

STATE OF NEW YORK

9123

2025-2026 Regular Sessions

IN ASSEMBLY

September 26, 2025

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

AN ACT to amend the agriculture and markets law, in relation to regulat-
ing the operation of animal boarding kennels

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

1 Section 1. This act shall be known and may be cited as "the NYS Safe
2 Pet Boarding Act".

3 § 2. Legislative intent. The Legislature finds that there is a grow-
4 ing epidemic of animal cruelty cases in the state. This act seeks to
5 address failures in state law to properly regulate pet boarding kennels
6 which have recently come to light with the deaths of 21 dogs at a board-
7 er in Argyle and with the murder of the French Bulldog Gus at "A Time
8 for Paws" in Halfmoon. This act would set some minimum standards at the
9 state level for oversight of boarding kennels.

10 § 3. The agriculture and markets law is amended by adding a new arti-
11 cle 26-D to read as follows:

ARTICLE 26-D

REGULATION OF BOARDING FACILITIES

Section 440. Definitions.

15 441. License required and inspection of facilities.

16 442. Personnel training requirements.

17 443. Recordkeeping and protocols.

18 444. General facility standards.

19 445. Animal housing.

20 446. Sanitation.

21 447. Boarding kennel management protocols.

22 448. Animal husbandry.

23 449. Violations.

24 449-a. Waiving of requirements authorized.

25 449-b. Application.

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

LBD13757-02-5

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

3 1. "Animal" shall mean a dog or cat as defined in this section, or
4 other companion animal, but shall not include livestock.

5 2. "Air handling system" shall mean the device or equipment used to
6 regulate, circulate, exchange, heat, and/or cool the air inside a build-
7 ing.

8 3. "Ambient temperature" shall mean the temperature of the environment
9 inside a room or building.

10 4. "Boarding kennel" or "kennel" means a facility owned, operated or
11 otherwise maintained for the care or custody of pet animals for board-
12 ing, training, or similar purposes, for varying periods of time, where
13 the ownership of the animal is not transferred, for profit or compen-
14 sation regardless of whether or not such facility also serves as a
15 personal residence. "Boarding kennel" includes an establishment commonly
16 known as a "doggy day care".

17 5. "Cat" shall mean any member of the species Felis catus, regardless
18 of age, sex, breed, ownership status or behavior around humans.

19 6. "Cleaning" shall mean the physical removal of debris and organic
20 material from an environment.

21 7. "Disinfection" shall mean the process where microorganisms are
22 killed or inactivated, typically through the application of a chemical
23 or by some physical process (e.g. steam, heat, etc.).

24 8. "Dog" shall mean any member of the species Canis lupis familiaris,
25 regardless of age, sex, breed, ownership status, or behavior around
26 humans.

27 9. "Enclosure" shall be defined as an area of confinement used for
28 housing a single animal or group of animals housed together. An enclo-
29 sure may be a cage, run, kennel, room, or other such confining area.

30 10. "Enriched" shall mean an environment that reduces stress and
31 promotes the physical health and behavioral well-being of an animal.

32 11. "Enrichment" shall mean a process for improving the environment
33 and behavioral care of confined animals in order to reduce stress and
34 improve well-being. Enrichment shall include, but not be limited to,
35 providing physical and mental stimulation, encouraging species-typical
36 behaviors, and modifying the animal's housing environment.

37 12. "Infectious disease" shall mean a disease or condition caused by
38 bacteria, viruses, fungi or parasites that can be transmitted, directly
39 or indirectly, from one animal or individual to another.

40 13. "Long-term stay" shall mean any duration of care in a boarding
41 kennel of fourteen days or longer.

42 14. "Pathogen" shall mean a biologic organism capable of causing
43 disease in an animal, such as a bacteria, virus, or fungus.

44 15. "Primary enclosure" shall mean the area of confinement used for
45 housing an animal and where the animal spends the majority of its time
46 in a boarding kennel.

47 16. "Zoonotic" shall mean any disease that may be transmitted between
48 humans and animals.

49 § 441. License required and inspection of facilities. 1. Any person
50 operating a boarding kennel shall be licensed by the department pursuant
51 to the provisions of this section. Notwithstanding the foregoing, any
52 person, operating a boarding kennel on or before the effective date of
53 this section, who has filed an application for an initial license under
54 this article is hereby authorized to operate without such license until
55 the commissioner grants or, after notice of an opportunity to be heard,
56 declines to grant such license. Each application for license shall be

1 made on a form supplied by the department and shall contain such infor-
2 mation as required by the commissioner. Renewal applications shall be
3 submitted to the commissioner at least thirty days prior to the
4 commencement of the next license year.

