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:

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

ARTICLE 19-C

REGULATION OF ANIMAL BOARDING FACILITIES

Section 440. Definitions.
441. License required and inspection of facilities.
442. Recordkeeping and protocols.
443. General facility standards.
444. Animal housing.
445. Animal husbandry.

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

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

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

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

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

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

(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.

LBD15109-01-6

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

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

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

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

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

§ 441. License required and inspection of facilities. 1. Any person operating an animal boarding facility shall be licensed by the department pursuant to the provisions of this article.

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

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

4. Application for licensure as set forth in this section shall be made annually to the department on a form prescribed by the department. Such form shall include, but not be limited to, the following information:

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

(b) The address and telephone number of the applicant and for any other premises owned or leased by such applicant to carry out its business purposes;

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

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

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

(f) Current training protocol and procedural practices; and

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

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

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

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

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

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

(a) material misstatement in the license application;

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

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

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

(e) failure to renew a license within the period prescribed in subdivision seven of this section.

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

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

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

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

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

(c) The date of each intake into and departure from the animal boarding facility;

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

(e) Any available behavioral or health history or information otherwise obtained at intake, including bite history and rabies vaccination status, when known; and

(f) All veterinary and behavioral examinations, treatments, procedures, or medications occurring during the animal's time under the care of the animal boarding facility.

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

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

(a) animal handling;

(b) behavioral assessment;

(c) enrichment and stress reduction;

(d) management of bite/scratch cases; and

(e) sanitation.

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

(a) nutrition and feeding;

(b) physical examination;

(c) owner notification and emergency veterinary care;

(d) pain management;

(e) vaccinations;

(f) parasite control; and

(g) outbreak management/control of infectious diseases.

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

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

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

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

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

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

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

7. Each animal boarding facility shall document the regular maintenance of air handling systems in accordance with the manufacturer's recommendations.

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

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

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

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

12. Each animal boarding facility shall establish and maintain a written plan for pest and vermin control, including the following:

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

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

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

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

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

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

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

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.

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

4. Perishable animal food shall be refrigerated.

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

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

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

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

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

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

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

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