

# STATE OF NEW YORK

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6246

2021-2022 Regular Sessions

## IN ASSEMBLY

March 10, 2021

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

AN ACT to amend the agriculture and markets law, in relation to standards of care for animals held in, or being transported by, animal shelters; to amend the general business law, in relation to pet dealers; to amend the state finance law, in relation to establishing an animal shelter regulation fund; and to repeal certain provisions of the agriculture and markets law relating to pet dealers

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

1 Section 1. Legislative intent. The department of agriculture and  
2 markets holds statutory responsibility for the oversight of municipal  
3 animal shelters and any duly incorporated humane society, duly incorpo-  
4 rated society for the prevention of cruelty to animals or duly incorpo-  
5 rated animal protective association providing contractual animal shel-  
6 tering services for local governments in this state. The department also  
7 holds statutory responsibility for registering not-for-profit animal  
8 shelters or rescue organizations as entities exempt from licensure and  
9 inspection under the agency's pet dealer program. Currently however, no  
10 statutory facility or animal care standards exist in law to which these  
11 organizations must conform to adequately and uniformly ensure animal  
12 health and wellbeing at and in transport to and from such facilities.  
13 The legislature finds that the universe of entities harboring homeless  
14 dogs and cats in our communities and providing animal transport in-state  
15 and across state lines has evolved and grown exponentially over the past  
16 several decades, rendering the existing statutory framework for the  
17 oversight of such entities deficient and benefiting neither the adoptive  
18 families of dogs and cats in need nor the organizations that work so  
19 diligently to find safe, loving homes for them.

20 Therefore, it is the stated purpose of this legislation to establish  
21 responsible, uniform and effective standards for the care of dogs and

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

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1 cats in animal shelters as defined herein to improve state oversight,  
2 ensure public trust and provide for increased protections for such  
3 animals while in the care of such facilities.

4 § 2. The agriculture and markets law is amended by adding a new arti-  
5 cle 26-C to read as follows:

6 ARTICLE 26-C

7 REGULATION OF ANIMAL SHELTERS

8 Section 420. Definitions.

9 421. License required and inspection of facilities.

10 422. Personnel training requirements.

11 423. Recordkeeping and protocols.

12 424. General facility standards.

13 425. Animal housing.

14 426. Sanitation.

15 427. Population management.

16 428. Animal husbandry.

17 429. Veterinary care.

18 430. Behavior.

19 431. Transportation.

20 432. Foster care provider requirements.

21 433. Violations.

22 § 420. Definitions. For purposes of this article, the following terms  
23 shall have the following meanings:

24 1. "Adoption" means the transfer of legal ownership to and possession  
25 by any natural person eighteen years of age or older, for the limited  
26 purpose of harboring a pet, of any dog or cat, owned by the animal shel-  
27 ter regardless of whether a fee is involved.

28 2. "Adult" shall mean cats and dogs five months of age and older, for  
29 the purposes of determining appropriate housing within an animal shel-  
30 ter.

31 3. "Animal" shall mean a dog or cat as defined in this section, but  
32 shall not be construed to diminish or restrict the mission of any animal  
33 shelter defined in this section or other entity duly incorporated pursu-  
34 ant to section fourteen hundred three of the not-for-profit corporation  
35 law solely to the care of dogs or cats.

36 4. "Air handling system" shall mean the device or equipment used to  
37 regulate, circulate, exchange, heat, and/or cool the air inside a build-  
38 ing.

39 5. "Ambient temperature" shall mean the temperature of the environment  
40 inside a room or building.

41 6. "Animal shelter" shall mean a public or not-for-profit entity  
42 owning, operating, or otherwise maintaining a building, structure, or  
43 facility where temporary or permanent housing and care is provided to  
44 stray, abandoned, abused, seized, impounded, owner-surrendered or other-  
45 wise unwanted animals regardless of whether or not such facility also  
46 serves as a personal residence. This includes but is not limited to:  
47 facilities owned, operated, or maintained by a duly incorporated society  
48 for the prevention of cruelty to animals, duly incorporated humane soci-  
49 ety dog or cat protective association, or pound; any person in the  
50 employ of, or organization operated by or under contract to a munici-  
51 pality to provide care for seized or impounded animals; or any other  
52 not-for-profit organization involved in the protection, care, or rehoming  
53 of animals. Unless otherwise provided in this article, the term  
54 "animal shelter" shall not include the personal residence of any foster  
55 care provider as defined in this section; a facility commonly known as a  
56 boarding kennel, where the ownership of the animal is not transferred;

1 any entity licensed as a pet dealer pursuant to article twenty-six-A of  
2 this chapter; any duly incorporated animal hospital owned, operated or  
3 supervised by a duly licensed veterinarian; or any facility where the  
4 owner or operator is licensed by the New York state department of envi-  
5 ronmental conservation as a nuisance wildlife control agent or wildlife  
6 rehabilitator.

7 7. "Aseptic" shall mean procedures or techniques performed in a manner  
8 sufficient to exclude harmful bacteria, viruses, or other microorgan-  
9 isms.

10 8. "Behavioral evaluation" shall mean an ordered series of inter-  
11 actions with an animal to determine their behavioral response to various  
12 stimuli likely to be encountered in a typical home environment.

13 9. "Cat" shall mean any member of the species Felis catus, regardless  
14 of age, sex, breed, ownership status or behavior around humans.

15 10. "Chemical capture" shall mean the use of drugs administered to an  
16 animal by a remote delivery system in order to immobilize it for the  
17 purposes of capture.

18 11. "Cleaning" shall mean the physical removal of debris and organic  
19 material from an environment.

20 12. "Conspecific" shall mean another member of the same species.

21 13. "Control pole" shall mean a restraint device consisting of a rigid  
22 metal pole with an adjustable wire noose used for handling and restraint  
23 of dogs, also commonly referred to as a catch pole or rabies pole.

24 14. "Death", for the purposes of describing the disposition of an  
25 animal, shall mean those animals who die but are not euthanized, regard-  
26 less of cause.

27 15. "Disinfection" shall mean the process where microorganisms are  
28 killed or inactivated, typically through the application of a chemical  
29 or by some physical process (e.g. steam, heat, etc).

30 16. "Dog" shall mean any member of the species Canis lupis familiaris,  
31 regardless of age, sex, breed, ownership status, or behavior around  
32 humans.

33 17. "Drop boxes" shall mean unattended enclosures at an animal shelter  
34 that are accessible to the public and used to contain animals brought to  
35 the animal shelter outside of regular business hours.

36 18. "Enclosure" shall be defined as an area of confinement used for  
37 housing a single animal or group of animals housed together. An enclo-  
38 sure may be a cage, run, kennel, room, or other such confining area.

39 19. "Enriched" shall mean environment that reduces stress and promotes  
40 the physical health and behavioral well-being of an animal.

41 20. "Enrichment" shall mean a process for improving the environment  
42 and behavioral care of confined animals in order to reduce stress and  
43 improve well-being. Enrichment shall include, but not be limited to,  
44 providing physical and mental stimulation, encouraging species-typical  
45 behaviors, and modifying the animal's housing environment.

46 21. "Foster care provider" shall mean any individual voluntarily  
47 providing temporary care for one or more animals in their home that  
48 remain in the custody and under the responsibility of an animal shelter.

49 22. "Infectious disease" shall mean a disease or condition caused by  
50 bacteria, viruses, fungi or parasites that can be transmitted, directly  
51 or indirectly, from one animal or individual to another.

52 23. "Intracardiac" shall mean an injection made directly into one of  
53 the chambers of the heart.

54 24. "Intrahepatic" shall mean an injection made into the liver.

55 25. "Intrarenal" shall mean an injection made into the kidney.

56 26. "Intrasplenic" shall mean an injection made into the spleen.

1 27. "Juvenile" shall mean any cat or dog between two and five months  
2 of age for the purposes of determining appropriate housing within an  
3 animal shelter.

4 28. "Loss" for the purposes of describing the disposition of an  
5 animal, shall mean those animals who escape or go missing while in the  
6 care of an animal shelter.

7 29. "Long-term stay" shall mean any duration of care in an animal  
8 shelter of fourteen days or longer.

9 30. "Neonate" shall mean any cat or dog less than two months of age,  
10 for the purposes of determining appropriate housing within an animal  
11 shelter.

12 31. "Pathogen" shall mean a biologic organism capable of causing  
13 disease in an animal, such as a bacteria, virus, or fungus.

14 32. "Primary enclosure" shall mean the area of confinement used for  
15 housing an animal and where the animal spends the majority of its time  
16 in an animal shelter.

17 33. "Thermoregulation" shall mean the ability of an animal to maintain  
18 its internal body temperature within a normal physiologic range.

