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:

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 Section 353-d of the agriculture and markets law is REPEALED and a new section 353-d is added to read as follows:

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

(a) "Extreme weather" shall mean:

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

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

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

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

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

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

2. (a) The department shall issue code red or code blue alerts through a public service announcement whenever there is an extreme weather 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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be limited to, the geographical region affected by the extreme weather condition and a statement that all companion animals should be brought indoors.

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

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

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

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

5. Animal control officers, dog control officers, police officers, peace officers, or peace officers acting as an agent of a duly incorporated humane society removing an animal or animals from a property or a vehicle pursuant to subdivision four of this section shall place a written notice on the door of such property or on or in the vehicle, bearing the name of the officer or agent, and the department or agency and address where the animal or animals will be taken.

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

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

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

9. The provisions of this section shall not apply:

(a) Where the minimum standards of determining whether shelter is appropriate for an animal are met. Such minimum standards for determining whether shelter is appropriate to an animal's breed, physical condition and the climate shall include:

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

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

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

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

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.