

STATE OF NEW YORK

10731

IN ASSEMBLY

March 27, 2026

Introduced by M. of A. WOERNER, WALSH -- read once and referred to the Committee on Economic Development

AN ACT to amend the executive law and the state finance law, in relation to establishing standards for animal boarding facilities

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

1 Section 1. The executive law is amended by adding a new article 19-C
2 to read as follows:

ARTICLE 19-C

REGULATION OF ANIMAL BOARDING FACILITIES

Section 440. Definitions.

6 441. License required and inspection of facilities.

7 442. Recordkeeping and protocols.

8 443. General facility standards.

9 444. Animal housing.

10 445. Animal husbandry.

11 § 440. Definitions. For purposes of this article, the following terms
12 shall have the following meanings:

13 1. "Animal" shall mean a dog, cat or other companion animal, but shall
14 not include livestock.

15 2. "Animal boarding facility" means a for-profit facility owned, oper-
16 ated or otherwise maintained for the care or custody of animals for
17 boarding, training, or similar purposes, for varying periods of time,
18 where the ownership of the animal is not transferred, regardless of
19 whether such facility also serves as a personal residence. Such term
20 shall not include:

21 (a) facilities regulated as pet dealers under article twenty-six-A of
22 the agriculture and markets law;

23 (b) facilities regulated as animal shelters under article twenty-six-B
24 of the agriculture and markets law;

25 (c) facilities operated by a veterinarian as part of their regular
26 veterinary practice;

27 (d) "doggy day care" or "pet day care"; or

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

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1 (e) pet sitting services where care is provided in a private residence
2 solely to animals that belong to the owner or lessor of such residence.

3 3. "Department" shall mean the department of state.

4 4. "Doggy day care" or "pet day care" shall mean short-term daytime
5 care for six or fewer dogs, excluding working dogs as defined in section
6 ninety of the state law and dogs owned by the proprietor of such day
7 care facility that reside in such proprietor's residence, at a facility
8 on property shared with such proprietor's residence that provides super-
9 vised playtime and socialization for groups of dogs and food and water
10 as needed, provided the duration of any stay does not exceed ten hours.

11 5. "Primary enclosure" shall mean the area of confinement used for
12 housing an individual animal and where such animal spends the majority
13 of its time while staying at an animal boarding facility.

14 6. "Secretary" shall mean the secretary of state of the state of New
15 York.

16 § 441. License required and inspection of facilities. 1. Any person
17 operating an animal boarding facility shall be licensed by the depart-
18 ment pursuant to the provisions of this article.

19 2. Notwithstanding the foregoing, any person operating an animal
20 boarding facility on or before the effective date of this section, who
21 has filed an application for an initial license under this article is
22 hereby authorized to operate without such license until the department
23 grants or, after notice of an opportunity to be heard, declines to grant
24 such license. Each application for licensure shall be made on a form
25 supplied by the department, which contains such information as required
26 by the department, and shall be accompanied by a nonrefundable fee of
27 one hundred fifty dollars.

28 3. The moneys received by the department pursuant to this section
29 shall be deposited in the "animal boarding facilities licensing fund"
30 established pursuant to section ninety-nine-uu of the state finance law.

31 4. Application for licensure as set forth in this section shall be
32 made annually to the department on a form prescribed by the department.
33 Such form shall include, but not be limited to, the following informa-
34 tion:

35 (a) The name of the applicant and the name or names under which the
36 applicant offers its services to the public, any name under which the
37 applicant has offered such services to the public during the past five
38 years, and whether the applicant has ever held an animal boarding facil-
39 ity license issued pursuant to this article;

40 (b) The address and telephone number of the applicant and for any
41 other premises owned or leased by such applicant to carry out its busi-
42 ness purposes;

43 (c) The website and email address of the applicant;

44 (d) The maximum number and species of animals the facility intends to
45 harbor;

46 (e) A description of facilities by which the applicant carries out the
47 purposes for which it was incorporated;

48 (f) Current training protocol and procedural practices; and

49 (g) Other information as deemed necessary to satisfy the department of
50 the applicant's character and responsibility.