19 34. "Transport" shall mean the physical movement of an animal from one  
20 location to another, regardless of purpose and whether or not custody or  
21 responsibility for such animal changes as a result, when carried out by  
22 the shelter or an agent thereof.

23 35. "Transfer" shall mean the transfer of ownership and physical  
24 custody of an animal for an animal's care and well-being from an animal  
25 shelter to another organization as authorized pursuant to subdivision  
26 five of section three hundred seventy-four of this chapter.

27 36. "Unenveloped virus" shall mean those viruses without an outer  
28 lipid layer that are more difficult to inactivate through sanitation  
29 procedures. Unenveloped viruses of concern in an animal shelter envi-  
30 ronment include canine and feline parvoviruses, feline calicivirus, and  
31 canine adenovirus-2.

32 37. "Zoonotic" shall mean any disease that may be transmitted between  
33 humans and animals.

34 § 421. License required and inspection of facilities. 1. Any person  
35 eligible for exemption from the definition of pet dealer pursuant to  
36 paragraphs (b) and (c) of subdivision four of section four hundred of  
37 this chapter shall be licensed by the department pursuant to the  
38 provisions of this section. Notwithstanding the foregoing, any person,  
39 operating an animal shelter on or before the effective date of this  
40 section, who has filed an application for an initial license under this  
41 article is hereby authorized to operate without such license until the  
42 commissioner grants or, after notice of an opportunity to be heard,  
43 declines to grant such license. Each application for license shall be  
44 made on a form supplied by the department and shall contain such infor-  
45 mation as required by the commissioner. Renewal applications shall be  
46 submitted to the commissioner at least thirty days prior to the  
47 commencement of the next license year.

48 2. Application for licensure as set forth in this section shall be  
49 made annually to the commissioner on a form prescribed by the commis-  
50 sioner. Such form shall include but not be limited to the following  
51 information, provided however that paragraphs (a), (b) and (c) of this  
52 subdivision shall not apply to municipal pounds or shelters as defined  
53 in paragraph (b) of subdivision four of section four hundred of this  
54 chapter:

55 (a) Proof of the applicant's tax exempt designation pursuant to para-  
56 graph 3 of subsection (c) of section 501 of the federal Internal Revenue

1 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the  
2 federal Internal Revenue Code, as from time to time amended;

3 (b) Proof of the applicant's incorporation as a not-for-profit organ-  
4 ization in this state pursuant to the not-for-profit corporation law,  
5 provided further that such organization is in good standing with the  
6 attorney general and the department of state;

7 (c) Proof of the applicant's registration with the attorney general  
8 pursuant to article seven-A of the executive law;

9 (d) If the applicant is a municipal pound or shelter as defined in  
10 paragraph (b) of subdivision four of section four hundred of this chap-  
11 ter, a copy of the applicant's employer identification number;

12 (e) The name of the applicant and the name or names under which the  
13 applicant offers its services to the public, any name under which the  
14 applicant has offered such services to the public during the past five  
15 years, and whether the applicant has ever held a pet dealer license  
16 issued pursuant to article twenty-six-A of this chapter;

17 (f) The address and telephone number of the applicant and for any  
18 other premises owned or leased by such applicant's organization to carry  
19 out the purposes for which it was incorporated and by which it is eligi-  
20 ble for a licensing exemption pursuant to paragraphs (b) and (c) of  
21 subdivision four of section four hundred of this chapter;

22 (g) The website and email address of the applicant;

23 (h) The number of animals taken in, adopted, placed into permanent or  
24 temporary homes, or otherwise transferred into, out of, or within the  
25 state by the applicant during the prior calendar year;

26 (i) The number of animals currently harbored by the applicant;

27 (j) The species of animal the applicant typically harbors for  
28 adoption, placement or transfer;

29 (k) A description of facilities by which the applicant carries out the  
30 purposes for which it was incorporated, including a statement regarding  
31 whether the applicant harbors the animals in its care in its own phys-  
32 ical animal shelter or utilizes foster care provider homes, commercial  
33 boarding kennels or other arrangements;

34 (l) A sworn statement, signed by the applicant, declaring an exemption  
35 from the definition of pet dealer pursuant to section four hundred of  
36 this chapter;

37 (m) Current training protocol and procedural practices as prescribed  
38 pursuant to sections four hundred twenty-two and four hundred twenty-  
39 three of this article; and

40 (n) Other information as deemed necessary to satisfy the commissioner  
41 of the applicant's character and responsibility.

42 3. The commissioner shall conduct an inspection of the applicant's  
43 facilities prior to the issuance of a license pursuant to this section,  
44 and annual inspections of the applicant's facilities licensed pursuant  
45 to this section prior to renewal of such license. The commissioner may  
46 periodically conduct unannounced inspections of such facilities, and  
47 whenever, in the discretion of the commissioner, a complaint warrants  
48 such investigation. Animal shelters licensed pursuant to this section  
49 shall provide open hours to the commissioner so that inspections can  
50 occur in a timely manner. Renewal of an animal shelter license shall not  
51 be granted until all outstanding violations issued pursuant to this  
52 article are corrected and any outstanding monetary penalties assessed  
53 pursuant to this article are paid in full.

54 4. Upon validation by the commissioner, the application shall become  
55 the license of the animal shelter and an exemption from the definition  
56 of pet dealer as defined in section four hundred of this chapter shall



1 be granted. The commissioner shall retain a copy of such license and  
2 provide a copy of the license to the animal shelter. Animal shelters  
3 licensed pursuant to this section shall conspicuously display their  
4 license on the premises where its animals are harbored. The commissioner  
5 shall also provide the licensee with a pet dealer exemption identifica-  
6 tion number. The licensee's pet dealer exemption identification number  
7 shall be prominently displayed on the licensee's websites and any publi-  
8 cations or advertisements made available to the public.

9 5. Such license shall be renewable annually, upon the payment of a  
10 nonrefundable fee of one hundred fifty dollars.

11 6. The moneys received by the commissioner pursuant to this section  
12 shall be deposited in the "animal shelter regulation fund" established  
13 pursuant to section ninety-nine-ii of the state finance law.

14 7. The commissioner may decline to grant or renew, or may suspend or  
15 revoke an animal shelter license, on any one or more of the following  
16 grounds, provided that before any of the aforementioned actions are  
17 taken pursuant to this section, the commissioner shall hold a hearing,  
18 upon due notice to the licensee in accordance with any regulations  
19 promulgated by the department and in accordance with articles three and  
20 four of the state administrative procedure act, and provided further  
21 that any action of the commissioner is subject to judicial review in a  
22 proceeding under article seventy-eight of the civil practice law and  
23 rules:

24 (a) material misstatement in the license application;

25 (b) material misstatement in or falsification of records required to  
26 be kept pursuant to this article, or under any regulation promulgated  
27 thereunder, or failure to allow the commissioner to inspect records of  
28 animal shelter facilities;

29 (c) violation of any provision of this article or conviction of a  
30 violation of any provision of article twenty-six of this chapter or  
31 regulations promulgated thereunder pertaining to humane treatment of  
32 animals, cruelty to animals, endangering the life or health of an  
33 animal, or violation of any federal, state, or local law pertaining to  
34 the care, treatment, sale, possession, or handling of animals or any  
35 regulation or rule relating to the endangerment of the life or health of  
36 an animal;

37 (d) failure to comply with any of the provisions of this article or  
38 the licensing exemption requirements of section four hundred of this  
39 chapter; 1 NYCRR Part 65 regarding the importation of dogs and cats;  
40 section two thousand one hundred forty-one of the public health law or  
41 any rule or regulation promulgated thereunder; or any rule or regulation  
42 promulgated by the commissioner following the effective date of this  
43 article to effectuate the purposes of this article;

44 (e) failure to renew a license within the period prescribed in subdivi-  
45 vision one of this section; or

46 (f) the applicant or registrant was previously licensed as a pet deal-  
47 er pursuant to article twenty-six-A of this chapter.

48 § 422. Personnel training requirements. 1. Each animal shelter  
49 licensed pursuant to this article shall provide training to all staff  
50 members and volunteers having direct animal care responsibilities. Such  
51 training shall be provided within the first sixty days of employment and  
52 at least annually thereafter and shall be in addition to any and all  
53 training otherwise required by federal, state, or local law or regu-  
54 lation.

55 2. Acceptable training modalities shall include, but not be limited  
56 to, online webinars, on-site lectures or seminars, off-site conferences

1 for animal shelter staff, or other formal training modalities as author-  
2 ized by the commissioner.

