STATE OF NEW YORK

3339

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FERNANDEZ, GOTTFRIED, ENGLEBRIGHT, L. ROSENTHAL, WALCZYK, STECK, DeSTEFANO, DAVILA, SAYEGH, CRUZ, EPSTEIN, NIOU -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting ear clipping and tail docking of dogs unless deemed medically necessary to protect the life or health of the dog

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

Section 1. Subdivision 1 of section 365 of the agriculture and markets law, as amended by chapter 458 of the laws of 1985, is amended to read as follows:

1. Whoever clips or cuts off or causes or procures another to clip or cut off the whole or any part of an ear of any dog unless an anesthetic shall have been given to the dog and the operation performed by a licensed veterinarian **who deems such operation medically necessary to protect the life or health of the dog**, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or a fine of not more than one thousand dollars, or by both.

§ 2. The agriculture and markets law is amended by adding a new section 365-a to read as follows:

§ 365-a. Docking dog tails; unlawful. 1. Any person who cuts the bone, tissue, muscles or tendons of the tail of any dog, or otherwise operates upon it in any manner for the purpose or with the effect of docking or otherwise altering the natural carriage or length of the tail, or assists, procures, promotes or encourages such cutting or operation for reasons other than to protect the life or health of the dog as deemed necessary by a duly licensed veterinarian, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars.

2. The provisions of this section shall not apply to any dog or person who is the owner or possessor of any dog whose tail has been certified as having been docked, cut or altered prior to August first, two thousand twenty.

§ 3. This act shall take effect immediately.

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

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