

STATE OF NEW YORK

8039

IN SENATE

March 11, 2020

Introduced by Sens. KAMINSKY, 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 requiring animal shelters and animal rescue groups to disclose whether a dog has bitten a person and broken the person's skin

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 123-c to read as follows:

3 § 123-c. Disclosure of dog bites. 1. Definitions. For purposes of this
4 section:

5 (a) "Animal shelter" means a not-for-profit facility where homeless,
6 lost, stray, abandoned, seized, surrendered or unwanted animals are
7 received, harbored, maintained and made available for adoption to the
8 general public, redemption by their owners or other lawful disposition,
9 and which is owned, operated, or maintained by a duly incorporated
10 humane society, animal welfare society, society for the prevention of
11 cruelty to animals, or other organization devoted to the welfare,
12 protection or humane treatment of animals.

13 (b) "Animal rescue group" means a duly incorporated not-for-profit
14 organization that accepts homeless, lost, stray, abandoned, seized,
15 surrendered or unwanted animals from an animal shelter or other place
16 and attempts to find homes for, and promote adoption of, such animals by
17 the general public.

18 2. Every animal shelter or animal rescue group shall be required to
19 disclose, to the best of their knowledge, whether a dog of the age of
20 four months or older has bitten a person and broken that person's skin.
21 The animal shelter or animal rescue group shall, before selling, giving
22 away, or otherwise releasing the dog from their ownership shall:

23 (a) disclose in writing to the person to whom the dog is sold, given
24 away, or transferred that the dog has a known bite history and the
25 circumstances related to the bite; and

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

LBD15830-01-0

1 (b) obtain a signed acknowledgment from the person to whom the dog is
2 sold, given away, or transferred that the person has been provided
3 information about the dog as required by this section. The animal shel-
4 ter or animal rescue group shall provide the person with a copy of the
5 signed acknowledgment and retain the original copy in its files.

6 3. The documentation and disclosure requirements of this section are
7 for the purpose of public safety and the appropriate placement of dogs.
8 A documented bite history shall not necessarily preclude a dog from
9 being available for adoption, release, or transfer, notwithstanding any
10 other law or local ordinance related to biting dogs.

11 § 2. This act shall take effect immediately.