

STATE OF NEW YORK

142

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. GIANARIS, PALUMBO -- read twice and ordered printed,
and when printed to be committed to the Committee on Agriculture

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 Assem-
bly, do enact as follows:

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

3 § 365-a. Devocalization of animals. 1. No person shall perform the
4 surgical devocalization of a dog or cat except in accordance with the
5 provisions of this section.

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

9 b. Surgical devocalization of a dog or cat may be performed where
10 necessary to treat or relieve a physical illness, disease or injury or
11 correct a congenital abnormality suffered by the animal, where such
12 physical illness, disease, injury or congenital abnormality is causing
13 or may reasonably cause the animal physical pain or harm, or when deter-
14 mined by a veterinarian to be medically necessary to preserve the life
15 of the animal.

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

21 4. Notwithstanding subdivisions one, two and three of this section, a
22 surgical devocalization procedure shall not be performed on a dog or cat
23 under six months of age unless the performance of such procedure is

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

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1 necessary, and the only alternative is death or euthanasia. As used in
2 this section, "devocalization" means a surgical procedure on the larynx
3 or vocal cords of an animal intended to cause the reduction or elimi-
4 nation of vocal sounds produced by that animal and includes procedures
5 commonly referred to as "debarking", "silencing" or "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. a. Any person not licensed pursuant to article one hundred thirty-
14 five of the education law who knowingly performs, or knowingly causes to
15 be performed, the surgical devocalization of a dog or cat in violation
16 of the provisions of this section shall be guilty of a class B misdemea-
17 nor punishable by imprisonment for a period of not more than ninety days
18 or by a fine not to exceed five hundred dollars or by both such fine and
19 imprisonment.

20 b. Any veterinarian who knowingly performs a surgical devocalization
21 procedure in violation of the provisions of this section shall be
22 subject to the revocation or suspension of his or her license pursuant
23 to the processes outlined in article one hundred thirty of the education
24 law, as added by chapter 987 of the laws of 1971.

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

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

43 § 3. The commissioner of agriculture and markets and the commissioner
44 of education are authorized and directed to promulgate and implement all
45 rules, regulations and standards they respectively deem necessary to
46 enforce the provisions of this act on or before the effective date of
47 this act.

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