

# STATE OF NEW YORK

2143

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring duly incorporated humane societies, a duly incorporated society for the prevention of cruelty to animals, pet dealers or any pound maintained by or under contract or agreement with any county, city, town or village microchip stray dogs or cats before being adopted

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 377-b to read as follows:

§ 377-b. Microchipping of dogs and cats. 1. A duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village shall microchip any dog or cat found abandoned and not properly cared for, or any lost, strayed, homeless or unwanted dog or cat if no such microchip is found prior to releasing such dog or cat for adoption or returning such dog or cat to the dog or cat's owner.

2. A duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village shall provide both written and verbal instructions on how to register or amend microchip information for animals.

3. Prior to releasing such dog or cat into the custody of such new owner, a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village shall confirm that such new owner has registered or amended such contact information with such microchip company.

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

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§ 2. Subdivision 2 of section 374 of the agriculture and markets law, as amended by chapter 421 of the laws of 2018, is amended to read as follows:

2. In the absence of such findings or certification, a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any county, city, town or village may after five days make available for adoption, subject to the provisions of section three hundred seventy-seven-b of this article or have humanely destroyed in accordance with the provisions of this section and subject to subdivisions six, eight and nine of section one hundred seventeen of this chapter, any animal of which possession is taken as provided for in the preceding section, unless the same is earlier redeemed by its owner. Notwithstanding the redemption periods set forth above in this subdivision, any municipality may establish the duration of such periods by local law or ordinance for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark, provided that no such period shall be less than three days, and provided further that such cat be made available solely for the purposes of adoption, subject to the provisions of section three hundred seventy-seven-b of this article and ~~[released to an adoptive owner]~~ following an examination by a duly-licensed veterinarian, the details of which shall be provided to the adoptive owner.

§ 3. Subparagraphs 2 and 3 of paragraph b of subdivision 6 of section 373 of the agriculture and markets law, subparagraph 2 as amended by section 24 of part T of chapter 59 of the laws of 2010, and subparagraph 3 as added by chapter 256 of the laws of 1997, are amended to read as follows:

(2) If the court orders the posting of a security, the security shall be posted with the clerk of the court within five business days of the hearing provided for in subparagraph one of this paragraph. The court may order the immediate forfeiture of the seized animal to the impounding organization if the person ordered to post the security fails to do so. Any animal forfeited shall be made available for adoption, subject to the provisions of section three hundred seventy-seven-b of this article, or euthanized subject to subdivision seven-a of section one hundred seventeen of this chapter or section three hundred seventy-four of this article.

(3) In the case of an animal other than a companion animal or pet, if a person ordered to post security fails to do so, the court may, in addition to the forfeiture to a duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter or any authorized agents thereof, and subject to the restrictions of sections three hundred fifty-four, three hundred fifty-seven and three hundred seventy-four of this article, order the animal which was the basis of the order to be sold, provided that all interested persons shall first be provided the opportunity to redeem their interest in the animal and to purchase the interest of the person ordered to post security, subject to such conditions as the court deems appropriate to assure proper care and treatment of the animal. The court may reimburse the person ordered to post security and any interested persons any money earned by the sale of the animal less any costs including, but not limited to, veterinary and custodial care. Any animal determined by the court to be maimed, diseased, disabled or infirm so as to be unfit for sale or any useful purpose shall be forfeited to a duly incorporated society for the prevention of cruelty to animals or a duly incorporated

1 humane society or authorized agents thereof, and be available for  
2 adoption, subject to the provisions of section three hundred seventy-  
3 seven-b of this article, or shall be euthanized subject to section three  
4 hundred seventy-four of this article.

5 § 4. Section 332 of the agriculture and markets law, as amended by  
6 chapter 449 of the laws of 2010, is amended to read as follows:

