

STATE OF NEW YORK

9847

IN SENATE

June 4, 2024

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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. As used in this section, "devocalization" means a surgical proce-
22 dure on the larynx or vocal cords of an animal intended to cause the
23 reduction or elimination of vocal sounds produced by that animal and
24 includes procedures commonly referred to as "debarking", "silencing" or
25 "bark softening".

26 5. Any veterinarian licensed pursuant to article one hundred thirty-
27 five of the education law who knowingly performs, or knowingly causes to

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

LBD01852-04-4

1 be performed, the surgical devocalization of a dog or cat in violation
2 of the provisions of this section shall be subject to a civil penalty
3 not to exceed one thousand dollars and subject to the remedies available
4 pursuant to article one hundred thirty of the education law, as added by
5 chapter 987 of the laws of 1971.

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

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

15 a. In addition to any other penalty provided by law, upon conviction
16 for any violation of section three hundred fifty-one, three hundred
17 fifty-three, three hundred fifty-three-a, three hundred fifty-three-b,
18 three hundred fifty-five, three hundred fifty-six, three hundred fifty-
19 nine, three hundred sixty, three hundred sixty-one, three hundred
20 sixty-five, three hundred sixty-five-a or three hundred sixty-eight of
21 this article, the convicted person may, after a duly held hearing pursu-
22 ant to paragraph f of this subdivision, be ordered by the court to
23 forfeit, to a duly incorporated society for the prevention of cruelty to
24 animals or a duly incorporated humane society or authorized agents ther-
25 eof, the animal or animals which are the basis of the conviction. Upon
26 such an order of forfeiture, the convicted person shall be deemed to
27 have relinquished all rights to the animals which are the basis of the
28 conviction, except those granted in paragraph d of this subdivision.

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

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