3 3. Training topics shall include, but not be limited to, the follow-  
4 ing:

5 (a) humane handling techniques;

6 (b) infectious diseases commonly found in animal shelters;

7 (c) zoonotic diseases;

8 (d) sanitation procedures;

9 (e) body language and normal behaviors for all species regularly  
10 handled; and

11 (f) required documentation and data entry.

12 4. Complete documentation of training sessions shall be maintained for  
13 a period of not less than three years from the date of training  
14 completion. Such documentation shall include, but not be limited to, the  
15 following:

16 (a) the date of training delivery and the date of completion;

17 (b) the topic or topics of the training session; and

18 (c) the provider of the training and a list of training course attend-  
19 ees.

20 § 423. Recordkeeping and protocols. 1. Each animal shelter shall exam-  
21 ine an animal upon intake for unique identifiers and any other form of  
22 identification that may allow for reunification with an owner, as  
23 prescribed in sections one hundred seventeen and three hundred eighty-  
24 two of this chapter.

25 2. Each animal shelter shall create and maintain a record for each  
26 animal in their custody or possession which shall minimally include:

27 (a) Unique identifiers and any other identification associated with  
28 the animal upon examination at entry, including but not limited to a  
29 tattoo, a permanent official identification number as prescribed in  
30 section one hundred twelve of this chapter or other identification tags,  
31 rabies tags and numbers, or a microchip number, if present;

32 (b) The name, address and telephone number of the person surrendering  
33 an animal or from whom an animal is seized, and additional contact  
34 information as the commissioner may require, or the address or cross-  
35 streets and city, town, or village where the animal was located or found  
36 prior to intake, if known;

37 (c) The date of intake into and departure from the animal shelter;

38 (d) Whether the animal was adopted, transferred, redeemed by its  
39 owner, died or was humanely euthanized, and, if applicable, the name,  
40 address, and phone number of the receiving individual or agency;

41 (e) Basic descriptors including species, age, gender, physical  
42 description including color, and the spay or neuter status at entry if  
43 determinable with reasonable certainty;

44 (f) Any available behavioral or health history or information other-  
45 wise obtained at intake, including bite history and rabies vaccination  
46 status, when known; and

47 (g) All veterinary and behavioral examinations, treatments, proce-  
48 dures, or medications occurring during the animal's time under the care  
49 of the shelter.

50 3. Notwithstanding any other provision of law or regulation to the  
51 contrary, records for each animal shall be maintained for not less than  
52 three years from the date of animal departure.

53 4. Previous bite history shall be fully disclosed in writing to an  
54 adopter, transfer partner, or reclaiming owner and provided in any  
55 reports regarding the animal, as applicable.

5. Nothing in this section shall preclude or otherwise supersede record disclosure requirements prescribed in section six thousand seven hundred fourteen of the education law, or any requirement regarding the creation, maintenance, or retention of veterinary medical records in state or federal law or veterinary practice guideline.

6. Each animal shelter shall maintain a record of its designated foster care providers that shall include the written agreement established between such animal shelter and such providers pursuant to section four hundred thirty-two of this article, each provider's name, address, telephone number, email address if available, types of animals for which the provider is willing to provide care, inspection reports, and current number of animals in the care of a designated foster care provider. Such records shall be updated immediately in the event any contact information for a given foster care provider changes.

7. Each animal shelter shall maintain summary records of their total annual animal intake and dispositions by species, by source of intake, and by type of disposition. Such records shall be made available to the commissioner upon request. The commissioner shall make such records available to the public upon request pursuant to article six of the public officers law.

8. Each animal shelter shall develop and maintain written protocols sufficiently detailed to achieve and maintain the standards prescribed in this section. These shall include, but not be limited to, the following:

- (a) animal handling;
- (b) behavioral assessment;
- (c) enrichment and stress reduction;
- (d) management of bite/scratch cases; and
- (e) sanitation.

9. Each animal shelter shall also develop and maintain the following written protocols, approved by a duly licensed veterinarian and sufficiently detailed to achieve and maintain the standards prescribed in this article:

- (a) nutrition and feeding;
- (b) physical examination;
- (c) emergency veterinary care;
- (d) pain management;
- (e) vaccinations;
- (f) parasite control;
- (g) anesthesia and surgery, if performed on-site by the organization;
- (h) humane euthanasia; and
- (i) outbreak management/control of infectious diseases.

10. Protocols established by each animal shelter pursuant to this section shall be reviewed annually and updated as necessary by designated administrative and managerial staff. Such protocols shall be made readily accessible to appropriate staff and volunteers.

§ 424. General facility standards. 1. All facilities and all interior components of each animal shelter shall be constructed of materials that ensure a sound physical structure, and shall be maintained so as to protect animals from injury, ensure containment of animals within the property, and restrict unauthorized entry of other animals and humans to the building.

2. Indoor building surfaces in direct contact with animals shall be constructed of materials that are non-porous, water resistant, non-toxic and able to withstand regular cleaning and disinfection. Adequate drainage shall prevent the accumulation of water or other liquids on floors.



1     3. Electrical power and running water shall be maintained to all parts  
2 of the facility that house animals, with written emergency plans for  
3 back-up sources or relocation of the animals to a safe environment in  
4 the event of outages lasting more than four hours.

5     4. Readily accessible sinks shall be convenient to all animal care  
6 areas. Single service soap and towels or electric hand dryers shall be  
7 available at all hand-washing locations.

8     5. Ambient temperatures in all indoor animal housing areas shall be  
9 routinely maintained between sixty and eighty degrees fahrenheit.

10    6. Each animal shall be monitored and provided with an environment  
11 allowing maintenance of normal body temperature based on species, breed,  
12 body condition, medical condition, and age.

13    7. Each animal shelter shall document regular maintenance of air  
14 handling systems according to the manufacturer's recommendations.

15    8. Ammonia levels shall be kept at less than two parts per million.

16    9. Each animal shelter shall provide separate housing areas, segre-  
17 gated by species and from uninfected, unexposed animals, for the housing  
18 of any animal with an infectious disease that may be transmitted within  
19 the shelter environment and requiring isolation as determined by a  
20 licensed veterinarian. Doors separating such rooms from the remainder of  
21 the facility shall be kept closed.

22    10. Each animal shelter shall minimize continuous exposure of person-  
23 nel and animals to sound levels exceeding eighty-five decibels. Active  
24 measures shall be taken and documented to minimize sound levels in hous-  
25 ing areas. Such measures may include modified kennel design, relocation  
26 of particularly loud animals, or use of visual barriers, sound baffling,  
27 and behavioral enrichment protocols. Each animal shelter shall use a  
28 decibel-meter at a minimum of once weekly to measure the level of sound  
29 in their kennels during cleaning and resting times. A record of such  
30 measurements and the date such measurements were recorded shall be main-  
31 tained by each animal shelter.

32    11. Each animal shelter shall provide animal housing areas that  
33 provide adequate lighting and a means to maintain diurnal light cycles  
34 pursuant to an established schedule. All animals shall have a minimum  
35 of eight hours each of light and darkness within a twenty-four-hour  
36 cycle.

37    12. Each animal shelter shall establish and maintain a written plan  
38 for pest and vermin control including the following:

39    (a) Method of controlling rodent infestation that is effective and  
40 safe for both humans and other animals housed in the facility;

41    (b) A record or copies of service reports from outside service provid-  
42 ers related to pest and vermin control that documents dates, methods,  
43 locations, and outcomes, if applicable; and

44    (c) Food stored in rodent proof containers to prevent spoilage,  
45 contamination, and infestation once opened, if packaging has been  
46 damaged, or as otherwise required by such plan.

47    13. The use of unattended drop boxes for intake of animals is prohib-  
48 ited.

49    § 425. Animal housing. 1. Each licensed animal shelter shall provide  
50 each animal in its custody or possession with a suitable primary enclo-  
51 sure that meets the requirements prescribed in this section.

52    2. Unsupervised tethering for periods exceeding thirty minutes is  
53 prohibited.

54    3. Animal housing shall meet the following requirements:

1 (a) materials used in housing construction shall be non-porous,  
2 water-resistant, non-toxic, and able to withstand regular cleaning and  
3 disinfection;

4 (b) drainage shall prevent accumulation of water or other liquids on  
5 floors; and

6 (c) housing shall be structurally sound, in good repair and maintained  
7 in a safe, working condition to properly confine animals, prevent inju-  
8 ry, keep animals safe from predation, keep other animals out, and allow  
9 animals to remain dry and clean.

10 4. Wire or slat-bottom cages are prohibited unless a solid tray is  
11 provided for the cage bottom to prevent injury to the animal.

