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 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.

4. Notwithstanding subdivisions one, two and three of this section, a surgical devocalization procedure shall not be performed on a dog or cat 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.

LBD01852-01-3

necessary, and the only alternative is death or euthanasia. As used in this section, "devocalization" means a surgical procedure on the larynx or vocal cords of an animal intended to cause the reduction or elimination of vocal sounds produced by that animal and includes procedures commonly referred to as "debarking", "silencing" or "bark softening".

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

6. a. Any person not licensed pursuant to article one hundred thirty-five of the education law who knowingly performs, or knowingly causes to be performed, the surgical devocalization of a dog or cat in violation of the provisions of this section shall be guilty of a class B misdemeanor punishable by imprisonment for a period of not more than ninety days or by a fine not to exceed five hundred dollars or by both such fine and imprisonment.

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

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

a. In addition to any other penalty provided by law, upon conviction for any violation of section three hundred fifty-one, three hundred fifty-three, three hundred fifty-three-a, three hundred fifty-three-b, three hundred fifty-five, three hundred fifty-six, three hundred fifty-nine, three hundred sixty, three hundred sixty-one, three hundred sixty-five, three hundred sixty-five-a or three hundred sixty-eight of this article, the convicted person may, after a duly held hearing pursuant to paragraph f of this subdivision, be ordered by the court to forfeit, to a duly incorporated society for the prevention of cruelty to animals or a duly incorporated humane society or authorized agents thereof, the animal or animals which are the basis of the conviction. Upon such an order of forfeiture, the convicted person shall be deemed to have relinquished all rights to the animals which are the basis of the conviction, except those granted in paragraph d of this subdivision.

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

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