5 2. Application for licensure as set forth in this section shall be
6 made annually to the commissioner on a form prescribed by the commis-
7 sioner. Such form shall include but not be limited to the following
8 information:

9 (a) the name of the applicant and the name or names under which the
10 applicant offers its services to the public, any name under which the
11 applicant has offered such services to the public during the past five
12 years, and whether the applicant has ever held a pet dealer license
13 issued pursuant to article twenty-six-A of this chapter;

14 (b) the address and telephone number of the applicant and for any
15 other premises owned or leased by such applicant's enterprise to provide
16 boarding for animals;

17 (c) a copy of the applicant's employer identification number;

18 (d) the website and email address of the applicant;

19 (e) the number of animals boarded by the applicant during the prior
20 calendar year;

21 (f) the number of animals currently boarded by the applicant;

22 (g) the species of animal the applicant typically boards;

23 (h) a description of facilities which the applicant utilizes to board
24 animals;

25 (i) current training protocol and procedural practices as prescribed
26 pursuant to sections four hundred forty-two and four hundred forty-three
27 of this article; and

28 (j) such other information as deemed necessary to satisfy the commis-
29 sioner of the applicant's character and responsibility.

30 3. The commissioner shall conduct an inspection of the applicant's
31 facilities prior to the issuance of a license pursuant to this section,
32 and annual inspections of the applicant's facilities licensed pursuant
33 to this section prior to renewal of such license. The commissioner may
34 periodically conduct unannounced inspections of such facilities, and
35 whenever, in the discretion of the commissioner, a complaint warrants
36 such investigation. Boarding kennels licensed pursuant to this section
37 shall provide open hours to the commissioner so that inspections can
38 occur in a timely manner. Renewal of a boarding kennel license shall not
39 be granted until all outstanding violations issued pursuant to this
40 article are corrected and any outstanding monetary penalties assessed
41 pursuant to this article are paid in full.

42 4. Upon validation by the commissioner, the application shall become
43 the license of the boarding kennel. The commissioner shall retain a copy
44 of such license and provide a copy of the license to the boarding
45 kennel. Boarding kennels licensed pursuant to this section shall
46 conspicuously display their license on the premises where its animals
47 are harbored.

48 5. Each application for a license shall be accompanied by a nonrefund-
49 able fee of one hundred fifty dollars. Such license shall be renewable
50 annually, upon the payment of a nonrefundable fee of one hundred fifty
51 dollars.

52 6. The moneys received by the commissioner pursuant to this section
53 shall be deposited in the animal shelter regulation fund established
54 pursuant to section ninety-nine-pp of the state finance law, as added by
55 chapter six hundred eighty-three of the laws of two thousand twenty-two.

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

11 (a) material misstatement in the license application;

12 (b) material misstatement in or falsification of records required to
13 be kept pursuant to this article, or under any regulation promulgated
14 thereunder, or failure to allow the commissioner to inspect records of
15 boarding kennel facilities;

16 (c) violation of any provision of this article or conviction of a
17 violation of any provision of article twenty-six of this chapter or
18 regulations promulgated thereunder pertaining to humane treatment of
19 animals, cruelty to animals, endangering the life or health of an
20 animal, or violation of any federal, state, or local law pertaining to
21 the care, treatment, sale, possession, or handling of animals or any
22 regulation or rule relating to the endangerment of the life or health of
23 an animal;

24 (d) failure to comply with any of the provisions of this article or
25 any rule or regulation promulgated thereunder; or any rule or regulation
26 promulgated by the commissioner following the effective date of this
27 article to effectuate the purposes of this article; or

28 (e) failure to renew a license within the period prescribed in subdivi-
29 vision one of this section.

30 § 442. Personnel training requirements. 1. Each boarding kennel
31 licensed pursuant to this article shall provide training to all staff
32 members and volunteers having direct animal care responsibilities. Such
33 training shall be provided within the first sixty days of employment and
34 at least annually thereafter and shall be in addition to any and all
35 training otherwise required by federal, state, or local law or regu-
36 lation.

37 2. Acceptable training modalities shall include, but not be limited
38 to, online webinars, on-site lectures or seminars, off-site conferences
39 for boarding kennel staff, or other formal training modalities as
40 authorized by the commissioner.

