

STATE OF NEW YORK

1101--A

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to requiring animal shelters and animal rescue groups to disclose whether a dog has known behavioral issues

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 123-c to read as follows:

3 § 123-c. Disclosure of behavioral history of dogs. 1. Definitions.
4 For purposes of this section:

5 (a) "Animal shelter" means a not-for-profit facility where homeless,
6 lost, stray, abandoned, seized, surrendered or unwanted animals are
7 received, harbored, maintained and made available for adoption to the
8 general public, redemption by their owners or other lawful disposition,
9 and which is owned, operated, or maintained by a duly incorporated
10 humane society, animal welfare society, society for the prevention of
11 cruelty to animals, or other organization devoted to the welfare,
12 protection or humane treatment of animals.

13 (b) "Animal rescue group" means a duly incorporated not-for-profit
14 organization that accepts homeless, lost, stray, abandoned, seized,
15 surrendered or unwanted animals from an animal shelter or other place
16 and attempts to find homes for, and promote adoption of, such animals by
17 the general public.

18 2. Every animal shelter or animal rescue group shall be required to
19 disclose, to the best of their knowledge, whether a dog of the age of
20 four months or older has known behavioral issues which could pose a risk
21 to a person or an animal. The animal shelter or animal rescue group
22 shall, before selling, giving away, or otherwise releasing the dog from

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

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1 their ownership disclose in writing to the person to whom the dog is
2 being sold, given away, released, or transferred:

3 (a) whether a dog has:

4 (i) low-risk behavioral issues, which shall include a dog that has
5 attacked a person on one known occasion causing a physical injury;

6 (ii) high-risk behavioral issues, which shall include a dog that has
7 attacked a person on one or more known occasions causing a serious phys-
8 ical injury, or on more than one known occasion causing a physical inju-
9 ry;

10 (b) that the dog has a known history of attacking companion animals;
11 and

12 (c) to the extent practicable, disclose the circumstances related to
13 the attack or attacks, such as if the dog was justified or provoked due
14 to being threatened, attacked, or injured by a person or animal.

15 3. The animal shelter or animal rescue group shall obtain a signed
16 acknowledgement from the person to whom the dog is sold, given away,
17 released, or transferred that the person has been provided information
18 about the dog as required by this section. The animal shelter or animal
19 rescue group shall provide the person with a copy of the signed acknowl-
20 edgement and retain the original copy in its files.

21 4. The documentation and disclosure requirements of this section are
22 for the purpose of public safety and the appropriate placement of dogs.
23 Documented history shall not necessarily preclude a dog from being
24 available for adoption, release, or transfer, notwithstanding any other
25 law or local ordinance related to dangerous dogs.

26 § 2. This act shall take effect immediately.