destination animal shelter shall not exceed fourteen hours.

37 (iii) The transporting animal shelter or its agent shall observe each
38 animal being transported every four-hour period during transport. Each
39 dog being transported that is twelve weeks of age or older shall be
40 removed from their enclosure and allowed to exercise and eliminate every
41 four to six hours. Each dog being transported that is less than twelve
42 weeks of age shall be removed from their enclosure and allowed to exer-
43 cise and eliminate at least every two hours.

44 (iv) The transporting animal shelter or its agent shall provide each
45 animal being transported with wholesome and palatable food except when
46 there are instructions from a duly licensed veterinarian to withhold
47 food for medical reasons. Such food shall be free from contamination, of
48 nutritional value sufficient to maintain each animal in good health, and
49 be provided at least every twelve hours for adult animals; at least
50 every eight hours for animals less than six months of age; and at least
51 every six hours for animals less than four months of age.

52 (v) If water cannot be provided at all times, the transporting animal
53 shelter or its agent shall provide clean, fresh water to each animal
54 being transported at least every four hours during observation stops
55 required pursuant to subparagraph (ii) of this paragraph. Such water
56 shall be supplied in a sanitary manner sufficient for its needs, except

1 when there are instructions from a duly licensed veterinarian to with-
2 hold water for medical reasons.

3 (vi) The transporting animal shelter or its agent shall clean animal
4 enclosures and replace litter as often as necessary to prevent soiling
5 any animal being transported. If any animal must be removed from an
6 enclosure to facilitate cleaning, the transporting animal shelter or its
7 agent shall employ safeguards to ensure animal safety and prevent
8 escape.

9 (f) (i) It is the responsibility of the animal shelter of origin to
10 reasonably ensure that its destination animal shelters have the ability
11 to meet the requirements of this subdivision prior to transporting any
12 animal.

13 (ii) Each destination animal shelter shall provide the following:

14 (1) Adequately trained personnel ready to receive and medically evalu-
15 ate each animal received from any transporting animal shelter or its
16 agent upon arrival;

17 (2) A physical examination of each animal received from any transport-
18 ing animal shelter with corresponding documentation performed by trained
19 personnel pursuant to section four hundred fourteen of this article
20 within four hours of arrival;

21 (3) Veterinary care in accordance with section four hundred twenty for
22 each animal received from any transporting animal shelter requiring such
23 care and additional reasonable care, including ability to provide humane
24 euthanasia pursuant to section four hundred twenty-two of this article
25 or emergency veterinary care, as necessary based on the condition of
26 animals upon arrival; and

27 (4) Adequate housing for arriving animals prepared in advance of
28 arrival, including:

29 (A) Housing in a quarantine area if needed, based on assessment of
30 health status, animal source, and risk of infectious, contagious, para-
31 sitic or communicable disease; and

32 (B) Isolation areas for animals with known or suspected contagious
33 diseases, as required under sections four hundred fifteen and four
34 hundred sixteen of this article.

35 3. (a) (i) Any transport vehicle transporting dogs or cats for any
36 animal shelter shall have adequate space, comfortable environmental
37 conditions, and good air quality.

38 (ii) Animal enclosures in transport vehicles shall be suitable to
39 allow the animal to stand, sit erect, turn around while standing, and to
40 lie in a natural position. If more than one animal occupies any enclo-
41 sure during transport, such enclosure shall provide adequate space for
42 each to lie down comfortably at the same time without lying on top of
43 each other.

44 (iii) Unfamiliar animals shall not be contained together in the same
45 enclosure.

46 (iv) All animal enclosures and compartments shall be free of sharp
47 edges or other hazardous materials.

48 (v) The floor of any enclosure shall prevent injury, discomfort, and
49 leakage of fluids into other enclosures.

50 (vi) The animal shelter or its agent shall ensure that each animal
51 transported is safely and securely confined within each enclosure as
52 prescribed by this section and enclosure doors secured to prevent acci-
53 dental opening.

54 (vii) The animal shelter or its agent shall secure each primary enclo-
55 sure to prevent movement within the transport vehicle.

1 (viii) The animal shelter or its agent shall provide each animal
2 transported with age-appropriate care, including maintenance of adequate
3 hydration and nutrition.

4 (ix) Each dog or cat less than eight weeks of age shall be transported
5 in an enclosure with their mother, with adequate space to allow the
6 mother to lie down on her side with legs extended to facilitate nursing
7 unless such dog or cat is orphaned, a duly licensed veterinarian directs
8 otherwise, the transport period does not exceed one hour, or transport
9 with the mother is deemed to pose a significant safety risk. In the
10 event such dog or cat is not transported with its mother, the animal
11 shelter or its agent shall ensure an adequate environment and temper-
12 ature for the offspring.