12 5. Animal populations shall be segregated appropriately, in accordance  
13 with the following requirements:

14 (a) dogs and cats shall be housed in separate rooms with efforts made  
15 to minimize the exposure of cats to the barking of dogs;

16 (b) animals of the same species shall be separated by age groups (e.g.  
17 neonates and juveniles; adults) except that nursing animals may be  
18 housed with their offspring;

19 (c) animals with known or suspected infectious diseases shall be  
20 housed in isolation areas as prescribed in subdivision nine of section  
21 four hundred twenty-four of this article;

22 (d) nothing in this subdivision shall be construed to prevent the  
23 temporary housing of animals in areas without such segregation for  
24 medical care and in pre- and post-operative surgical areas.

25 6. Well-socialized, healthy animals may be housed with one or more  
26 conspecifics. Animals housed together shall be compatible and have  
27 similar environmental requirements. Such housing shall not allow expo-  
28 sure to numerous different animals on a frequently changing basis.

29 7. Prior to being housed with one or more other animals the following  
30 conditions shall apply:

31 (a) all animals are vaccinated and dewormed against the pathogens  
32 specified in section four hundred twenty-nine of this article;

33 (b) physical examinations verifying the absence of clinical signs of  
34 infectious diseases have been performed;

35 (c) surgical sterilization or housing in same-sex groupings, except  
36 littermates under twelve weeks of age; and

37 (d) the animal has a collar or tag to facilitate visual identifica-  
38 tion, unless the animal's age or condition is such that application of  
39 visual identification is not practicable or would be detrimental to the  
40 animal's health.

41 8. Animals that are poorly socialized, fearful, or aggressive towards  
42 other animals or that are ill, injured, or within a week of whelping or  
43 queening shall be housed individually in a suitably sized, enriched  
44 primary enclosure.

45 (a) Littermates under the age of twelve weeks may be co-housed in an  
46 isolation area if all individuals are infected with the same infectious,  
47 contagious, parasitic or communicable disease.

48 (b) Dogs and cats within a week of giving birth or until separation  
49 from the offspring shall be provided with a box with a solid floor large  
50 enough to allow the animal to lie fully stretched on its side, permit-  
51 ting all offspring to nurse and to accommodate all offspring until  
52 weaned; and an area large enough to allow the dam or queen to leave the  
53 whelping box.

54 9. Each enclosure shall clearly indicate the identities of all animals  
55 contained within, specifying each animal's unique identifier as required

1 under section four hundred twenty-three of this article. Each animal  
2 shall also be individually identified.

3 10. All primary enclosures shall provide sufficient space to allow  
4 each animal, regardless of species, to:

5 (a) make all normal postural adjustments;

6 (b) fully stretch its body and have sufficient room to circle, lie  
7 down, and stand upright without the head or tail touching the sides of  
8 the enclosure even with the presence of water and food bowls, beds,  
9 litter boxes, and other normal cage objects; and

10 (c) allow animals to sit, sleep and eat away from areas of their  
11 enclosure where they defecate and urinate.

12 11. Any primary enclosure housing two or more animals shall provide  
13 the following:

14 (a) sufficient space and quality of environment to allow all animals  
15 to maintain social distances;

16 (b) adequate areas for hiding, resting, feeding, and elimination with  
17 sufficient space to separate areas and the ability for all animals to  
18 access those areas.

19 12. Regardless of the size of the primary enclosure, the number of  
20 animals cohoused in a primary enclosure at one time shall not exceed the  
21 following thresholds:

22 (a) twelve adult cats;

23 (b) two litters of kittens not to exceed ten kittens total;

24 (c) five adult dogs; or

25 (d) one litter of puppies.

26 13. Puppies and kittens less than sixteen weeks of age shall not be  
27 housed in the same enclosure with adults other than their dam or queen,  
28 or foster or surrogate dam or queen.

29 14. All animals housed with one or more conspecifics shall be sepa-  
30 rated for feeding or observed at feeding times for antagonistic inter-  
31 actions that pose a safety and welfare concern.

32 15. Animals shall not be housed outdoors for more than twelve hours  
33 within a twenty-four-hour period, with the exception of free-roaming  
34 cats under the care of the animal shelter.

35 16. Outdoor primary enclosures shall comply with all housing require-  
36 ments prescribed in this section and shall provide the following:

37 (a) protection from the elements at all times;

38 (b) adequate drainage to prevent the accumulation of excess water in  
39 or around the enclosures;

40 (c) a moisture-proof, insulated shelter structure large enough to  
41 simultaneously accommodate all animals in the enclosure, unless immedi-  
42 ate entry to an indoor portion of the enclosure is accessible;

43 (d) security from unauthorized entry of other animals into the enclo-  
44 sure;

45 (e) a separate, shaded area sufficient to simultaneously accommodate  
46 all animals, except when animals have immediate access to an indoor  
47 portion of the enclosure;

48 (f) clean dry bedding at all times and a heat source when the outdoor  
49 temperature falls below fifty degrees fahrenheit; and

50 (g) enclosures that allow outdoor access for cats shall be fully  
51 enclosed to prevent escape from the enclosure.

52 17. For any animal in the custody or possession of any animal shelter  
53 for fourteen days or longer, alternative housing shall be provided in  
54 one of the following formats:

55 (a) enriched cages at least twice the size otherwise required for an  
56 animal's size;

1 (b) foster care in a private home, office, or other suitable off-site  
2 location; or

3 (c) room housing.

4 § 426. Sanitation. Any animal shelter licensed pursuant to this arti-  
5 cle shall establish and maintain sanitation protocols that include the  
6 following:

7 1. use of one or more agents that have cleaning and disinfectant prop-  
8 erties that are effective under conditions present in a given environ-  
9 ment and with demonstrated effectiveness against the pathogens for which  
10 animals are at risk;

11 2. removal of animals from enclosures and placement in another appro-  
12 priate enclosure or separation from the area being cleaned or disin-  
13 fected by a guillotine or compartment door when water, cleaning, or  
14 disinfecting agents are sprayed in or near an animal's enclosure;

15 3. dedicated equipment for cleaning and disinfection for use in each  
16 separate area of the shelter designated as cat or dog isolation, hold-  
17 ing, adoptions or other functionally separate areas within the facility;

18 4. cleaning and disinfecting in between each use of items and surfaces  
19 that come into contact with animals, including but not limited to food  
20 and water bowls, litter boxes and exam tables, or procedures to discard  
21 and replace with new items for each animal;

22 5. cleaning and disinfecting all enclosures for temporary or permanent  
23 housing before a new animal enters such enclosure;

24 6. daily cleaning and at least once weekly disinfecting of enclosures  
25 that house the same animal or animals during a long-term stay;

26 7. cleaning and disinfecting enclosures when the enclosure becomes  
27 heavily soiled or otherwise contaminated or a new animal is added to the  
28 enclosure;

29 8. laundering of all animal bedding in a machine with detergent when  
30 soiled and thoroughly drying such bedding before reuse, or removing and  
31 disposing of such bedding appropriately;

32 9. cleaning of outdoor premises from clutter that may pose a safety  
33 concern and fecal material removed at least once daily;

34 10. appropriate use and disposal of protective garments worn during  
35 cleaning and intensive animal-handling activities within an animal shel-  
36 ter; and

37 11. proper hygiene of shelter staff, volunteers, and visitors, includ-  
38 ing signage, supervision, and hand sanitation.

39 § 427. Population management. 1. Each animal shelter shall have a  
40 clear, written, management structure that defines staff authority,  
41 reporting structure and responsibilities, and is readily accessible to  
42 all staff and volunteers.

43 2. Staffing shall be sufficient to allow adequate time, per animal,  
44 for cleaning and daily feeding, and to meet the minimum requirements for  
45 socialization and exercise of animals as prescribed in section four  
46 hundred thirty of this article.

47 3. The total number of animals housed in an animal shelter facility or  
48 foster home shall not exceed the number of humane housing units avail-  
49 able at the facility as required by section four hundred twenty-five of  
50 this article; provided, however, that exceptions to the provisions of  
51 this subdivision shall be permissible for periods not to exceed forty-  
52 five contiguous days in the event of an animal seizure pursuant to arti-  
53 cle twenty-six of this chapter or a natural disaster where an official  
54 declaration of the disaster or emergency has been made.

55 4. All animals shall be observed daily by a manager or designee to  
56 identify each animal's needs for care, housing and service and to ensure

1 that each animal has a plan to advance efficiently through the shelter  
2 to a final disposition.

3 § 428. Animal husbandry. 1. (a) Each animal shelter shall provide each  
4 animal under its care with fresh, potable water at all times unless  
5 otherwise directed by a duly licensed veterinarian.

6 (b) Each animal shelter shall feed each animal under its care a  
7 complete and nutritionally balanced, species-specific and life-stage-ap-  
8 propriate diet as indicated by the animal's age, weight, and medical  
9 health, or as directed by a duly licensed veterinarian in accordance  
10 with the written protocols required by section four hundred twenty-three  
11 of this article.

