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:

Section 1. The agriculture and markets law is amended by adding a new section 353-g to read as follows:

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

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

(b) "Dangerous weather conditions" shall mean inclement weather as defined in section three hundred fifty-three-b of this article, conditions described in a weather alert, advisory or other warning issued by a local, state or federal authority, or when outside weather conditions, including but not limited to extreme heat, cold, wind, rain, snow, or hail, pose an adverse risk to the health or safety of a dog based on 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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standard set forth in the Tufts Animal Care and Condition Weather Safety Scale. Extreme heat and cold limitations shall mean an ambient temperature of eighty degrees Fahrenheit and thirty-five degrees Fahrenheit, respectively.

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

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

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

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

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

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

(v) Exposure to dangerous weather conditions;

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

(vii) Being tethered to a vacant property; or

(viii) Any tethering that could reasonably lead to the distress, injury, or death of the dog.

2. Notwithstanding any other law to the contrary, it shall be unlawful to tether an unaccompanied dog outdoors, except when all of the following conditions are met:

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

(b) The tethered dog must:

(i) be at least six months old;

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

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

(iv) be apparently free of any health condition that would be exacerbated by tethering.

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

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

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

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

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

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

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

(a) actively engaged in conduct that is directly related to the business of shepherding, herding cattle or other livestock, or engaged in conduct that is directly related to the business of cultivating agricultural products as defined in section three hundred twenty-eight of this chapter;

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

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

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

(e) actively being transported in a motor vehicle;

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

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

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

(i) receiving medical care or treatment; or

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

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

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

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

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

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

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

§ 2. This act shall take effect on the one hundred eightieth day 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 by the department of agriculture and markets on or before such effective date.