51 5. The department shall conduct an inspection of the applicant's
52 facilities prior to the issuance of a license pursuant to this section,
53 and annual inspections of the applicant's facilities licensed pursuant
54 to this section prior to renewal of such license. The department may
55 periodically conduct unannounced inspections of such facilities and
56 whenever, in the discretion of the secretary, a complaint warrants such

1 investigation. Animal boarding facilities licensed pursuant to this
2 section shall provide the department with open hours to facilitate time-
3 ly inspections. Renewal of an animal boarding facility license shall not
4 be granted until all outstanding violations issued pursuant to this
5 article are corrected and any outstanding monetary penalties assessed
6 pursuant to this article are paid in full.

7 6. Upon validation by the department, the application shall become the
8 license of the animal boarding facility. The department shall retain a
9 copy of such license and provide a copy of the license to the animal
10 boarding facility. Animal boarding facilities licensed pursuant to this
11 section shall conspicuously display their license on the premises where
12 their animals are harbored. The department shall also provide the licen-
13 see with an animal boarding facility registration identification number.
14 The licensee's animal boarding facility registration identification
15 number shall be prominently displayed on the licensee's websites and any
16 publications or advertisements made available to the public.

17 7. Such license shall be renewable annually, together with the payment
18 of a nonrefundable fee of one hundred fifty dollars.

19 8. The secretary may decline to grant or renew, or may suspend or
20 revoke an animal boarding facility license, on any one or more of the
21 following grounds, provided that before any of the aforementioned
22 actions are taken pursuant to this section, the secretary shall hold a
23 hearing, upon due notice to the licensee in accordance with any regu-
24 lations promulgated by the department and in accordance with articles
25 three and four of the state administrative procedure act, and provided
26 further that any action of the secretary is subject to judicial review
27 in a proceeding under article seventy-eight of the civil practice law
28 and rules:

29 (a) material misstatement in the license application;

30 (b) material misstatement in or falsification of records required to
31 be kept pursuant to this article, or under any regulation promulgated
32 thereunder, or failure to allow the department to inspect records of the
33 animal boarding facility;

34 (c) violation of any provision of this article or conviction of a
35 violation of any provision of article twenty-six of the agriculture and
36 markets law or regulations promulgated thereunder pertaining to humane
37 treatment of animals, cruelty to animals, endangering the life or health
38 of an animal, or violation of any federal, state, or local law pertain-
39 ing to the care, treatment, sale, possession, or handling of animals or
40 any regulation or rule relating to the endangerment of the life or
41 health of an animal;

42 (d) failure to comply with any of the provisions of this article or
43 any rule or regulation promulgated by the secretary to effectuate the
44 purposes of this article; or

45 (e) failure to renew a license within the period prescribed in subdivi-
46 sion seven of this section.

47 § 442. Recordkeeping and protocols. 1. Each animal boarding facility
48 shall examine an animal upon its initial intake for unique identifiers
49 and any other form of identification that may allow for reunification
50 with an owner.

51 2. Each animal boarding facility shall create and maintain a record
52 for each animal in their custody or possession, which shall minimally
53 include:

54 (a) Unique identifiers and any other identification associated with
55 the animal upon examination at initial entry, including but not limited
56 to a tattoo, a permanent official identification number as prescribed in

1 section one hundred eleven of the agriculture and markets law, or other
2 identification tags, rabies tags and numbers, or a microchip number, if
3 present;

4 (b) The name, address and telephone number of the animal's owner;

5 (c) The date of each intake into and departure from the animal board-
6 ing facility;

7 (d) Basic descriptors including species, age, gender, physical
8 description including color, and the spay or neuter status at entry if
9 determinable with reasonable certainty;

10 (e) Any available behavioral or health history or information other-
11 wise obtained at intake, including bite history and rabies vaccination
12 status, when known; and

13 (f) All veterinary and behavioral examinations, treatments, proce-
14 dures, or medications occurring during the animal's time under the care
15 of the animal boarding facility.