13 (x) The animal shelter or its agent shall transport animals with known
14 or suspected infectious diseases that could be spread during transport
15 in separate compartments from healthy animals.

16 (b) (i) Transport vehicle operators and/or individuals who assist in
17 the transport of animals shall have training in animal health, animal
18 care, and safety issues to recognize and respond to animal needs during
19 transport.

20 (ii) Transport vehicle operators shall avoid unnecessary sudden accel-
21 eration, deceleration, excessive lateral movement, noise and vibration.

22 (iii) Transport vehicle operators or individuals who assist in the
23 transport of animals shall observe dogs and cats for any medical or
24 behavioral concerns during each stop, and shall respond appropriately to
25 any concerns identified.

26 (iv) Transport vehicle operators or individuals who assist in the
27 transport of animals shall not leave animals unattended in the transport
28 vehicle for more than sixty minutes in a temperature regulated vehicle.

29 (v) Water shall be provided at all times unless otherwise directed by
30 a duly licensed veterinarian. Transport vehicle operators or animal
31 attendants shall provide clean, fresh water at least every four hours.

32 (vi) Transport vehicle operators or individuals who assist in the
33 transport of animals shall clean and disinfect each enclosure after use
34 in transporting an animal and before transporting different animals in
35 the same enclosure.

36 4. No animal shelter or its agents shall transport any dog or cat less
37 than one year of age whose point of origin is any breeder licensed by
38 the United States department of agriculture pursuant to the provisions
39 of U.S.P.L. 89-544 as of August twenty-fourth, nineteen sixty-six, or
40 any subsequent corresponding sections of the federal Animal Welfare Act,
41 as from time to time amended.

42 § 424. Foster care provider requirements. 1. Each licensed animal
43 shelter shall ensure that foster care provider facilities at which the
44 license holder keeps animals are inspected by such shelter no less
45 frequently than once a year and that such providers meet acceptable
46 standards to ensure that the health and safety of the animals are main-
47 tained.

48 2. Foster care providers may house animals that are owned by the
49 licensed animal shelter, but the foster care provider shall not own such
50 animals. Upon receipt of a complaint, the commissioner is hereby author-
51 ized to inspect such provider's property as part of the licensed animal
52 shelter's network, and such animal shelter shall be subject to sanctions
53 for any shortcomings which pose a risk to the health and safety of any
54 animals in its' foster care network.

55 3. Licensed animal shelters shall maintain a list of current foster
56 care providers that shall be available to the department upon request.

1 § 425. Violations. 1. Any animal shelter that violates any provision
2 of this article may be subject to licensure denial, revocation, suspen-
3 sion, or refusal of license renewal in accordance with the provisions of
4 subdivision six of section four hundred twelve of this article.

5 2. Violation of any provision of this article shall be a civil
6 offense, for which a penalty of not less than one hundred dollars and
7 not more than one thousand dollars for each violation may be imposed by
8 the commissioner; provided, that whenever there shall be a violation of
9 this article, application may be made by the attorney general in the
10 name of the people of the state of New York to a court or justice having
11 jurisdiction by a special proceeding to issue an injunction, and upon
12 notice to the defendant of not less than five days, to enjoin and
13 restrain the continuance of such violations; and if it shall appear to
14 the satisfaction of the court or justice that the defendant has, in
15 fact, violated this article, an injunction may be issued by such court
16 or justice, enjoining and restraining any further violation, without
17 requiring proof that any person has, in fact, been injured or damaged
18 thereby. In any such proceeding, the court may make allowances to the
19 attorney general as provided in paragraph six of subdivision (a) of
20 section eighty-three hundred three of the civil practice law and rules,
21 and direct restitution. Whenever the court shall determine that a
22 violation of this article has occurred, the court may impose a civil
23 penalty of not less than one hundred dollars and not more than one thou-
24 sand dollars. In connection with any such proposed application, the
25 attorney general is authorized to take proof and make a determination of
26 the relevant facts and to issue subpoenas in accordance with the civil
27 practice law and rules.

28 3. Any animal shelter that violates any provisions of this article
29 shall correct such violations to the satisfaction of the commissioner
30 within a period not to exceed ten days; provided, however, that where
31 such violation poses a severe or immediate threat to public health or
32 animal safety or well-being, such violation shall be corrected to the
33 satisfaction of the commissioner within a period not to exceed seventy-
34 two hours.

35 4. Nothing in this section shall preclude the commissioner from taking
36 additional actions to address violations related to the immediate threat
37 to animal safety or well-being, including but not limited to, suspension
38 of animal shelter operations until such violations are corrected to the
39 satisfaction of the commissioner.

40 5. Upon identification of one of more violations, the commissioner
41 shall provide the animal with a written description of all violations
42 issued and the steps necessary to correct such deficiencies.

43 § 3. Section 377-a of the agriculture and markets law is REPEALED.