41 3. Training topics shall include, but not be limited to, the follow-
42 ing:

43 (a) humane handling techniques;

44 (b) infectious diseases commonly found in boarding kennels;

45 (c) zoonotic diseases;

46 (d) animal cruelty;

47 (e) sanitation procedures;

48 (f) body language and normal behaviors for all species regularly
49 handled; and

50 (g) required documentation and data entry.

51 4. Complete documentation of training sessions shall be maintained for
52 a period of not less than three years from the date of training
53 completion. Such documentation shall include, but not be limited to, the
54 following:

55 (a) the date of training delivery and the date of completion;

56 (b) the topic or topics of the training session; and

1 (c) the provider of the training and a list of training course attend-
2 ees.

3 § 443. Recordkeeping and protocols. 1. Each boarding kennel shall
4 create and maintain a record for each animal in their custody or
5 possession which shall minimally include:

6 (a) the name, address and telephone number of the owner of the animal
7 and, if the animal is delivered to the boarding kennel by someone other
8 than the owner, of the person leaving the animal for boarding, and addi-
9 tional contact information as the commissioner may require;

10 (b) the date of intake into and departure from the boarding kennel;

11 (c) basic descriptors including species, age, gender, physical
12 description including color, and the spay or neuter status at entry if
13 determinable with reasonable certainty;

14 (d) unique identifiers and any other identification associated with
15 the animal upon examination at entry, including but not limited to a
16 tattoo, a permanent official identification number as prescribed in
17 section one hundred twelve of this chapter or other identification tags,
18 rabies tags and numbers, or a microchip number, if present;

19 (e) any available behavioral or health history or information other-
20 wise obtained at intake, including bite history, and vaccination status
21 as follows:

22 (i) for dogs, rabies, distemper, and bordetella bronchiseptica; and

23 (ii) for cats, rabies, feline viral rhinotracheitis, feline calicivi-
24 rus, and feline panleukopenia; and

25 (f) the provision of food and water and, if applicable, medications
26 administered during the animal's time under the care of the boarding
27 kennel.

28 2. Notwithstanding any other provision of law or regulation to the
29 contrary, records for each animal shall be maintained for not less than
30 three years from the date of the animal's departure from the boarding
31 kennel.

32 3. Nothing in this section shall preclude or otherwise supersede
33 record disclosure requirements prescribed in section sixty-seven hundred
34 fourteen of the education law, or any requirement regarding the
35 creation, maintenance, or retention of veterinary medical records in
36 state or federal law or veterinary practice guidelines.

37 4. Each boarding kennel shall develop and maintain written protocols
38 sufficiently detailed to achieve and maintain the standards prescribed
39 in this section. These shall include, but not be limited to, the follow-
40 ing:

41 (a) animal handling;

42 (b) behavioral assessment;

43 (c) enrichment and stress reduction;

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

45 (e) sanitation.

46 5. Protocols established by each boarding kennel pursuant to this
47 section shall be reviewed annually and updated as necessary by desig-
48 nated administrative and managerial staff. Such protocols shall be made
49 readily accessible to appropriate staff and volunteers.

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

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

5 3. Electrical power and running water shall be maintained to all parts
6 of the facility that house animals, with written emergency plans for
7 back-up sources or relocation of the animals to a safe environment in
8 the event of outages lasting more than four hours.

9 4. Readily accessible sinks shall be convenient to all animal care
10 areas. Single service soap and towels or electric hand dryers shall be
11 available at all hand-washing locations.

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

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

17 7. Each boarding kennel shall document regular maintenance of air
18 handling systems according to the manufacturer's recommendations.

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

20 9. Each boarding kennel shall provide separate housing areas, segre-
21 gated by species and from uninfected, unexposed animals, for the housing
22 of any animal displaying signs of an infectious disease that may be
23 transmitted within the kennel environment and requiring isolation. Doors
24 separating such rooms from the remainder of the facility shall be kept
25 closed.

26 10. Each boarding kennel shall minimize continuous exposure of person-
27 nel and animals to sound levels exceeding eighty-five decibels. Active
28 measures shall be taken and documented to minimize sound levels in hous-
29 ing areas. Such measures may include modified kennel design, relocation
30 of particularly loud animals, or use of visual barriers, sound baffling,
31 and behavioral enrichment protocols. Each boarding kennel shall use a
32 decibel-meter at a minimum of once weekly to measure the level of sound
33 in their kennels during cleaning and resting times. A record of such
34 measurements and the date such measurements were recorded shall be main-
35 tained by each boarding kennel.