12 (c) Food shall be provided at least once daily for adult animals, at  
13 least twice daily for animals less than six months of age, and at least  
14 three times daily for animals less than two months of age.

15 (d) Perishable animal food shall be refrigerated.

16 (e) Animal food and water containers shall be present in sufficient  
17 number and location to safely enable each animal in the enclosure to  
18 access an adequate supply of food and water. Food and water bowls shall  
19 be of the type that can be easily sanitized, be kept clean and shall be  
20 cleaned and disinfected prior to use by a different animal, unless  
21 disposable bowls are used and replaced between animals.

22 (f) Each animal shall be observed during or following each feeding  
23 time to ensure daily food intake, or at least once every twenty-four  
24 hours for animals continually offered food. Such observations shall be  
25 recorded.

26 2. (a) Humane and safe physical restraint to limit some or all normal  
27 voluntary movement of any animal in each animal shelter's care shall  
28 minimize fear, pain, stress and suffering for the animal, protect both  
29 the animal and personnel from harm, and be of the least intensity and  
30 duration required to allow the specific procedure or procedures to be  
31 performed properly.

32 (b) (i) Frightened or fractious animals may be appropriately tranqui-  
33 lized, under the orders and supervision of a duly licensed veterinarian,  
34 if they cannot be restrained safely and humanely.

35 (ii) No physical force shall be used as punishment or in anger.

36 (iii) Handling methods shall minimize the chance of escape and ensure  
37 the safety of both humans and animals.

38 (c) Restraint devices and handling techniques employed by each animal  
39 shelter shall be used in a manner that minimizes animal stress and risk  
40 of injury to both animals and personnel, in the event such devices and  
41 techniques are necessary for the safe handling of the animal.

42 (i) All equipment shall be maintained in good working order.

43 (ii) Cats shall not be restrained with control poles. Humane traps,  
44 cat boxes, nets, towels, or other equipment appropriate for handling  
45 fractious animals may be used. Squeeze cages, feral cat boxes, or  
46 humane traps with dividers shall be used for restraining cats and admin-  
47 istering tranquilizers prior to handling.

48 § 429. Veterinary care. 1. Prescription medications and treatments  
49 shall be administered by each animal shelter under the advisement of or  
50 in accordance with written protocols provided by a duly licensed veteri-  
51 narian.

52 2. All drugs shall be documented and dispensed by each animal shelter  
53 in accordance with applicable local, state, and federal laws and regu-  
54 lations.

55 3. All incoming animals shall be assessed within two hours after  
56 intake by a trained animal shelter staff member to determine if any



1 physical abnormalities exist that require immediate veterinary attention  
2 in accordance with the shelter's written protocol for emergency care, as  
3 required by section four hundred twenty-three of this article.

4 4. Each animal shelter shall have the ability to provide for veteri-  
5 nary assessment and humane care in a timely fashion through in-house  
6 facilities or at an off-site location.

7 5. Pursuant to the written protocol for emergency veterinary care  
8 required by section four hundred twenty-three of this article, each  
9 animal shelter shall provide appropriate and timely veterinary care for  
10 any animal that is in distress, experiencing pain, or showing signs of  
11 significant illness or injury.

12 6. Each animal shelter shall recognize and treat acute and chronic  
13 pain appropriately, as set forth in article twenty-six of this chapter.  
14 The legal status regarding the ownership of any animal shall not prevent  
15 treatment to relieve suffering.

16 7. Each animal shelter shall provide a complete physical examination  
17 of all animals in its custody or possession by trained shelter staff  
18 within twenty-four hours of intake to identify medical or behavioral  
19 conditions that require further evaluation and care. Animals shall  
20 specifically be examined for bite wounds; animals that have potentially  
21 been exposed to rabies shall be managed in accordance with applicable  
22 local and state laws. Each animal shelter shall comply with the rabies  
23 reporting requirements prescribed in 10 NYCRR 2.14.

24 8. Each animal shelter shall vaccinate each animal in its custody or  
25 possession within twelve hours of intake with core vaccines as recom-  
26 mended by national standards and guidelines specific to animal shelters  
27 as established, endorsed or approved by the American Association of  
28 Feline Practitioners (AAFP), American Animal Hospital Association  
29 (AAHA), or the Association of Shelter Veterinarians (ASV).

30 9. Each animal shelter shall provide all dogs, cats, and ferrets in  
31 its custody or possession with a rabies vaccination prior to release in  
32 accordance with local public health laws. Each animal shelter shall be  
33 in compliance at all times with section one hundred nine of this chapter  
34 and title four of article twenty-one of the public health law.

35 10. At a minimum, each animal shelter shall treat all animals in its  
36 custody or possession for hookworms and roundworms prior to release  
37 and/or placement in foster care.

38 11. When a physical or behavioral abnormality is identified at the  
39 time of intake or at any time during any animal's shelter stay, staff  
40 members shall follow written protocols required by section four hundred  
41 twenty-three of this article, to determine if and when any animal in its  
42 custody or possession needs to be examined by a duly licensed veterina-  
43 rian. If the animal is in foster care, the foster care provider shall  
44 follow written medical protocols to determine whether the animal needs  
45 to be examined by a duly licensed veterinarian.

46 12. Any animal in the custody or possession of any animal shelter for  
47 more than thirty days shall be examined and weighed at least monthly by  
48 a trained staff member. Animals in foster care shall be examined and  
49 weighed at least once every six months by a trained staff member.

50 13. Any apparently healthy animal remaining within the custody or  
51 possession of any animal shelter shall be examined by a duly licensed  
52 veterinarian at least every six months, or more frequently if problems  
53 are identified.

54 14. Each animal shelter shall provide regular grooming to prevent  
55 discomfort or injury to each animal in its custody or possession.  
56 Matted, soiled, or otherwise unkempt animals shall be provided with

1 timely grooming to alleviate discomfort and prevent injury within  
2 forty-eight hours of intake or identification of condition. Severe  
3 matting that prevents normal movement, an animal's ability to eat,  
4 drink, urinate, or defecate, or that compromises tissue health shall be  
5 treated as a medical emergency requiring immediate care.

6 15. (a) No animal shelter shall release any dog or cat for adoption to  
7 any person unless the dog or cat has been spayed or neutered, in accord-  
8 ance with section three hundred seventy-seven-a of this chapter.

9 (b) Prior to performing spay/neuter surgery at any animal shelter:

10 (i) All animals in such shelter's custody or possession shall receive  
11 an examination by a duly licensed veterinarian within twenty-four hours  
12 of surgery and anesthesia. Such examination may be performed under  
13 sedation or anesthesia if, due to the animal's behavior, an examination  
14 is not possible while awake.

15 (ii) Balanced anesthetic protocols that include sedation, the  
16 provision of pre- and post-operative analgesia, stress reduction, muscle  
17 relaxation and controlled, reversible loss of consciousness shall be  
18 utilized for all animals.

19 (iii) While surgery is being performed, the operating area shall be  
20 dedicated to surgery and contain the necessary equipment for anesthesia  
21 and patient monitoring.

22 (iv) Aseptic surgical technique shall be required, and separate ster-  
23 ile instruments shall be used for each patient. All instruments and  
24 equipment shall be maintained in proper working condition.

25 (v) A permanent tattoo shall be placed on the ventral abdomen of shel-  
26 ter-owned cats and dogs at the time of spay or neuter.

27 (vi) Each animal shelter shall provide adoptive owners instructions in  
28 both written and verbal forms for ten-day post-operative care of recent-  
29 ly spayed or neutered animals.

30 (c) Written protocols required by section four hundred twenty-three of  
31 this chapter, shall be followed to handle related post-operative emer-  
32 gencies.

33 § 430. Behavior. 1. Each animal shelter shall take measures, by way of  
34 written questionnaire, personal interview or other means deemed neces-  
35 sary by the commissioner, to collect a behavioral history for each  
36 animal in its custody or possession at the time of intake.

37 2. Routine care and handling of any animal in the custody or  
38 possession of each animal shelter, including the timing of feeding and  
39 sanitation procedures shall be performed on a regular daily schedule.

40 3. At least twenty minutes of positive social interactions, in addi-  
41 tion to time spent providing feeding, cleaning, basic husbandry or care  
42 with people shall be provided by each animal shelter on a daily basis  
43 for any animal in such shelter's custody or possession except those so  
44 poorly socialized to humans that such contact would be unpleasant,  
45 stressful or pose a safety risk to other animals or humans. Daily handl-  
46 ing and positive exposure to people and other animals shall be provided  
47 for any dog or cat less than four months of age, while taking appropri-  
48 ate precautions to limit infectious disease. Positive social inter-  
49 actions shall include but not be limited to petting an animal, walking,  
50 reward based training or interactive play with toys. Time spent provid-  
51 ing basic husbandry and animal care shall not be used to offset the  
52 social interaction time requirements of this subdivision.

