

# STATE OF NEW YORK

3066

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to code red and blue alerts for companion animals during extreme weather; and to repeal certain provisions of such law relating to the confinement of animals in vehicles

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

1 Section 1. Section 353-d of the agriculture and markets law is  
2 REPEALED and a new section 353-d is added to read as follows:

3 § 353-d. Code red and blue alerts for companion animals during extreme  
4 weather events. 1. For purposes of this section the following terms  
5 shall have the following meanings:

6 (a) "Extreme weather" shall mean:

7 (i) when temperatures will reach twenty-five degrees Fahrenheit or  
8 lower without precipitation or thirty-two degrees Fahrenheit or lower  
9 with precipitation;

10 (ii) the National Weather Service wind-chill temperature will be zero  
11 degrees Fahrenheit or less for a period of two hours or more;

12 (iii) the heat index is forecast to reach ninety-five degrees Fahren-  
13 heit to ninety-nine degrees Fahrenheit for at least two consecutive  
14 days; or

15 (iv) the temperatures will reach one hundred degrees Fahrenheit to one  
16 hundred four degrees Fahrenheit for any length of time.

17 (b) "Companion animal" shall have the same meaning as defined in  
18 section three hundred fifty of this chapter.

19 (c) "Companion animal guardian" means an individual who currently has  
20 physical custody over a companion animal.

21 2. (a) The department shall issue code red or code blue alerts through  
22 a public service announcement whenever there is an extreme weather  
23 condition. Such public service announcement shall include, but shall not

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

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1 be limited to, the geographical region affected by the extreme weather  
2 condition and a statement that all companion animals should be brought  
3 indoors.

4 (b) A code blue alert shall be issued whenever an extreme weather  
5 event as defined in subparagraphs (i) and (ii) of paragraph (a) of  
6 subdivision one of this section occurs and a code red alert shall be  
7 issued whenever an extreme weather event as defined in subparagraphs  
8 (iii) and (iv) of paragraph (a) of subdivision one of this section  
9 occurs.

10 3. (a) No owner or guardian of a companion animal shall leave such  
11 animal or animals (i) outside during a code red or code blue alert; or  
12 (ii) inside of a vehicle without proper ventilation or other protection  
13 from extreme weather events where such confinement in a vehicle places  
14 the companion animal in imminent danger of death or serious physical  
15 injury due to exposure to such extreme weather event during a code red  
16 or code blue alert.

17 (b) Animal control officers, dog control officers, police officers,  
18 peace officers, and peace officers acting as agents of a duly incorpo-  
19 rated humane society shall issue warnings to owners or guardians of  
20 companion animals who have violated the provisions of paragraph (a) of  
21 this subdivision. If the companion animal owner or guardian does not  
22 comply with such warning such animal control officer, dog control offi-  
23 cer, police officer, peace officer, or peace officer acting as an agent  
24 of a duly incorporated humane society shall seize the companion animal.

25 4. Where the owner or guardian of a companion animal cannot be prompt-  
26 ly located, such animal control officer, dog control officer, police  
27 officer, peace officer, or peace officer acting as an agent of a duly  
28 incorporated humane society may take necessary steps to remove the  
29 animal from the property or vehicle.

30 5. Animal control officers, dog control officers, police officers,  
31 peace officers, or peace officers acting as an agent of a duly incorpo-  
32 rated humane society removing an animal or animals from a property or a  
33 vehicle pursuant to subdivision four of this section shall place a writ-  
34 ten notice on the door of such property or on or in the vehicle, bearing  
35 the name of the officer or agent, and the department or agency and  
36 address where the animal or animals will be taken.

37 6. An animal or animals removed from a property or vehicle pursuant to  
38 this section shall, after receipt of any necessary emergency veterinary  
39 treatment, be delivered to the duly incorporated humane society or soci-  
40 ety for the prevention of cruelty to animals, or designated agent there-  
41 of, in the jurisdiction where the animal or animals were seized.

42 7. Any person who knowingly, or after a warning, violates the  
43 provisions of subdivision three of this section shall be guilty of a  
44 violation, punishable by a fine of up to one thousand dollars for a  
45 first offense, and a fine of up to two thousand dollars for a second and  
46 subsequent offenses.

47 8. Officers and agents shall not be held criminally or civilly liable  
48 for actions taken reasonably and in good faith in carrying out the  
49 provisions of this section.

50 9. The provisions of this section shall not apply:

51 (a) Where the minimum standards of determining whether shelter is  
52 appropriate for an animal are met. Such minimum standards for determin-  
53 ing whether shelter is appropriate to an animal's breed, physical condi-  
54 tion and the climate shall include:

55 (i) For animals that are restrained in any manner outdoors, shade by  
56 natural or artificial means to protect the animal from direct sunlight

1 at all times when exposure to sunlight is likely to threaten the health  
2 of the animal.

3 (ii) For all animals that are left outdoors in inclement weather, a  
4 housing facility, which must: (1) have a waterproof roof; (2) be struc-  
5 turally sound with insulation appropriate to local climatic conditions  
6 and sufficient to protect the animal from inclement weather; (3) be  
7 constructed to allow each animal adequate freedom of movement to make  
8 normal postural adjustments, including the ability to stand up, turn  
9 around and lie down with its limbs outstretched; and (4) allow for  
10 effective removal of excretions, other waste material, dirt and trash.  
11 The housing facility and the area immediately surrounding it shall be  
12 regularly cleaned to maintain a healthy and sanitary environment and to  
13 minimize health hazards.

14 (b) To working dogs as such term is defined in section ninety of the  
15 state law.

16 10. Nothing contained in this section shall be construed to affect any  
17 other protections afforded to companion animals under any other  
18 provisions of this article.

19 § 2. This act shall take effect on the one hundred eightieth day after  
20 it shall have become a law. Effective immediately, the addition, amend-  
21 ment and/or repeal of any rule or regulation necessary for the implemen-  
22 tation of this act on its effective date are authorized to be made and  
23 completed on or before such effective date.