7 § 332. Disposition. Any person having in [~~his or her~~] such person's  
8 care, custody, or control any abandoned animal, as defined in section  
9 three hundred thirty-one of this article, may deliver such animal to any  
10 duly incorporated society for the prevention of cruelty to animals or  
11 any duly incorporated humane society having facilities for the care and  
12 eventual disposition of such animals, or, in the case of dogs, cats and  
13 other small animals, to any pound maintained by or under contract or  
14 agreement with any county, city, town, or village within which such  
15 animal was abandoned. The person with whom the animal was abandoned  
16 shall, however, on the day of divesting [~~himself or herself~~] such person  
17 of possession thereof, notify the person who had placed such animal in  
18 [~~his or her~~] such person's custody of the name and address of the animal  
19 society or pound to which the animal has been delivered, such notice to  
20 be by registered letter mailed to the last known address of the person  
21 intended to be so notified. If an animal is not claimed by its owner  
22 within five days after being so delivered to such duly incorporated  
23 society for the prevention of cruelty to animals, duly incorporated  
24 humane society or pound, such animal may at any time thereafter be  
25 placed for adoption, subject to the provisions of section three hundred  
26 seventy-seven-b of this chapter, in a suitable home or euthanized in  
27 accordance with the provisions of section three hundred seventy-four of  
28 this chapter. In no event, however, shall the use of a decompression  
29 chamber or decompression device of any kind be used for the purpose of  
30 destroying or disposing of such animal.

31 § 5. Subdivisions 7 and 7-a of section 117 of the agriculture and  
32 markets law, subdivision 7 as amended by section 13 of part T of chapter  
33 59 of the laws of 2010, and subdivision 7-a as amended by chapter 83 of  
34 the laws of 2011, are amended to read as follows:

35 7. An owner shall forfeit title to any dog unredeemed at the expira-  
36 tion of the appropriate redemption period, and the dog shall then be  
37 made available for adoption, subject to the provisions of section three  
38 hundred seventy-seven-b of this chapter, or euthanized subject to subdi-  
39 visions six, eight and nine of this section and subject to the  
40 provisions of section three hundred seventy-four of this chapter. Any  
41 municipality may by local law or ordinance establish additional condi-  
42 tions for adoption including the requirement that adopted dogs shall be  
43 spayed or neutered before or after release from custody upon such terms  
44 and conditions as the municipality may establish.

45 7-a. Any animal in the custody of a pound or shelter shall be made  
46 available for adoption, subject to the provisions of section three  
47 hundred seventy-seven-b of this chapter, or euthanized subject to subdi-  
48 visions six, eight and nine of this section and subject to the  
49 provisions of section three hundred seventy-four of this chapter after  
50 the time for redemption has expired; provided, however, that such  
51 release may be made to another such pound, duly incorporated society for  
52 the prevention of cruelty to animals, duly incorporated humane society  
53 or duly incorporated animal protective association for the sole purpose  
54 of placing such animal in an adoptive home, when such action is reason-  
55 ably believed to improve the opportunity for adoption.

§ 6. Section 429 of the agriculture and markets law is amended by adding a new subdivision 16 to read as follows:

16. (a) No animal shelter shall release any dog or cat, for the purposes of adoption or the return of a lost dog or cat to its owner, unless such dog or cat has been injected with a microchip and the animal shelter has confirmed that such owner has registered or amended the contact information associated with such microchip company, subject to the provisions of section three hundred seventy-seven-b of this chapter.

(b) Each animal shelter shall provide owners with written instructions on how to register or amend such dog or cat's information with the microchip company, subject to the provisions of section three hundred seventy-seven-b of this chapter.

§ 7. The opening paragraph of subdivision 1 of section 380 of the agriculture and markets law, as added by chapter 470 of the laws of 2017 and such section as renumbered by chapter 683 of the laws of 2022, is amended to read as follows:

Consistent with the provisions of section one hundred seventeen of this chapter and sections three hundred seventy-three and three hundred seventy-four of this article, no later than twenty-four hours, or as soon as practicable, after a companion animal that is a dog or a cat has been seized or taken possession of, [~~except for such animals that have been surrendered by the owner,~~] by any dog control officer, animal control officer or peace officer acting pursuant to [~~his or her~~] such officer's special duties, or police officer in the employ of or under contract with a municipality, or any duly incorporated society for the prevention of cruelty to animals, pet dealers, duly incorporated humane society, pound or shelter that is operated by or under contract to a municipality, such officer, society, pound or shelter shall take steps to:

§ 8. Section 401 of the agriculture and markets law is amended by adding a new subdivision 9 to read as follows:

9. Microchip. All dogs and cats shall be injected with a microchip prior to such dog or cat being offered up for sale. Such pet dealer shall provide new owners with written instructions on how to register or amend such dog or cat's information with such microchip company. Further, such pet dealer shall confirm such new owner has registered or amended the contact information with such microchip company prior to releasing such dog or cat into the custody of such new owner.

§ 9. This act shall take effect immediately; provided however, section six of this act shall take effect on the same date and in the same manner as section 2 of chapter 683 of the laws of 2022, takes effect.