53 4. Each animal shelter shall provide each animal in its custody or  
54 possession opportunity for exercise and exploration in the following  
55 manner:

1 (a) all cats housed in a cage, kennel, or room that provides less than  
2 eighteen square feet of floor space per cat for fourteen days or longer  
3 shall be permitted at least fifteen minutes per day at least five days  
4 per week outside of their primary enclosure to exercise and explore;

5 (b) all dogs residing in the shelter for fourteen days or longer shall  
6 be permitted time outside of their primary enclosure to exercise and  
7 explore for at least twenty minutes per day five days per week; or

8 (c) in the event such activities are not possible due to any animal's  
9 health, behavior, order of the commissioner or legal restriction, the  
10 condition and reason shall be documented in such animal's medical  
11 record.

12 5. Each animal shelter shall implement additional measures for enrich-  
13 ment and stress reduction for any animal in its custody or possession  
14 showing persistent hiding, hostile interactions with other animals,  
15 reduced activity, depression or social withdrawal, barrier frustration  
16 or aggression, self-injurious behavior, repetitive non goal-oriented  
17 movement, or stereotypic behaviors. Such measures shall be documented in  
18 such animal's medical record created pursuant to section four hundred  
19 twenty-three of this article.

20 6. Use of aversive methods in animal training or behavioral modifica-  
21 tion is prohibited except in reward-based method situations, where  
22 skilled application of the least aversive method that is expected to  
23 succeed may be appropriate.

24 7. Animal shelters may perform a systematic behavioral evaluation on  
25 animals prior to rehoming or other placement. In the event such evalu-  
26 ations are performed, the following requirements shall apply:

27 (a) staff performing such evaluations shall receive, in advance,  
28 adequate training in the performance and interpretation of the behav-  
29 ioral evaluation or evaluations; and

30 (b) documentation of the results of every behavior evaluation  
31 performed shall be added to the animal's record created pursuant to  
32 section four hundred twenty-three of this article.

33 8. Each licensed animal shelter shall fully disclose all available  
34 information regarding the behavior of any animal in its custody or  
35 possession prior to such animal's transfer to an individual or another  
36 organization as authorized pursuant to section three hundred seventy-  
37 four of this chapter. Such information shall include, but not be limited  
38 to prior history, observed behaviors in the shelter, and the results of  
39 any systematic behavioral evaluations performed.

40 9. Any animal in the custody or possession of a licensed animal shel-  
41 ter that is observed to be experiencing mental suffering or behavioral  
42 deterioration shall be assessed and appropriately treated.

43 § 431. Transportation. 1. Vehicle requirements. (a) Vehicles and oper-  
44 ators employed by or otherwise serving as an agent of any animal shelter  
45 to transport animals shall adhere to all applicable federal, state, and  
46 local laws.

47 (b) Any animal transported by an animal shelter or its agent shall not  
48 be placed unconfined or tethered in the back of an open pick-up or  
49 flatbed truck.

50 (c) Any animal shelter or its agent transporting any animal shall  
51 safely and securely confine such animal in an enclosure such as a crate,  
52 carrier, or cage within the vehicle. Foster care providers serving as  
53 an agent of any animal shelter for purposes of this section may be  
54 authorized to provide secure alternatives to enclosures for transport of  
55 large dogs.

1 (d) Any transport vehicle transporting dogs or cats for any animal  
2 shelter shall have adequate space, comfortable environmental conditions,  
3 and good air quality. The animal compartment of the transport vehicle  
4 shall provide fresh air, free of vehicle exhaust fumes.

5 (e) Each transport vehicle, including cargo spaces, shall be heated  
6 and cooled as necessary to provide for normal thermoregulation of the  
7 animals being transported.

8 (f) Each transport vehicle shall have a thermometer placed in the  
9 animal compartment. The ambient temperature in the cargo space shall be  
10 maintained between sixty and eighty-five degrees fahrenheit, unless the  
11 health of the animal necessitates an ambient temperature that exceeds or  
12 is less than such parameters. The operator of such vehicle shall monitor  
13 cargo area temperatures at least every four hours to ensure such temper-  
14 atures are maintained.

15 2. General responsibilities of animal shelters of origin prior to  
16 transport. (a) It is the responsibility of the animal shelter of origin  
17 to reasonably ensure that its destination animal shelters have the abil-  
18 ity to meet the requirements of subdivision four of this section prior  
19 to transporting any animal. A written contract or memorandum of under-  
20 standing between the animal shelter of origin, any intermediate animal  
21 shelter, the destination animal shelter and any transporting agent not  
22 directly employed by such shelters, shall be executed for each animal  
23 transfer of one or more animals. Such document shall include the respon-  
24 sibilities of each party and shall be revised or updated as necessary to  
25 ensure that information is current.

26 (b) A contact person shall be designated for each animal shelter and  
27 any intermediate transfer points.

28 (c) Each transporting organization identified in any agreement estab-  
29 lished pursuant to subparagraph (i) of paragraph (d) of this subdivision  
30 shall adhere to all public health laws and local laws for source  
31 location, intermediate transfer points, and final destination.

32 (d) (i) For dogs or cats imported into the state, the animal shelter  
33 of origin shall ensure that each dog or cat to be transported aged three  
34 months of age or older has been vaccinated against rabies not more than  
35 twelve months prior to the date of transport when using a one-year  
36 vaccine, or not more than thirty-six months prior to the date of trans-  
37 port when using a three-year vaccine, as evidenced by a valid certif-  
38 icate of immunization signed by a duly licensed veterinarian. Such  
39 vaccine shall be approved by the United States department of agricul-  
40 ture. The immunization requirement shall not apply if a veterinarian  
41 certifies in writing that because of old age or other reason, the life  
42 of the dog would be endangered by the administration of the rabies  
43 vaccine.

44 (ii) At a minimum, the animal shelter of origin shall administer the  
45 following core vaccinations to each dog or cat to be transported that is  
46 four weeks of age or older:

47 (1) For dogs, a modified live product for Distemper virus, Adenovirus,  
48 and Parvovirus as well as an intranasal or oral avirulent culture Borde-  
49 tella bronchiseptica vaccination prior to departing from the animal  
50 shelter of origin.

51 (2) For cats, a modified live product for Feline Viral Rhinotracheit-  
52 is, Feline Calici Virus, and Feline Panleukopenia.

53 (iii) The animal shelter of origin shall treat each animal for inter-  
54 nal and external parasites as appropriate for the age, species, and  
55 medical condition.

1     (iv) (1) The animal shelter of origin shall examine each dog and cat  
2 for medical or behavioral concerns at most twenty-four hours prior to  
3 initiation of transport. All medical and behavioral observations shall  
4 be recorded and communicated to any intermediate animal shelter, the  
5 destination animal shelter and any transporting agent not directly  
6 employed by such shelters.

7     (2) A health record shall accompany each animal to be transported.

8     (3) A health certificate is required for each animal to be transported  
9 into the state in accordance with part sixty-five of the commissioner's  
10 rules and regulations. Such certificate shall accompany each animal  
11 during transport and be completed and signed by a duly licensed veteri-  
12 narian.

13     (v) Each animal shall be individually identified with a collar, tag,  
14 tattoo, microchip or combination of such identifiers. All animals shall  
15 have, at a minimum, one form of visual identification.

16     3. General responsibilities during transport. (a) Each animal trans-  
17 ported shall be provided with absorbent bedding.

18     (b) No animal shall be sedated or tranquilized unless recommended by a  
19 duly licensed veterinarian and veterinary guidance is provided for such  
20 animal's care during transport.

21     (c) The maximum transport time to an intermediate animal shelter or a  
22 destination animal shelter for dogs and cats shall include not more than  
23 fourteen hours confined to the transport vehicle, including load time.  
24 Transports exceeding fourteen hours must include an overnight stop at an  
25 intermediary location, where the dogs and cats being transported shall  
26 be allowed the opportunity to exercise and eliminate outside of the  
27 transport vehicle.

28     (d) The transporting animal shelter or its agent shall observe each  
29 animal being transported as often as circumstances allow, but not less  
30 than once every four hours. During such observations, animals should be  
31 watered and fed consistent with paragraphs (g) and (h) of this subdivi-  
32 sion, and the transport area cleaned as appropriate.

