

# STATE OF NEW YORK

3569--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

Introduced by M. of A. ZEBROWSKI, EACHUS, BORES -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- 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 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.

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

LBD01852-02-4

1 4. As used in this section, "devocalization" means a surgical proce-  
2 dure on the larynx or vocal cords of an animal intended to cause the  
3 reduction or elimination of vocal sounds produced by that animal and  
4 includes procedures commonly referred to as "debarking", "silencing" or  
5 "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. Any veterinarian who knowingly performs a surgical devocalization  
14 procedure in violation of the provisions of this section shall be  
15 subject to the revocation or suspension of their license pursuant to the  
16 processes outlined in article one hundred thirty of the education law,  
17 as added by chapter 987 of the laws of 1971.

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

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

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

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