

STATE OF NEW YORK

3569--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. ZEBROWSKI, EACHUS, BORES -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- 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 restricting the performance of surgical devocalization procedures on dogs and cats

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

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

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

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

b. Surgical devocalization of a dog or cat may be performed where necessary to treat or relieve a physical illness, disease or injury or correct a congenital abnormality suffered by the animal, where such physical illness, disease, injury or congenital abnormality is causing or may reasonably cause the animal physical pain or harm, or when determined by a veterinarian to be medically necessary to preserve the life of the animal.

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

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

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1 4. As used in this section, "devocalization" means a surgical proce-
2 dure on the larynx or vocal cords of an animal intended to cause the
3 reduction or elimination of vocal sounds produced by that animal and
4 includes procedures commonly referred to as "debarking", "silencing" or
5 "bark softening".

6 5. Any veterinarian licensed pursuant to article one hundred thirty-
7 five of the education law who knowingly performs, or knowingly causes to
8 be performed, the surgical devocalization of a dog or cat in violation
9 of the provisions of this section shall be subject to a civil penalty
10 not to exceed one thousand dollars and subject to the remedies available
11 pursuant to article one hundred thirty of the education law, as added by
12 chapter 987 of the laws of 1971.

13 6. Any veterinarian who knowingly performs a surgical devocalization
14 procedure in violation of the provisions of this section shall be
15 subject to the revocation or suspension of their license pursuant to the
16 processes outlined in article one hundred thirty of the education law,
17 as added by chapter 987 of the laws of 1971.

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

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

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

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