16 3. Notwithstanding any other provision of law or regulation to the
17 contrary, records for each animal shall be maintained for not less than
18 three years from the last date of animal departure.

19 4. Each animal boarding facility shall develop and maintain written
20 protocols sufficiently detailed to achieve and maintain the standards
21 prescribed in this section. These shall include, but not be limited to,
22 the following:

23 (a) animal handling;

24 (b) behavioral assessment;

25 (c) enrichment and stress reduction;

26 (d) management of bite/scratch cases; and

27 (e) sanitation.

28 5. Each animal boarding facility shall also develop and maintain the
29 following written protocols, sufficiently detailed to achieve and main-
30 tain the standards prescribed in this article:

31 (a) nutrition and feeding;

32 (b) physical examination;

33 (c) owner notification and emergency veterinary care;

34 (d) pain management;

35 (e) vaccinations;

36 (f) parasite control; and

37 (g) outbreak management/control of infectious diseases.

38 6. Protocols established by each animal boarding facility pursuant to
39 this section shall be reviewed annually and updated as necessary by
40 designated administrative and managerial staff. Such protocols shall be
41 made readily accessible to appropriate staff.

42 § 443. General facility standards. 1. All facilities and all interior
43 components of each animal boarding facility shall be constructed of
44 materials that ensure a sound physical structure and shall be maintained
45 so as to protect animals from injury, ensure containment of animals
46 within the property, and restrict unauthorized entry of other animals
47 and humans to the building.

48 2. Indoor building surfaces in direct contact with animals shall be
49 constructed of materials that are non-porous, water-resistant, non-toxic
50 and able to withstand regular cleaning and disinfection. Adequate drain-
51 age shall prevent the accumulation of water or other liquids on floors.

52 3. Electrical power and running water shall be maintained in all
53 indoor areas of the facility that house animals, with written emergency
54 plans in place for backup sources or the relocation of the animals to a
55 safe environment in the event of outages lasting more than four hours.

1 4. Readily accessible sinks shall be conveniently located in all
 2 animal care areas.

3 5. Ambient temperatures in all indoor animal housing areas shall be
 4 routinely maintained between sixty and eighty degrees Fahrenheit.

5 6. Each animal shall be monitored and provided with an environment
 6 allowing for the maintenance of normal body temperature based on
 7 species, breed, body condition, medical condition, and age.

8 7. Each animal boarding facility shall document the regular mainte-
 9 nance of air handling systems in accordance with the manufacturer's
 10 recommendations.

11 8. Ammonia levels shall be kept at less than two parts per million.

12 9. Each animal boarding facility shall provide separate housing areas,
 13 segregated by species and from uninfected, unexposed animals, for the
 14 housing of any animal with an infectious disease that may be transmitted
 15 within the boarding facility environment and requiring isolation as
 16 determined by a licensed veterinarian. Doors separating such rooms from
 17 the remainder of the facility shall be kept closed.

18 10. Each animal boarding facility shall minimize continuous exposure
 19 of personnel and animals to sound levels exceeding eighty-five decibels.
 20 Active measures shall be taken and documented to minimize sound levels
 21 in housing areas. Such measures may include modified kennel design,
 22 relocation of particularly loud animals, or use of visual barriers,
 23 sound baffling, and behavioral enrichment protocols. Each animal board-
 24 ing facility shall use a decibel meter at a minimum of once a week to
 25 measure the level of sound in their kennels during cleaning and resting
 26 times. A record of such measurements and the date such measurements were
 27 recorded shall be maintained by each animal boarding facility.