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

40 12. Each boarding kennel shall establish and maintain a written plan
41 for pest and vermin control including the following:

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

44 (b) a record or copies of service reports from outside service provid-
45 ers related to pest and vermin control that documents dates, methods,
46 locations, and outcomes, if applicable; and

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

50 § 445. Animal housing. 1. Each licensed boarding kennel shall provide
51 each animal in its custody or possession with a suitable primary enclo-
52 sure that meets the requirements prescribed in this section.

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

55 3. Animal housing shall meet the following requirements:

1 (a) materials used in housing construction shall be non-porous,
2 water-resistant, non-toxic, and able to withstand regular cleaning and
3 disinfection;

4 (b) drainage shall prevent accumulation of water or other liquids on
5 floors; and

6 (c) housing shall be structurally sound, in good repair and maintained
7 in a safe, working condition to properly confine animals, prevent inju-
8 ry, keep animals safe from predation, keep other animals out, and allow
9 animals to remain dry and clean.

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

12 5. Animal populations shall be segregated appropriately, in accordance
13 with the following requirements:

14 (a) dogs and cats shall be housed in separate rooms with efforts made
15 to minimize the exposure of cats to the barking of dogs to the extent
16 practicable;

17 (b) animals of the same species shall be separated by age groups (e.g.
18 neonates and juveniles; adults) except that nursing animals may be
19 housed with their offspring; and

20 (c) any animal displaying signs of an infectious disease that may be
21 transmitted within the kennel environment shall be housed in an
22 isolation area as prescribed in subdivision nine of section four hundred
23 forty-four of this article.

24 6. At the option of the owner or caretaker of the animals, well-so-
25 cialized, healthy animals may be housed with one or more companion
26 animals belonging to the same owner. Animals housed together shall be
27 compatible and have similar environmental requirements.

28 7. Each enclosure shall clearly indicate the identities of all animals
29 contained within, specifying each animal's unique identifier as required
30 under section four hundred forty-three of this article. Each animal
31 shall also be individually identified.

32 8. All primary enclosures shall provide sufficient space to allow each
33 animal, regardless of species, to:

34 (a) make all normal postural adjustments;

35 (b) fully stretch its body and have sufficient room to circle, lie
36 down, and stand upright without the head or tail touching the sides of
37 the enclosure even with the presence of water and food bowls, beds,
38 litter boxes, and other normal cage objects; and

39 (c) allow animals to sit, sleep and eat away from areas of their
40 enclosure where they defecate and urinate.

41 9. Any primary enclosure housing two or more animals shall provide the
42 following:

43 (a) sufficient space and quality of environment to allow all animals
44 to maintain social distances; and

45 (b) adequate areas for hiding, resting, feeding, and elimination with
46 sufficient space to separate areas and the ability for all animals to
47 access those areas.

48 10. Regardless of the size of the primary enclosure, the number of
49 animals cohoused in a primary enclosure at one time shall not exceed the
50 following thresholds:

51 (a) twelve adult cats;

52 (b) two litters of kittens not to exceed ten kittens total;

53 (c) five adult dogs; or

54 (d) one litter of puppies.

1 11. Puppies and kittens less than sixteen weeks of age shall not be
2 housed in the same enclosure with adults other than their dam or queen,
3 or foster or surrogate dam or queen.

4 12. All animals housed together shall be separated for feeding or
5 observed at feeding times for antagonistic interactions that pose a
6 safety and welfare concern.

7 13. Animals shall not be housed outdoors for more than twelve hours
8 within a twenty-four-hour period; provided, however, that no animal
9 shall be left outdoors under circumstances that would constitute a
10 violation of section three hundred fifty-three-b of this chapter.

