

# STATE OF NEW YORK

9445

## IN SENATE

May 27, 2022

Introduced by Sens. GIANARIS, BIAGGI, MARTUCCI, PALUMBO -- read twice  
and ordered printed, and when printed to be committed to the Committee  
on Agriculture

AN ACT to amend the agriculture and markets law, in relation to  
restricting the performance of surgical devocalization procedures on  
dogs and cats

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

1 Section 1. The agriculture and markets law is amended by adding a new  
2 section 365-a to read as follows:

3 § 365-a. Devocalization of animals. 1. No person shall perform the  
4 surgical devocalization of a dog or cat except in accordance with the  
5 provisions of this section.

6 2. a. Surgical devocalization of a dog or cat shall be performed only  
7 by a person licensed as a veterinarian pursuant to article one hundred  
8 thirty-five of the education law.

9 b. Surgical devocalization of a dog or cat may be performed where  
10 necessary to treat or relieve a physical illness, disease or injury or  
11 correct a congenital abnormality suffered by the animal, where such  
12 physical illness, disease, injury or congenital abnormality is causing  
13 or may reasonably cause the animal physical pain or harm, or when deter-  
14 mined by a veterinarian to be medically necessary to preserve the life  
15 of the animal.

16 3. Any veterinarian who performs a surgical devocalization procedure  
17 on a dog or cat shall document the performance of such procedure in the  
18 treatment record of the patient, including the medical necessity justi-  
19 fying the procedure, as defined in section sixty-seven hundred fourteen  
20 of the education law.

21 4. Notwithstanding subdivisions one, two and three of this section, a  
22 surgical devocalization procedure shall not be performed on a dog or cat  
23 under six months of age unless the performance of such procedure is  
24 necessary, and the only alternative is death or euthanasia. As used in  
25 this section, "devocalization" means a surgical procedure on the larynx  
26 or vocal cords of an animal intended to cause the reduction or elimi-

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

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1 nation of vocal sounds produced by that animal and includes procedures  
2 commonly referred to as "debarking", "silencing" or "bark softening".

3 5. Any veterinarian licensed pursuant to article one hundred thirty-  
4 five of the education law who knowingly performs, or knowingly causes to  
5 be performed, the surgical devocalization of a dog or cat in violation  
6 of the provisions of this section shall be subject to a civil penalty  
7 not to exceed one thousand dollars and subject to the remedies available  
8 pursuant to article one hundred thirty of the education law.

9 6. a. Any person not licensed pursuant to article one hundred thirty-  
10 five of the education law who knowingly performs, or knowingly causes to  
11 be performed, the surgical devocalization of a dog or cat in violation  
12 of the provisions of this section shall be guilty of a class B misdemea-  
13 nor punishable by imprisonment for a period of not more than ninety days  
14 or by a fine not to exceed five hundred dollars or by both such fine and  
15 imprisonment.

16 b. Any veterinarian who knowingly performs a surgical devocalization  
17 procedure in violation of the provisions of this section shall be  
18 subject to the revocation or suspension of his or her license pursuant  
19 to the processes outlined in article one hundred thirty of the education  
20 law.

21 § 2. Paragraph a of subdivision 8 of section 374 of the agriculture  
22 and markets law, as amended by chapter 594 of the laws of 2003 and such  
23 subdivision as renumbered by chapter 479 of the laws of 2009, is amended  
24 to read as follows:

25 a. In addition to any other penalty provided by law, upon conviction  
26 for any violation of section three hundred fifty-one, three hundred  
27 fifty-three, three hundred fifty-three-a, three hundred fifty-three-b,  
28 three hundred fifty-five, three hundred fifty-six, three hundred fifty-  
29 nine, three hundred sixty, three hundred sixty-one, three hundred  
30 sixty-five, three hundred sixty-five-a or three hundred sixty-eight of  
31 this article, the convicted person may, after a duly held hearing pursu-  
32 ant to paragraph f of this subdivision, be ordered by the court to  
33 forfeit, to a duly incorporated society for the prevention of cruelty to  
34 animals or a duly incorporated humane society or authorized agents ther-  
35 eof, the animal or animals which are the basis of the conviction. Upon  
36 such an order of forfeiture, the convicted person shall be deemed to  
37 have relinquished all rights to the animals which are the basis of the  
38 conviction, except those granted in paragraph d of this subdivision.

39 § 3. The commissioner of agriculture and markets and the commissioner  
40 of education are authorized and directed to promulgate and implement all  
41 rules, regulations and standards they respectively deem necessary to  
42 enforce the provisions of this act on or before the effective date of  
43 this act.

44 § 4. This act shall take effect on the ninetieth day after it shall  
45 have become a law.