33     (e) Each dog shall be provided with the opportunity to exercise and  
34 eliminate at least once every twelve hours while confined to the trans-  
35 port vehicle, including load time. Each dog being transported that is  
36 less than twelve weeks of age shall be removed from their enclosure and  
37 allowed to exercise and eliminate at least every two hours.

38     (f) No dog or cat shall be left unattended in any transport vehicle  
39 for more than one hour, regardless of whether heating, ventilation and  
40 air conditioning (HVAC) is provided in such vehicle.

41     (g) The transporting animal shelter or its agent shall provide each  
42 animal being transported with wholesome and palatable food except when  
43 there are instructions from a duly licensed veterinarian to withhold  
44 food for medical reasons. Such food shall be free from contamination, of  
45 nutritional value sufficient to maintain each animal in good health and  
46 be provided at least every twelve hours for adult animals; at least  
47 every eight hours for animals less than six months of age; and at least  
48 every six hours for animals less than four months of age.

49     (h) If water cannot be provided at all times, the transporting animal  
50 shelter or its agent shall provide clean, fresh water to each animal  
51 being transported at least every four hours during observation stops  
52 required pursuant to paragraph (b) of subdivision four of this section.  
53 Such water shall be supplied in a sanitary manner sufficient for its  
54 needs, except where there are instructions from a duly licensed veteri-  
55 narian to withhold water for medical reasons.



1 (i) Animal enclosure requirements. (i) Animal enclosures in transport  
2 vehicles shall be suitable to allow the animal to stand, sit erect, turn  
3 around while standing, and to lie in a natural position. If more than  
4 one animal occupies any enclosure during transport, such enclosure shall  
5 provide adequate space for each to lie down comfortably at the same time  
6 without lying on top of each other.

7 (ii) Unfamiliar animals shall not be contained together in the same  
8 enclosure.

9 (iii) Crates, carriers or cages shall not be stacked in the transport  
10 vehicle in a manner that increases animal stress or discomfort, compro-  
11 mises ventilation, allows waste material to pass between cages, inter-  
12 feres with care and observation, or hinders emergency removal.

13 (iv) All animal enclosures and compartments shall be free of sharp  
14 edges or other hazardous materials.

15 (v) The floor of any enclosure shall prevent injury, discomfort, and  
16 leakage of fluids into other enclosures.

17 (vi) The animal shelter or its agent shall ensure that each animal  
18 transported is safely and securely confined within each enclosure as  
19 prescribed by this section and that enclosure doors are secured to  
20 prevent accidental opening.

21 (vii) The animal shelter or its agent shall secure each primary enclo-  
22 sure to prevent movement within the transport vehicle.

23 (viii) Each dog or cat less than eight weeks of age shall be trans-  
24 ported in an enclosure with their mother, with adequate space to allow  
25 the mother to lie down on her side with legs extended to facilitate  
26 nursing unless such dog or cat is orphaned, a duly licensed veterinarian  
27 directs otherwise, the transport period does not exceed one hour, or  
28 transport with the mother is deemed to pose a significant safety risk.  
29 In the event such dog or cat is not transported with its mother, the  
30 animal shelter or its agent shall ensure an adequate environment and  
31 temperature for the offspring. The transporting animal shelter or its  
32 agent shall transport animals with known or suspected infectious  
33 diseases that could be spread during transport in separate compartments  
34 from healthy animals.

35 (ix) The transporting animal shelter or its agent shall clean animal  
36 enclosures and replace litter as often as necessary to prevent soiling  
37 any animal being transported. If any animal must be removed from an  
38 enclosure to facilitate cleaning, the transporting animal shelter or its  
39 agent shall employ safeguards to ensure animal safety and prevent  
40 escape.

41 (j) Transport vehicle operators. (i) Transport vehicle operators and  
42 individuals who assist in the transport of animals shall have training  
43 in animal health, animal care, and safety issues to recognize and  
44 respond to animal needs during transport.

45 (ii) Transport vehicle operators shall avoid unnecessary sudden accel-  
46 eration, deceleration, excessive lateral movement, noise and vibration.

47 (iii) Transport vehicle operators and individuals who assist in the  
48 transport of animals shall observe dogs and cats for any medical or  
49 behavioral concerns during each stop and shall respond appropriately to  
50 any concerns identified.

51 (iv) Transport vehicle operators and individuals who assist in the  
52 transport of animals shall clean and disinfect each enclosure after use  
53 in transporting an animal and before transporting different animals in  
54 the same enclosure.

55 4. General requirements of destination animal shelters. Each destina-  
56 tion animal shelter shall provide the following:

1     (a) Adequately trained personnel ready to receive and medically evalu-  
2     ate each animal received from any transporting animal shelter or its  
3     agent upon arrival;

4     (b) A physical examination of each animal received from any transport-  
5     ing animal shelter with corresponding documentation performed by trained  
6     personnel pursuant to section four hundred twenty-three of this article  
7     within four hours of arrival;

8     (c) Veterinary care in accordance with section four hundred twenty-  
9     nine of this article for each animal received from any transporting  
10    animal shelter requiring such care and additional reasonable care.

11    (d) Adequate housing for arriving animals prepared in advance of  
12    arrival, including:

13    (i) Housing in a quarantine area if needed, based on assessment of  
14    health status, animal source, and risk of infectious, contagious, para-  
15    sitic or communicable disease; and

16    (ii) Isolation areas for animals with known or suspected contagious  
17    diseases, as required under sections four hundred twenty-four and four  
18    hundred twenty-five of this article.

19    5. No animal shelter or its agents shall transport any dog or cat less  
20    than one year of age whose point of origin is any breeder licensed by  
21    the United States department of agriculture pursuant to the provisions  
22    of U.S.P.L. 89-544 as of August twenty-fourth, nineteen sixty-six, or  
23    any subsequent corresponding sections of the federal Animal Welfare Act,  
24    as from time to time amended.

25    § 432. Foster care provider requirements. 1. No person may operate as  
26    a foster care provider in this state without first having signed a writ-  
27    ten agreement with an animal shelter licensed pursuant to this article  
28    stating that such person may operate as a foster care provider with the  
29    approval and under the responsibility of such animal shelter. Such  
30    agreement shall be renewed not less than once every two years, and a  
31    copy of such agreement shall be kept by both the animal shelter and  
32    foster care provider and made available for inspection by the commis-  
33    sioner upon request. It shall be the responsibility of the animal shel-  
34    ter entering into such agreement with any foster care provider pursuant  
35    to this article to ensure that such foster care provider is able to  
36    responsibly harbor and provide necessary sustenance for any animal  
37    placed in their care by such animal shelter in a manner that promotes  
38    the good health, safety and welfare of such animals. No animal shelter  
39    shall enter into any agreement pursuant to this subdivision with any  
40    person who has been previously convicted of a violation of any provision  
41    of article twenty-six of this chapter or regulations promulgated there-  
42    under pertaining to humane treatment of animals, cruelty to animals,  
43    endangering the life or health of an animal, or violation of any feder-  
44    al, state, or local law pertaining to the care, treatment, sale,  
45    possession, or handling of animals or any regulation or rule relating to  
46    the endangerment of the life or health of an animal.

47    2. Foster care providers may harbor animals owned by a licensed animal  
48    shelter but shall not own such animals and shall keep a copy of the  
49    current record of each animal harbored under any agreement established  
50    pursuant to subdivision one of this section. Such record shall be main-  
51    tained at the physical premises where such foster care providers harbor  
52    such animals. Animal shelters may, if appropriate to protect the identi-  
53    ty of the source of any animal, provide their foster care providers with  
54    a partial animal record that excludes the name and address of the organ-  
55    ization or individual from whom such animal was obtained and the date of  
56    receipt, so long as such animal shelters keep a copy of the complete

1 record at the location where it maintains such records pursuant to  
2 section four hundred twenty-three of this article. It is the responsi-  
3 bility of the animal shelter with which such foster care provider has  
4 established an agreement pursuant to subdivision one of this section to  
5 ensure compliance with this subdivision.

6 3. Any animal harbored by a foster care provider pursuant to this  
7 section that is affected by an infectious or contagious disease shall be  
8 handled in a manner that prevents the spread of such disease in accord-  
9 ance with subdivision nine of section four hundred twenty-four of this  
10 article. It shall be the responsibility of the animal shelter with which  
11 such foster care provider has established an agreement pursuant to  
12 subdivision one of this section to ensure compliance with this subdivi-  
13 sion.

14 § 433. Violations. 1. Any animal shelter that violates any provision  
15 of this article may be subject to licensure denial, revocation, suspen-  
16 sion, or refusal of license renewal in accordance with the provisions of  
17 subdivision seven of section four hundred twenty-one of this article.

