STATE OF NEW YORK

54--A

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL, THIELE, JACKSON, STERN, SIMONE -- read once and referred 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 outdoor restraint of dogs

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 353-g to read as follows:

§ 353-g. Outdoor restraint of dogs. Definitions. 1. For the purposes of this section:

(a) "Tether" shall mean to restrain a dog by attaching the dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering does not include the use of a leash to walk a dog or circumstances where a dog is otherwise accompanied by a person who owns or has custody or control of the dog.

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

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

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(c) "Shelter" shall mean conditions that allow the dog to remain dry and to be protected from the elements. A shelter shall: (i) comply with the minimum standards for appropriate shelter established pursuant to section three hundred fifty-three-b of this article; (ii) be fully enclosed on all sides except one, which side shall have an opening that allows the dog easy entry to and exit from the shelter; (iii) have a slanted, waterproof roof; (iv) have a solid floor; (v) contain clean bedding or straw/shavings. If straw/shavings are used, they shall be replaced at least once every two weeks so that the dog can burrow into it for warmth; (vi) be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down with limbs outstretched, and turn around comfortably; and (vii) have a surrounding area that is free of standing water, ice, and waste.

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

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

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

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

(iv) Exposing a dog to dangerous weather conditions.

(v) Allowing a dog to become entangled.

(vi) Being tethered to a vacant property.

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

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

(a) The tether shall: (i) be in compliance with the rules and regulations set forth by the department; (ii) not be embedded, partially embedded, or prone to becoming embedded in a dog's skin; (iii) restrain the dog to the owner's property in such a way as to prevent the dog from reaching hazards, including but not limited to pools, fences, porches, or railing that poses a strangulation risk; and (iv) allow the dog sufficient movement to urinate in a separate area from the area where it must eat, drink, or lie down.

(b) The tethered dog must:

(i) be at least six months old;

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

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

(iv) be apparently free of any health condition that would be exacerbated by tethering.

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

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

(e) A dog shall not be tethered outside for longer than four consecutive hours or a total time outside in excess of six hours in a twenty-four hour period.

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

(g) Tethered dogs must be free of cruel conditions or inhumane tethering.

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

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

(a) A violation of any of the provisions of this section shall, for a first offense, be punishable by a civil fine not to exceed fifty dollars total.

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

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

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

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

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

8. The department shall issue any necessary rules and regulations describing the humane use of a tether and the proper length and weight of such tether to ensure the requirements of this section are met.

9. The department shall engage in a public education campaign to ensure that dog owners are aware of the provisions of this section.

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