

# STATE OF NEW YORK

6966

2023-2024 Regular Sessions

## IN SENATE

May 16, 2023

Introduced by Sen. SKOUFIS -- 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 code red and blue alerts for companion animals during extreme weather; and to repeal certain provisions of such law relating to the confinement of animals in vehicles

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

1 Section 1. Section 353-d of the agriculture and markets law is  
2 REPEALED and a new section 353-d is added to read as follows:

3 § 353-d. Code red and blue alerts for companion animals during extreme  
4 weather events. 1. For purposes of this section the following terms  
5 shall have the following meanings:

6 (a) "Extreme weather" shall mean:

7 (i) when temperatures will reach thirty-two degrees Fahrenheit or  
8 lower without precipitation or forty degrees Fahrenheit or lower with  
9 precipitation;

10 (ii) the National Weather Service wind-chill temperature will be thir-  
11 ty-two degrees Fahrenheit or less for a period of one hour or more;

12 (iii) the heat index is forecast to reach eighty degrees Fahrenheit or  
13 higher to ninety-nine degrees Fahrenheit for any length of time;

14 (iv) the temperatures will reach eighty-five degrees Fahrenheit or  
15 higher for any length of time;

16 (v) inclement weather conditions that are likely to adversely affect  
17 the health or safety of the companion animal, including but not limited  
18 to rain, sleet, ice, snow, wind, or extreme heat and cold; or

19 (vi) when there is a "weather alert" from a broadcast of the National  
20 Weather Service regarding one of the following weather-related events:  
21 blizzard warning, severe thunderstorm watch or warning, severe weather  
22 statement, tornado watch or warning, winter storm watch or warning.

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

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1 (b) "Companion animal" shall have the same meaning as defined in  
2 section three hundred fifty of this article.

3 (c) "Companion animal guardian" means an individual who currently has  
4 physical custody over a companion animal.

5 2. (a) The department shall issue code red, or code blue or weather  
6 alerts through a public service announcement whenever there is an  
7 extreme weather condition. Such public service announcements shall  
8 include, but shall not be limited to, the geographical region affected  
9 by the extreme weather condition and a statement that all unattended  
10 companion animals should be brought indoors.

11 (b) A code blue alert shall be issued whenever an extreme weather  
12 event as defined in subparagraphs (i), (ii) and (v) of paragraph (a) of  
13 subdivision one of this section occurs, a code red alert shall be issued  
14 whenever an extreme weather event as defined in subparagraphs (iii),  
15 (iv) and (v) of paragraph (a) of subdivision one of this section occurs,  
16 and a weather alert shall be issued whenever an extreme weather event as  
17 defined in subparagraph (vi) of paragraph (a) of subdivision one of this  
18 section occurs.

19 3. (a) No owner or guardian of a companion animal shall leave such  
20 animal or animals (i) unattended outside during a code red or code blue  
21 alert; or (ii) inside of a vehicle without proper ventilation, cooling  
22 or heating, or other protection where such confinement in a vehicle  
23 places the companion animal in imminent danger of death or serious phys-  
24 ical injury regardless of whether a code red or code blue alert has been  
25 issued and whether or not prevailing temperatures constitute an extreme  
26 weather event as set forth in paragraph (a) of subdivision one of this  
27 section.

28 (b) No owner shall muzzle an unattended companion animal during a code  
29 red alert.

30 (c) Animal control officers, dog control officers, police officers,  
31 peace officers, and peace officers acting as agents of a duly incorpo-  
32 rated humane society shall have the authority to assess the situation  
33 and determine if an animal is in distress or danger whenever a call is  
34 made or they come across an animal in distress or danger during a code  
35 red, code blue or weather alert event, or regardless of whether a code  
36 red or code blue alert has been issued, and whether or not prevailing  
37 temperatures constitute an extreme weather event as set forth in para-  
38 graph (a) of subdivision one of this section.

39 (d) Animal control officers, dog control officers, police officers,  
40 peace officers, and peace officers acting as agents of a duly incorpo-  
41 rated humane society shall issue warnings to owners or guardians of  
42 companion animals who have violated the provisions of paragraphs (a) and  
43 (b) of this subdivision. If the companion animal owner or guardian does  
44 not comply with such warning such animal control officer, dog control  
45 officer, police officer, peace officer, or peace officer acting as an  
46 agent of a duly incorporated humane society shall seize the companion  
47 animal.

48 4. Where the owner or guardian of a companion animal cannot be prompt-  
49 ly located, such animal control officer, dog control officer, police  
50 officer, peace officer, or peace officer acting as an agent of a duly  
51 incorporated humane society may take necessary steps to remove the  
52 animal from the property or vehicle.

53 5. Animal control officers, dog control officers, police officers,  
54 peace officers, or peace officers acting as an agent of a duly incorpo-  
55 rated humane society removing an animal or animals from a property or a  
56 vehicle pursuant to subdivision four of this section shall place a writ-

1 ten notice on the door of such property or on or in the vehicle, bearing  
2 the name of the officer or agent, and the department or agency and  
3 address where the animal or animals will be taken.

4 6. An animal or animals removed from a property or vehicle pursuant to  
5 this section shall, after receipt of any necessary emergency veterinary  
6 treatment, be delivered to the duly incorporated humane society or soci-  
7 ety for the prevention of cruelty to animals, or designated agent there-  
8 of, in the jurisdiction where the animal or animals were seized.

9 7. Any person who knowingly, or after a warning, violates the  
10 provisions of subdivision three of this section shall be guilty of a  
11 violation, punishable by a fine of up to one thousand dollars for a  
12 first offense, and a fine of up to two thousand dollars for a second and  
13 subsequent offenses.

14 8. Officers and agents shall not be held criminally or civilly liable  
15 for actions taken reasonably and in good faith in carrying out the  
16 provisions of this section.

17 9. The provisions of this section shall not apply where the minimum  
18 standards of determining whether shelter is appropriate for an animal  
19 are met. Such minimum standards for determining whether shelter is  
20 appropriate to an animal's breed, physical condition and the climate  
21 shall include:

22 (a) For animals that are restrained in any manner outdoors, shade by  
23 natural or artificial means to protect the animal from direct sunlight  
24 at all times when exposure to sunlight is likely to threaten the health  
25 of the animal.

26 (b) For all animals that are left outdoors in inclement weather, a  
27 housing facility, which must: (i) have a waterproof roof; (ii) be struc-  
28 turally sound with insulation appropriate to local climatic conditions  
29 and sufficient to protect the animal from inclement weather; (iii) be  
30 constructed to allow each animal adequate freedom of movement to make  
31 normal postural adjustments, including the ability to stand up, turn  
32 around and lie down with its limbs outstretched; and (iv) allow for  
33 effective removal of excretions, other waste material, dirt and trash.  
34 The housing facility and the area immediately surrounding it shall be  
35 regularly cleaned to maintain a healthy and sanitary environment and to  
36 minimize health hazards.

37 10. Nothing contained in this section shall be construed to affect any  
38 other protections afforded to companion animals under any other  
39 provisions of this article.

40 11. Police academies shall include in their curriculums and in the  
41 training manuals for both police officers and animal control officers  
42 this section.

43 § 2. This act shall take effect on the one hundred eightieth day after  
44 it shall have become a law. Effective immediately, the addition, amend-  
45 ment and/or repeal of any rule or regulation necessary for the implemen-  
46 tation of this act on its effective date are authorized to be made and  
47 completed on or before such effective date.