

STATE OF NEW YORK

54

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL, THIELE, JACKSON, STERN -- read once
and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to outdoor
restraint of companion animals

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 353-g to read as follows:

3 § 353-g. Outdoor restraint of companion animals. Definitions. 1. For
4 the purposes of this section:

5 (a) "Tether" shall mean to restrain a dog by attaching the dog to any
6 object or structure, including without limitation a house, tree, fence,
7 post, garage, or shed, by any means, including without limitation a
8 chain, rope, cord, leash, or running line. Tethering does not include
9 the use of a leash to walk a dog.

10 (b) "Dangerous weather conditions" shall mean inclement weather as
11 defined in section three hundred fifty-three-b of this article, condi-
12 tions described in a weather alert, advisory or other warning issued by
13 a local, state or federal authority, or when outside weather conditions,
14 including but not limited to extreme heat, cold, wind, rain, snow, or
15 hail, pose an adverse risk to the health or safety of a dog based on
16 breed, age, and physical condition, in accordance with the industry
17 standard set forth in the Tufts Animal Care and Condition Weather Safety
18 Scale. Extreme heat and cold limitations shall mean an ambient temper-
19 ature of eighty degrees Fahrenheit and thirty-five degrees Fahrenheit
20 respectively.

21 (c) "Shelter" shall mean conditions that allow the dog to remain dry
22 and to be protected from the elements. A shelter shall: (i) comply with
23 the minimum standards for appropriate shelter established pursuant to
24 section three hundred fifty-three-b of this article; (ii) be fully

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

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1 enclosed on all sides except one, which side shall have an opening that
2 allows the dog easy entry to and exit from the shelter; (iii) have a
3 slanted, waterproof roof; (iv) have a solid floor; (v) contain clean
4 bedding or straw/shavings. If straw/shavings are used, they shall be
5 replaced at least once every two weeks so that the dog can burrow into
6 it for warmth; (vi) be small enough to retain the dog's body heat and
7 large enough to allow the dog to stand, lie down with limbs
8 outstretched, and turn around comfortably; and (vii) have a surrounding
9 area that is free of standing water, ice, and waste.

10 (d) "Cruel conditions" or "inhumane tethering" shall include the
11 following:

12 (i) Exposure to animal waste, garbage, noxious odors or objects that
13 could injure or kill a dog, provided that a dog may be exposed to their
14 own waste that was produced while tethered so long as any such waste is
15 cleared prior to the dog being tethered.

16 (ii) Exposure to taunting, prodding, provoking, hitting, harassing,
17 threatening or otherwise harming a tethered or confined dog.

18 (iii) Exposing a dog to dangerous conditions, including potential
19 attacks by other animals.

20 (iv) Allowing a dog to become entangled.

21 (v) Being tethered to a vacant property.

22 (vi) Any tethering that could reasonably lead to the distress, serious
23 discomfort, injury, or death of the dog.

24 2. Notwithstanding any other law to the contrary, it shall be unlawful
25 to tether a dog outdoors, except when all of the following conditions
26 are met:

27 (a) The tether shall: (i) be at least one inch thick and shall fit the
28 dog properly and comfortably, including when used on a dog that has not
29 finished growing, in which case the tether shall be modified to ensure a
30 comfortable fit; (ii) connect at both ends with a swivel and be affixed
31 in such a manner that it will prevent the dog from becoming entangled or
32 injured, and generally not likely to entangle the dog; (iii) weigh less
33 than 1/13th of the dog's weight and shall weigh less than twelve pounds;
34 (iv) be free of tangles; (v) not be embedded, partially embedded, or
35 prone to becoming embedded in a dog's skin; (vi) restrain the dog to the
36 owner's property in such a way as to prevent the dog from reaching
37 hazards, including but not limited to pools, fences, porches, or railing
38 that poses a strangulation risk; and (vii) have an appropriate length
39 such that the tether must allow the dog sufficient movement to urinate
40 in a separate area from the area where it must eat, drink, or lie down.

41 (b) The length of a stationary tether shall not be less than fifteen
42 feet in length, or five times the length of the dog's body as measured
43 from the tip of the nose to the base of the tail, whichever length is
44 greater.

45 (c) If the dog is tethered to a pulley, running line, or trolley or
46 cable system, it must be a minimum of fifteen feet long and less than
47 seven feet above the ground.

48 (d) The tether must be attached to the dog with a buckle type collar
49 or a body harness made of material not normally susceptible to being
50 severed by the dog through chewing or otherwise and that will not cause
51 trauma to the dog.

52 (e) Choke-, pinch-, or prong-type collars, attached weights or chain
53 links over one-quarter inch thick, or any other collar that restrains
54 the dog in such a manner that it impairs the flow of oxygen or blood to
55 the dog, which may cause choking or substantial discomfort to the dog,
56 shall not be utilized for tethering.

1 (f) The tethered dog must:

2 (i) be at least six months old;

3 (ii) not be a nursing female or in the advanced stages of pregnancy;

4 (iii) not be suffering from illness, debilitating disease, injury, or
5 distress; and

6 (iv) be apparently free of any health condition that would be exacer-
7 bated by tethering.

8 (g) If there are multiple dogs, each must be tethered separately.

9 (h) No dog shall be tethered outdoors between the hours of ten p.m.
10 and six a.m.

11 (i) A dog shall not be tethered outside for longer than four consec-
12 utive hours or a total time outside in excess of six hours in a twenty-
13 four hour period.

14 (j) The dog must not be tethered outdoors when a weather advisory or
15 warning is issued by local, state or federal authorities or when outdoor
16 environmental conditions, including, but not limited to, heat, cold,
17 wind, rain, snow or hail, pose an adverse risk to the health or safety
18 of such dog based on such dog's breed, age or physical condition.

19 (k) Tethered dogs must have unencumbered access to shade, food, water,
20 shelter, and dry ground without becoming entangled.

21 (l) Tethered dogs must be free of cruel conditions or inhumane tether-
22 ing as defined in subdivision one of this section.

23 3. Tethering a supervised dog for less than fifteen minutes in a
24 public location shall not be a violation of this section so long as the
25 tethered dog is free of cruel conditions or inhumane tethering.

26 4. This section shall be enforced by the attorney general.

27 (a) A violation of any of the provisions of this section shall, for a
28 first offense, shall be punishable by a civil fine not to exceed five
29 hundred dollars per dog.

30 (b) For a second offense, the fine shall be one thousand dollars per
31 dog plus reimbursement of investigation costs.

32 (c) For a third or subsequent offense, the fine shall be three thou-
33 sand dollars per dog plus reimbursement of investigation costs. Such
34 person shall register with any applicable local animal abuse registry
35 and shall forfeit all animals in such person's possession.

36 5. Nothing in this section shall be construed to limit or prevent a
37 municipality from enacting or enforcing a local law, rule, regulation or
38 ordinance regarding tethering or chaining of dogs, provided, however,
39 that any such local law, rule, regulation or ordinance shall be no less
40 stringent than the provisions of this section.

41 6. Nothing in this section shall be construed to affect any
42 protections afforded to dogs under any other provisions of this article
43 or other law or regulation.

44 7. The provisions of this section shall not apply to any federal,
45 state, or local law enforcement agency.

46 § 2. This act shall take effect on the thirtieth day after it shall
47 have become a law.