28 11. Each animal boarding facility shall provide animal housing areas
 29 that provide adequate lighting and a means to maintain diurnal light
 30 cycles pursuant to an established schedule. All animals shall have a
 31 minimum of eight hours each of light and darkness within a twenty-four-
 32 hour cycle.

33 12. Each animal boarding facility shall establish and maintain a writ-
 34 ten plan for pest and vermin control, including the following:

35 (a) A method of controlling rodent infestation that is effective and
 36 safe for both humans and animals housed in the facility;

37 (b) A record or copies of service reports from outside service provid-
 38 ers related to pest and vermin control that document dates, methods,
 39 locations, and outcomes, if applicable; and

40 (c) Food stored in rodent-proof containers to prevent spoilage,
 41 contamination, and infestation once opened, if the packaging has been
 42 damaged, or as otherwise required by such plan.

43 13. The use of unattended drop boxes for animal intake is prohibited.

44 14. Each animal boarding facility that operates in the state shall
 45 provide sufficient space to enable each dog and cat to be able to turn
 46 about freely, to stand, sit, and lie in a comfortable, normal position,
 47 and to walk in a normal manner. The interior height of the primary
 48 enclosure must be at least six inches higher than the tallest dog in the
 49 enclosure when the dog is standing in a normal comfortable standing
 50 position and shall provide the minimum space needed for dogs based on
 51 body length, as set forth below:

<u>Dog Length</u>	<u>Sq Ft</u>	<u>Dog Length</u>	<u>Sq Ft</u>	<u>Dog Length</u>	<u>Sq Ft</u>
<u>(in)</u>	<u>needed</u>	<u>(in)</u>	<u>needed</u>	<u>(in)</u>	<u>needed</u>
<u>7 or shorter</u>	<u>1.17</u>	<u>19</u>	<u>4.34</u>	<u>31</u>	<u>9.51</u>
<u>8</u>	<u>1.36</u>	<u>20</u>	<u>4.69</u>	<u>32</u>	<u>10.03</u>

1	<u>9</u>	<u>1.56</u>	<u>21</u>	<u>5.06</u>	<u>33</u>	<u>10.56</u>
2	<u>10</u>	<u>1.78</u>	<u>22</u>	<u>5.44</u>	<u>34</u>	<u>11.11</u>
3	<u>11</u>	<u>2.01</u>	<u>23</u>	<u>5.84</u>	<u>36</u>	<u>12.25</u>
4	<u>12</u>	<u>2.25</u>	<u>24</u>	<u>6.25</u>	<u>38</u>	<u>13.44</u>
5	<u>13</u>	<u>2.51</u>	<u>25</u>	<u>6.67</u>	<u>40</u>	<u>14.69</u>
6	<u>14</u>	<u>2.78</u>	<u>26</u>	<u>7.11</u>	<u>42</u>	<u>16.00</u>
7	<u>15</u>	<u>3.06</u>	<u>27</u>	<u>7.56</u>	<u>44</u>	<u>17.36</u>
8	<u>16</u>	<u>3.36</u>	<u>28</u>	<u>8.03</u>	<u>46</u>	<u>18.78</u>
9	<u>17</u>	<u>3.67</u>	<u>29</u>	<u>8.51</u>	<u>48 or longer</u>	<u>20.25</u>
10	<u>18</u>	<u>4.00</u>	<u>30</u>	<u>9.00</u>		

15. Each animal shall be housed alone in a primary enclosure, provided however, that the owner of two animals of the same species may request the animal boarding facility to house both such animals together in the same primary enclosure, provided the total floor space in such enclosure meets or exceeds each animal's individual minimum space requirement as set forth in subdivision fourteen of this section.

16. Each animal boarding facility shall ensure that animals have access to water and food in accordance with section four hundred forty-five of this article, unless it is medically necessary to restrict an animal from eating or drinking.