11 14. Outdoor primary enclosures shall comply with all housing require-
12 ments prescribed in this section and shall provide the following:

13 (a) protection from the elements at all times;

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

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

19 (d) security from unauthorized entry of other animals into the enclo-
20 sure;

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

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

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

28 § 446. Sanitation. Any boarding kennel licensed pursuant to this arti-
29 cle shall establish and maintain sanitation protocols that include the
30 following:

31 1. the use of one or more agents that have cleaning and disinfectant
32 properties that are effective under conditions present in a given envi-
33 ronment and with demonstrated effectiveness against the pathogens for
34 which animals are at risk;

35 2. removal of animals from enclosures and placement in another appro-
36 priate enclosure or separation from the area being cleaned or disin-
37 fecting by a functional compartment door when water, cleaning, or disin-
38 fecting agents are sprayed in or near an animal's enclosure;

39 3. dedicated equipment for cleaning and disinfection for use in sepa-
40 rate areas of the boarding kennel designated as cat or dog areas;

41 4. cleaning and disinfecting all enclosures for housing before a new
42 animal enters such enclosure;

43 5. daily cleaning and at least once weekly disinfecting of enclosures
44 that house the same animal or animals during a long-term stay;

45 6. cleaning and disinfecting enclosures when the enclosure becomes
46 heavily soiled or otherwise contaminated or a new animal is added to the
47 enclosure;

48 7. laundering of all animal bedding in a machine with detergent when
49 soiled and thoroughly drying such bedding before reuse, or removing and
50 disposing of such bedding appropriately;

51 8. cleaning of outdoor premises from clutter that may pose a safety
52 concern and fecal material removed at least once daily;

53 9. appropriate use and disposal of protective garments worn during
54 cleaning and intensive animal-handling activities within the boarding
55 kennel; and

1 10. proper hygiene of kennel staff, volunteers, and visitors, includ-
2 ing signage, supervision, and hand sanitation.

3 § 447. Boarding kennel management protocols. 1. Each boarding kennel
4 shall have a clear, written, management structure that defines staff
5 authority, reporting structure and responsibilities, and is readily
6 accessible to all staff and volunteers.

7 2. Staffing shall be sufficient to allow adequate time, per animal,
8 for cleaning and daily feeding, and to meet the minimum requirements for
9 enrichment activities for animals as prescribed in section four hundred
10 forty-eight of this article.

11 3. The total number of animals housed in a boarding kennel shall not
12 exceed the number of housing units available at the facility as required
13 by section four hundred forty-five of this article; provided, however,
14 that exceptions to the provisions of this subdivision shall be permissi-
15 ble for periods not to exceed forty-five contiguous days in the event of
16 a natural disaster where an official declaration of the disaster or
17 emergency has been made pursuant to section twenty-eight of the execu-
18 tive law.

19 4. All animals shall be observed daily by a manager or designee to
20 ensure that each animal's needs for care, housing and service are being
21 met.

22 § 448. Animal husbandry. 1. (a) Each boarding kennel shall provide
23 each animal under its care with fresh, potable water at all times unless
24 otherwise directed by a duly licensed veterinarian or by the owner or
25 caretaker of the animal.

26 (b) Each boarding kennel shall feed each animal under its care the
27 food, supplements and treats provided by the owner or caretaker of the
28 animal, or, if no such food is provided, a complete and nutritionally
29 balanced, species-specific and life-stage-appropriate diet as indicated
30 by the animal's age, weight, and medical health, or as directed by a
31 duly licensed veterinarian.

32 (c) Food shall be provided at least once daily for adult animals, at
33 least twice daily for animals less than six months of age, and at least
34 three times daily for animals less than two months of age.

35 (d) Perishable animal food shall be refrigerated.

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

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

46 2. (a) In the event of an emergency, humane and safe physical
47 restraint may be utilized to limit some or all normal voluntary movement
48 of an animal for the purposes of minimize fear, pain, stress and suffer-
49 ing for the animal and protecting both the animal and personnel from
50 harm. Such measures shall be of the least intensity and duration
51 required to address an emergency situation.

52 (b) Frightened or fractious animals may be appropriately tranquilized,
53 utilizing medication provided by the owner or caretaker of the animal
54 and issued under the orders of a duly licensed veterinarian. All such
55 medication shall be used only in accordance with directions received
56 from the owner or printed on the medication container. All drugs shall

1 be documented and dispensed by each boarding kennel in accordance with
2 applicable local, state, and federal laws and regulations.

3 (c) No physical force shall be used as punishment or in anger.

4 (d) Handling methods shall minimize the chance of escape and ensure
5 the safety of both humans and animals.

6 3. Each boarding kennel shall take measures, by way of written ques-
7 tionnaire, personal interview or other means deemed necessary by the
8 commissioner, to collect a behavioral history for each animal in its
9 custody or possession at the time of intake.

10 4. Routine care and handling of any animal in the custody or
11 possession of each boarding kennel, including the timing of feeding and
12 sanitation procedures shall be performed on a regular daily schedule.