44 § 4. Paragraphs (b) and (c) of subdivision 4 of section 400 of the
45 agriculture and markets law, as added by chapter 168 of the laws of
46 2017, are amended to read as follows:

47 (b) Any municipal pound or shelter dedicated to the care of unwanted
48 animals which makes such animals available for adoption whether or not a
49 fee for such adoption is charged, established and maintained pursuant to
50 subdivision one of section one hundred fourteen of this chapter that is
51 duly licensed as an animal shelter pursuant to article twenty-six-C of
52 this chapter; and

53 (c) Any duly incorporated society for the prevention of cruelty to
54 animals, duly incorporated humane society, duly incorporated animal
55 protective association or other duly incorporated animal adoption or
56 animal rescue organization dedicated to the care of unwanted animals

1 which makes such animals available for adoption whether or not a fee for
2 such adoption is charged that is exempt from taxes pursuant to paragraph
3 (3) of subsection (c) of section 501 of the federal Internal Revenue
4 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the
5 federal Internal Revenue Code, as from time to time amended, that is
6 ~~[registered with the department]~~ duly licensed as an animal shelter
7 pursuant to ~~[section four hundred eight of this]~~ article twenty-six-C of
8 this chapter.

9 § 5. Subdivision 3 of section 403 of the agriculture and markets law,
10 as added by chapter 259 of the laws of 2000, is amended to read as
11 follows:

12 3. Each application for a license shall be accompanied by a nonrefund-
13 able fee of one hundred fifty dollars~~[, except that those pet dealers~~
14 ~~who engage in the sale of less than twenty-five animals in a year, shall~~
15 ~~pay a nonrefundable fee of twenty-five dollars]~~.

16 § 6. Section 408 of the agriculture and markets law is REPEALED.

17 § 7. Section 380 of the agriculture and markets law, as added by chap-
18 ter 470 of the laws of 2017, is renumbered section 382.

19 § 8. Subdivision 3 of section 752 of the general business law, as
20 amended by chapter 168 of the laws of 2017, is amended to read as
21 follows:

22 3. For purposes of section seven hundred fifty-three of this article,
23 a "pet dealer" shall mean any person who, in the ordinary course of
24 business, engages in the sale or offering for sale of more than nine
25 animals per year for profit to the public. Such definition shall include
26 breeders of animals who sell or offer for sale animals directly to a
27 consumer but it shall not include any municipal pound or shelter estab-
28 lished and maintained pursuant to subdivision one of section one hundred
29 fourteen of the agriculture and markets law and duly licensed as an
30 animal shelter pursuant to article twenty-six-C of the agriculture and
31 markets law, or any duly incorporated society for the prevention of
32 cruelty to animals, duly incorporated humane society, duly incorporated
33 animal protective association or other duly incorporated animal adoption
34 or animal rescue organization that is tax exempt pursuant to paragraph
35 (3) of subsection (c) of section 501 of the federal Internal Revenue
36 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the
37 federal Internal Revenue Code, as from time to time amended, that is
38 ~~[registered with the department]~~ duly licensed as an animal shelter
39 pursuant to ~~[section four hundred eight]~~ article twenty-six-C of the
40 agriculture and markets law. For purposes of sections seven hundred
41 fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c
42 and seven hundred fifty-three-d of this article, "pet dealer" shall mean
43 any person who engages in the sale or offering for sale of more than
44 nine animals per year for profit to the public. Such definition shall
45 include breeders who sell animals; but it shall not include the follow-
46 ing:

47 (a) Any breeder who sells or offers to sell directly to the consumer
48 fewer than twenty-five animals per year that are born and raised on the
49 breeders residential premises.

50 (b) Any municipal pound or shelter established and maintained pursuant
51 to subdivision one of section one hundred fourteen of the agriculture
52 and markets law and duly licensed as an animal shelter pursuant to arti-
53 cle twenty-six-C of the agriculture and markets law.

54 (c) Any duly incorporated society for the prevention of cruelty to
55 animals, duly incorporated humane society, duly incorporated animal
56 protective association or other duly incorporated animal adoption or

1 animal rescue organization that is exempt from taxes pursuant to para-
2 graph (3) of subsection (c) of section 501 of the federal Internal
3 Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of
4 the federal Internal Revenue Code, as from time to time amended, that is
5 [~~registered with the department~~] duly licensed as an animal shelter
6 pursuant to [~~section four hundred eight~~] article twenty-six-C of the
7 agriculture and markets law.

8 § 9. This act shall take effect three years after it shall have become
9 a law. Effective immediately, the addition, amendment and/or repeal of
10 any rule or regulation necessary for the implementation of this act on
11 its effective date are authorized and directed to be made and completed
12 by the commissioner of agriculture and markets on or before such effec-
13 tive date.