§ 444. Animal housing. 1. Each animal boarding facility shall provide each animal in its custody or possession with a suitable primary enclosure that meets the requirements prescribed in section four hundred forty-three of this article.

2. Unsupervised tethering for periods exceeding thirty minutes is prohibited.

3. Wire or slat-bottom cages are prohibited unless a solid tray is provided for the cage bottom to prevent injury to the animal.

4. Animals shall not be housed outdoors for more than twelve hours within a twenty-four-hour period, with the exception of free-roaming cats under the care of the animal boarding facility.

5. Outdoor primary enclosures shall comply with all housing requirements prescribed in this section and shall provide the following:

(a) protection from the elements at all times;

(b) adequate drainage to prevent the accumulation of excess water in or around the enclosures;

(c) a moisture-proof, insulated shelter structure large enough to simultaneously accommodate all animals in the enclosure, unless immediate entry to an indoor portion of the enclosure is accessible;

(d) security from unauthorized entry of other animals into the enclosure;

(e) a separate, shaded area sufficient to simultaneously accommodate all animals, except when animals have immediate access to an indoor portion of the enclosure;

(f) clean dry bedding at all times and a heat source when the outdoor temperature falls below fifty degrees Fahrenheit; and

(g) enclosures that allow outdoor access for cats shall be fully enclosed to prevent escape from the enclosure.

§ 445. Animal husbandry. 1. Each animal boarding facility shall provide each animal under its care with fresh, potable water at all times unless otherwise directed by a duly licensed veterinarian.

2. Each animal boarding facility shall feed each animal under its care a complete and nutritionally balanced, species-specific and life-stage-appropriate diet as indicated by the animal's age, weight, and medical health, or as specifically directed by the animal's owner.

1 3. Food shall be provided at least once daily for adult animals and at
2 least twice daily for animals less than six months of age.

3 4. Perishable animal food shall be refrigerated.

4 5. Animal food and water containers shall be present in sufficient
5 number and location to safely enable each animal in the enclosure to
6 access an adequate supply of food and water. Food and water bowls shall
7 be of the type that can be easily sanitized, be kept clean and shall be
8 cleaned and disinfected prior to use by a different animal, unless
9 disposable bowls are used and replaced between animals.

10 6. Each animal shall be observed during or following each feeding time
11 to ensure daily food intake, or at least once every twenty-four hours
12 for animals continually offered food. Such observations shall be
13 recorded.

14 § 2. The state finance law is amended by adding a new section 99-uu to
15 read as follows:

16 § 99-uu. Animal boarding facilities licensing fund. 1. There is hereby
17 established in the joint custody of the state comptroller and the
18 commissioner of taxation and finance, a fund to be known as the "animal
19 boarding facilities licensing fund".

20 2. Such fund shall consist of all monies collected pursuant to article
21 nineteen-C of the executive law and all other monies credited or trans-
22 ferred thereto from any other fund or source pursuant to law.

23 3. Monies of the fund shall be expended solely for the purposes of
24 carrying out the provisions of article nineteen-C of the executive law.
25 Monies shall be paid out of the fund on the audit and warrant of the
26 state comptroller on vouchers approved by the secretary of state. Any
27 interest received by the comptroller on monies on deposit in the animal
28 boarding facilities licensing fund shall be retained in and become part
29 of such fund.

30 § 3. Severability. If any clause, sentence, paragraph, section or part
31 of this act shall be adjudged by any court of competent jurisdiction to
32 be invalid and after exhaustion of all further judicial review, such
33 judgment shall not affect, impair or invalidate the remainder thereof,
34 but shall be confined in its operation to the clause, sentence, para-
35 graph, section or part thereof directly involved in the controversy in
36 which such judgment shall have been rendered.

37 § 4. This act shall take effect two years after it shall have become a
38 law. Effective immediately, the addition, amendment and/or repeal of any
39 rule or regulation necessary for the implementation of this act on its
40 effective date are authorized to be made and completed on or before such
41 effective date.