13 5. If the owner or caretaker of the animal has provided enrichment
14 activities or toys for the animal, the animal shall have free access to
15 such activities or toys within its enclosure unless otherwise proven to
16 be unsafe for the animal or staff of the boarding kennel or unfeasible
17 to implement.

18 6. Boarding kennel staff shall make efforts to engage in positive
19 social interactions with the animals in their care, except those so
20 poorly socialized to humans that such contact would be unpleasant,
21 stressful or pose a safety risk to other animals or humans. Positive
22 social interactions shall include but not be limited to petting an
23 animal, walking, reward based training or interactive play with toys.

24 § 449. Violations. 1. Any boarding kennel that violates any provision
25 of this article may be subject to licensure denial, revocation, suspen-
26 sion, or refusal of license renewal in accordance with the provisions of
27 subdivision seven of section four hundred forty-one of this article.

28 2. Violation of any provision of this article shall be a civil
29 offense, for which a penalty of not less than one hundred dollars and
30 not more than one thousand dollars for each violation may be imposed by
31 the commissioner; provided, that whenever there shall be a violation of
32 this article, application may be made by the attorney general in the
33 name of the people of the state of New York to a court or justice having
34 jurisdiction by a special proceeding to issue an injunction, and upon
35 notice to the defendant of not less than five days, to enjoin and
36 restrain the continuance of such violations; and if it shall appear to
37 the satisfaction of the court or justice that the defendant has, in
38 fact, violated this article, an injunction may be issued by such court
39 or justice, enjoining and restraining any further violation, without
40 requiring proof that any person has, in fact, been injured or damaged
41 thereby. In any such proceeding, the court may make allowances to the
42 attorney general as provided in paragraph six of subdivision (a) of
43 section eighty-three hundred three of the civil practice law and rules,
44 and direct restitution. Whenever the court shall determine that a
45 violation of this article has occurred, the court may impose a civil
46 penalty of not less than one hundred dollars and not more than one thou-
47 sand dollars. In connection with any such proposed application, the
48 attorney general is authorized to take proof and make a determination of
49 the relevant facts and to issue subpoenas in accordance with the civil
50 practice law and rules.

51 3. Any boarding kennel that violates any provisions of this article
52 shall correct such violations to the satisfaction of the commissioner
53 within a period not to exceed ten days; provided, however, that where
54 such violation poses a severe or immediate threat to public health or
55 animal safety or well-being, such violation shall be corrected to the

1 satisfaction of the commissioner within a period not to exceed seventy-
2 two hours.

3 4. Nothing in this section shall preclude the commissioner from taking
4 additional actions to address violations related to the immediate threat
5 to animal safety or well-being, including but not limited to, suspension
6 of boarding kennel operations until such violations are corrected to the
7 satisfaction of the commissioner.

8 5. Upon identification of one of more violations, the commissioner
9 shall provide the boarding kennel with a written description of all
10 violations issued and the steps necessary to correct such deficiencies.

11 § 449-a. Waiving of requirements authorized. The commissioner is here-
12 by authorized to waive the requirements established pursuant to this
13 article during a disaster emergency, provided that an official declara-
14 tion of such disaster emergency has been made by the governor or the
15 governor's delegated state official pursuant to section twenty-eight of
16 the executive law.

17 § 449-b. Application. The provisions of this article shall not apply
18 to boarding kennels or facilities located on premises owned and operated
19 as a duly licensed veterinary practice.

20 § 4. Section 16 of the agriculture and markets law is amended by
21 adding a new subdivision 53 to read as follows:

22 53. Inspect, regulate and license boarding kennels as provided by
23 article twenty-six-D of this chapter; adopt, promulgate and make effec-
24 tive plans, rules and orders with respect to the implementation of such
25 article; investigate violations of such article; prepare an annual
26 report regarding the compliance of all boarding kennels with the
27 provisions of such article and make such report available to the public
28 on the website of the department within thirty days of the completion of
29 the report.

30 § 5. Severability. If any clause, sentence, paragraph, subdivision,
31 section or part of this act shall be adjudged by any court of competent
32 jurisdiction to be invalid, such judgment shall not affect, impair, or
33 invalidate the remainder thereof, but shall be confined in its operation
34 to the clause, sentence, paragraph, subdivision, section or part thereof
35 directly involved in the controversy in which such judgment shall have
36 been rendered. It is hereby declared to be the intent of the legislature
37 that this act would have been enacted even if such invalid provisions
38 had not been included herein.

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