18 2. Violation of any provision of this article shall be a civil  
19 offense, for which a penalty of not less than one hundred dollars and  
20 not more than one thousand dollars for each violation may be imposed by  
21 the commissioner; provided, that whenever there shall be a violation of  
22 this article, application may be made by the attorney general in the  
23 name of the people of the state of New York to a court or justice having  
24 jurisdiction by a special proceeding to issue an injunction, and upon  
25 notice to the defendant of not less than five days, to enjoin and  
26 restrain the continuance of such violations; and if it shall appear to  
27 the satisfaction of the court or justice that the defendant has, in  
28 fact, violated this article, an injunction may be issued by such court  
29 or justice, enjoining and restraining any further violation, without  
30 requiring proof that any person has, in fact, been injured or damaged  
31 thereby. In any such proceeding, the court may make allowances to the  
32 attorney general as provided in paragraph six of subdivision (a) of  
33 section eighty-three hundred three of the civil practice law and rules,  
34 and direct restitution. Whenever the court shall determine that a  
35 violation of this article has occurred, the court may impose a civil  
36 penalty of not less than one hundred dollars and not more than one thou-  
37 sand dollars. In connection with any such proposed application, the  
38 attorney general is authorized to take proof and make a determination of  
39 the relevant facts and to issue subpoenas in accordance with the civil  
40 practice law and rules.

41 3. Any animal shelter that violates any provisions of this article  
42 shall correct such violations to the satisfaction of the commissioner  
43 within a period not to exceed ten days; provided, however, that where  
44 such violation poses a severe or immediate threat to public health or  
45 animal safety or well-being, such violation shall be corrected to the  
46 satisfaction of the commissioner within a period not to exceed seventy-  
47 two hours.

48 4. Nothing in this section shall preclude the commissioner from taking  
49 additional actions to address violations related to the immediate threat  
50 to animal safety or well-being, including but not limited to, suspension  
51 of animal shelter operations until such violations are corrected to the  
52 satisfaction of the commissioner.

53 5. Upon identification of one of more violations, the commissioner  
54 shall provide the animal shelter with a written description of all  
55 violations issued and the steps necessary to correct such deficiencies.

1     § 3. The agriculture and markets law is amended by adding a new  
2 section 383 to read as follows:

3     § 383. Special provisions related to the importation of dogs and cats  
4 into the state for sale, resale or adoption. 1. Any dog or cat imported  
5 into this state for the purposes of sale, resale or adoption shall be  
6 held by the consignee for a period of not less than forty-eight hours.  
7 Such dog or cat shall be vaccinated in accordance with section twenty-  
8 one hundred forty-one of the public health law and part sixty-five of  
9 the commissioner's rules and regulations.

10    2. If, during the holding period prescribed in subdivision one of this  
11 section, any dog or cat imported into the state for sale, resale or  
12 adoption exhibits signs of infectious, contagious, parasitic or communi-  
13 cable disease, including but not limited to coughing, sneezing, vomit-  
14 ing, diarrhea or bloody stool, such dog or cat must be isolated and  
15 examined by a duly licensed attending veterinarian immediately. Any dogs  
16 or cats that have been deemed exposed to such dog or cat must be quaran-  
17 tined, if necessary, under the direction of such attending veterinarian  
18 and held until such attending veterinarian declares them to be free of  
19 disease.

20    3. Any dog or cat passing through the state to points beyond, or  
21 brought into the state for temporary residence for purposes of exhibi-  
22 tion, or which enters the state for delivery to research institutions  
23 shall be exempt from the provisions of this section, provided that such  
24 dog or cat is at all times properly restrained and under the immediate  
25 control of the owner or custodian, and that such dog or cat is accompa-  
26 nied with proof of proper immunization against rabies.

27    4. Violation of any provision of this section shall be a civil  
28 offense, for which a penalty of not less than one hundred dollars and  
29 not more than one thousand dollars for each violation shall be imposed.  
30 Any person licensed pursuant to article twenty-six-A or twenty-six-C of  
31 this chapter who violates any provision of this section may be subject  
32 to denial, revocation, suspension, or refusal of renewal of his or her  
33 license in accordance with the provisions of section four hundred twen-  
34 ty-one of this chapter.

35    § 4. Paragraphs (b) and (c) of subdivision 4 of section 400 of agri-  
36 culture and markets law, as added by chapter 168 of the laws of 2017,  
37 are amended to read as follows:

38    (b) Any municipal pound or shelter dedicated to the care of unwanted  
39 animals which makes such animals available for adoption whether or not a  
40 fee for such adoption is charged, established and maintained pursuant to  
41 subdivision one of section one hundred fourteen of this chapter, and  
42 that is duly licensed as an animal shelter pursuant to article twenty-  
43 six-C of this chapter; and

44    (c) Any duly incorporated society for the prevention of cruelty to  
45 animals, duly incorporated humane society, duly incorporated animal  
46 protective association or other duly incorporated animal adoption or  
47 animal rescue organization dedicated to the care of unwanted animals  
48 which makes such animals available for adoption whether or not a fee for  
49 such adoption is charged that is exempt from taxes pursuant to paragraph  
50 (3) of subsection (c) of section 501 of the federal Internal Revenue  
51 Code, 26 U.S.C. 501, or any subsequent corresponding sections of the  
52 federal Internal Revenue Code, as from time to time amended, that is  
53 ~~[registered with the department]~~ duly licensed as an animal shelter  
54 pursuant to ~~[section four hundred eight]~~ article twenty-six-C of this  
55 ~~[article]~~ chapter.

§ 5. Subdivision 3 of section 403 of the agriculture and markets law, as added by chapter 259 of the laws of 2000, is amended to read as follows:

3. Each application for a license shall be accompanied by a nonrefundable fee of one hundred fifty dollars~~[, except that those pet dealers who engage in the sale of less than twenty-five animals in a year, shall pay a nonrefundable fee of twenty-five dollars]~~.

§ 6. Section 408 of the agriculture and markets law is REPEALED.

§ 7. Section 380 of the agriculture and markets law, as added by chapter 470 of the laws of 2017, is renumbered section 382.

§ 8. Subdivision 3 of section 752 of the general business law, as amended by chapter 168 of the laws of 2017, is amended to read as follows:

3. For purposes of section seven hundred fifty-three of this article, a "pet dealer" shall mean any person who, in the ordinary course of business, engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders of animals who sell or offer for sale animals directly to a consumer but it shall not include any municipal pound or shelter established and maintained pursuant to subdivision one of section one hundred fourteen of the agriculture and markets law and duly licensed as an animal shelter pursuant to article twenty-six-C of the agriculture and markets law, or any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization that is tax exempt pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended, that ~~[is registered with the department]~~ duly licensed as an animal shelter pursuant to [section four hundred eight] article twenty-six-C of the agriculture and markets law. For purposes of sections seven hundred fifty-three-a, seven hundred fifty-three-b, seven hundred fifty-three-c and seven hundred fifty-three-d of this article, "pet dealer" shall mean any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell animals; but it shall not include the following:

(a) Any breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeders residential premises.

(b) Any municipal pound or shelter established and maintained pursuant to subdivision one of section one hundred fourteen of the agriculture and markets law and duly licensed as an animal shelter pursuant to article twenty-six-C of the agriculture and markets law.

(c) Any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association or other duly incorporated animal adoption or animal rescue organization that is exempt from taxes pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U.S.C. 501, or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended, that is ~~[registered with the department]~~ duly licensed as an animal shelter pursuant to [section four hundred eight] article twenty-six-C of the agriculture and markets law.



1     § 9. The state finance law is amended by adding a new section 99-ii to  
2 read as follows:

3     § 99-ii. Animal shelter regulation fund. 1. There is hereby estab-  
4 lished in the joint custody of the state comptroller and the commission-  
5 er of taxation and finance, a fund to be known as the animal shelter  
6 regulation fund.

7     2. Such fund shall consist of all monies collected pursuant to article  
8 twenty-six-C of the agriculture and markets law, and all other monies  
9 credited or transferred thereto from any other fund or source pursuant  
10 to law.

11     3. Monies of the fund shall be expended solely for the purposes of  
12 carrying out the provisions of article twenty-six-C of the agriculture  
13 and markets law. Monies shall be paid out of the fund on the audit and  
14 warrant of the state comptroller on vouchers approved by the commission-  
15 er of agriculture and markets. Any interest received by the comptroller  
16 on monies on deposit in the pet dealer licensing fund shall be retained  
17 in and become part of such fund.

18     § 10. This act shall take effect three years after it shall have  
19 become a law. Effective immediately, the addition, amendment and/or  
20 repeal of any rule or regulation necessary for the implementation of  
21 this act on its effective date are authorized to be made and completed  
22 by the commissioner of agriculture and markets on or before such effec-  
23 tive date.