

STATE OF NEW YORK

165--B

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROSENTHAL, JACKSON, STERN, GLICK, DAVILA, KELLES, SIMONE, BORES, STIRPE, GALLAGHER, McDONALD, TAPIA, KAY, McDONOUGH, McMAHON, SIMON, MITAYNES, DINOWITZ, COLTON, ROMERO, LUPARDO, CASHMAN -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- 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 outdoor restraint of dogs

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 353-g to read as follows:

3 § 353-g. Outdoor restraint of dogs. Definitions. 1. For the purposes
4 of this section:

5 (a) "Tether" shall mean to restrain a dog by attaching the dog to any
6 object or structure, including without limitation a house, tree, fence,
7 post, garage, or shed, by any means, including without limitation a
8 chain, rope, cord, leash, or running line. Tethering does not include
9 the use of a leash to walk a dog or circumstances where a dog is other-
10 wise accompanied by a person who owns or has custody or control of the
11 dog.

12 (b) "Dangerous weather conditions" shall mean inclement weather as
13 defined in section three hundred fifty-three-b of this article, condi-
14 tions described in a weather alert, advisory or other warning issued by
15 a local, state or federal authority, or when outside weather conditions,
16 including but not limited to extreme heat, cold, wind, rain, snow, or
17 hail, pose an adverse risk to the health or safety of a dog based on
18 breed, age, and physical condition, in accordance with the industry

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

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1 standard set forth in the Tufts Animal Care and Condition Weather Safety
2 Scale. Extreme heat and cold limitations shall mean an ambient temper-
3 ature of eighty degrees Fahrenheit and thirty-five degrees Fahrenheit,
4 respectively.

5 (c) "Shelter" shall mean conditions that comply with the minimum stan-
6 dards established for the appropriate shelter for dogs left outdoors
7 pursuant to section three hundred fifty-three-b of this article.

8 (d) "Inhumane tethering" shall include the following:

9 (i) Continuous exposure to animal waste, garbage, or noxious odors,
10 provided that a dog may be exposed to their own waste so long as any
11 such waste produced prior to tethering was cleared prior to the dog
12 being tethered;

13 (ii) Recurrent or continual taunting, prodding, or provoking;

14 (iii) Exposure to physical harm or the threat of physical harm;

15 (iv) Exposure to dangerous conditions, including potential attacks by
16 other animals and exposure to objects that could injure or kill a dog;

17 (v) Exposure to dangerous weather conditions;

18 (vi) Any tethering not in compliance with paragraph (a) of subdivision
19 two of this section that results in a dog becoming entangled;

20 (vii) Being tethered to a vacant property; or

21 (viii) Any tethering that could reasonably lead to the distress, inju-
22 ry, or death of the dog.

23 2. Notwithstanding any other law to the contrary, it shall be unlawful
24 to tether an unaccompanied dog outdoors, except when all of the follow-
25 ing conditions are met:

26 (a) The tether shall: (i) be in compliance with the rules and regu-
27 lations set forth by the department; (ii) not be embedded, partially
28 embedded, or prone to becoming embedded in a dog's skin; (iii) restrain
29 the dog to the owner's property in such a way as to prevent the dog from
30 reaching hazards, including but not limited to pools, fences, porches,
31 or railing that poses a strangulation risk; and (iv) allow the dog
32 sufficient movement to urinate in a separate area from the area where it
33 must eat, drink, or lie down.

34 (b) The tethered dog must:

35 (i) be at least six months old;

36 (ii) not be a nursing female dog or a female dog visibly in the
37 advanced stages of pregnancy;

38 (iii) not be suffering from illness, debilitating disease, injury, or
39 distress; and

40 (iv) be apparently free of any health condition that would be exacer-
41 bated by tethering.

42 (c) If there are multiple dogs, each must be tethered separately.

43 (d) No dog shall be tethered outdoors between the hours of ten p.m.
44 and six a.m.

45 (e) A dog shall not be tethered outside for longer than four consec-
46 utive hours or a total time outside in excess of six hours in a twenty-
47 four hour period.

48 (f) Tethered dogs must have unencumbered access to shade, food, water,
49 shelter, and dry ground.

50 (g) Tethered dogs must be free from conditions that would constitute
51 inhumane tethering.

52 3. Tethering a supervised dog for less than fifteen minutes shall not
53 be a violation of this section so long as the tethered dog is free from
54 conditions that would constitute inhumane tethering.

55 4. This section shall not apply to the tethering of a dog that is:

1 (a) actively engaged in conduct that is directly related to the busi-
2 ness of shepherding, herding cattle or other livestock, or engaged in
3 conduct that is directly related to the business of cultivating agricul-
4 tural products as defined in section three hundred twenty-eight of this
5 chapter;

6 (b) a police work dog as defined in section one hundred eight of this
7 chapter;

8 (c) a guide dog or service dog, as defined in section one hundred
9 eight of this chapter, providing such services to the owner of record;

10 (d) temporarily tethered for evaluation after seizure as a stray or as
11 part of an animal cruelty investigation or rescue operation;

12 (e) actively being transported in a motor vehicle;

13 (f) a tracking dog, or a dog being trained for hunting or actively
14 engaged in hunting in accordance with title nine of article eleven of
15 the environmental conservation law;

16 (g) a dog being trained for winter sports or actively engaged in
17 winter sports; or

18 (h) in the custody of an animal shelter, as defined in section four
19 hundred twenty of this chapter, where the dog is:

20 (i) receiving medical care or treatment; or

21 (ii) temporarily tethered after being unloaded from a motor vehicle or
22 transport.

23 5. A violation of any of the provisions of this section shall be
24 punishable by a civil penalty not to exceed three hundred dollars for
25 the first violation. Any subsequent violation shall be punishable by a
26 civil penalty not to exceed one thousand dollars.

27 6. Nothing in this section shall be construed to limit or prevent a
28 municipality from enacting or enforcing a local law, rule, regulation or
29 ordinance regarding tethering or chaining of dogs, provided, however,
30 that any such local law, rule, regulation or ordinance shall be no less
31 stringent than the provisions of this section.

32 7. Nothing in this section shall be construed to reduce any
33 protections afforded to dogs under any other provisions of this article
34 or other law or regulation.

35 8. The provisions of this section shall not apply to any federal,
36 state or local law enforcement agency.

37 9. The department shall promulgate rules and regulations describing
38 the humane use of a tether and the proper length and weight of such
39 tether to ensure the requirements of this section are met.

40 10. The department shall engage in a public education campaign to
41 ensure that dog owners are aware of the provisions of this section.

42 § 2. This act shall take effect on the one hundred eightieth day after
43 it shall have become a law. Effective immediately, the addition, amend-
44 ment and/or repeal of any rule or regulation necessary for the implemen-
45 tation of this act on its effective date are authorized to be made and
46 completed by the department of agriculture and markets on or before such
47 effective date.