

43 § 4. Section 374 of the agriculture and markets law, as added by chap-
44 ter 545 of the laws of 1971, subdivisions 1 and 2 as amended by
chapter
45 449 of the laws of 2010, subdivisions 3, 4 and 5 as added and
paragraph
46 e of subdivision 8 as amended and subdivisions 6, 7 and 8 as
renumbered
47 by chapter 479 of the laws of 2009, subdivision 6 as amended by
chapter
48 674 of the laws of 1980, subdivision 8 as added by chapter 569 of
the
49 laws of 1995, paragraph a of subdivision 8 as amended by chapter 594
of
50 the laws of 2003, paragraph b of subdivision 8 as amended by chapter
419
51 of the laws of 2010, is amended to read as follows:
52 § 374. Humane destruction or other disposition of animals
lost,
53 strayed, homeless, abandoned or improperly confined or kept. 1.
Any
54 agent or officer of any duly incorporated humane society, a duly
incor-
55 porated society for the prevention of cruelty to animals, any
dog
56 control officer, or any police officer, may lawfully cause to be
humane-
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1 ly destroyed (by means provided for in paragraph a of
subdivision
2 [~~three~~ **four** of this section) any animal found abandoned [~~and~~], or
not
3 properly cared for, or any lost, [~~strayed~~] **stray**, homeless or
unwanted
4 animal[7] if upon examination a licensed veterinarian shall certify
in
5 writing, or if two reputable citizens called upon by such agent,
officer
6 or police officer to view the same in his or her presence find:
7 **a.** that the animal is so maimed, diseased, disabled, or infirm so
as
8 to be [~~unfit for any useful purpose~~] **suffering irremediable physical**
or
9 **psychological pain** and that humane euthanasia is warranted; or
10 **b. That humane euthanasia is necessary to alleviate a**
contagious,
11 **deadly health condition; or**
12 **c. Except as set forth in subdivision three of this section,**
after
13 such agent, officer or police officer has obtained in writing from
the
14 owner of such animal his or her consent to such destruction.
15 2. In the absence of such findings or certification, a duly
incorpo-
16 rated humane society, a duly incorporated society for the prevention
of

17 cruelty to animals, animal shelter, or any pound maintained by or
under
18 contract or agreement with any county, city, town or village may
after
19 five days make available for adoption, place with an organization
on a
20 registry of approved organizations or individuals that is
maintained
21 pursuant to subdivision three of this section that is willing to
accept
22 the animal for purposes of adoption or appropriate long-term
placement
23 and care, or have humanely destroyed subject to and in accordance
with
24 the provisions of this section and [~~subject to~~] paragraph (b) of
subdi-
25 vision four of section one hundred seventeen, and subdivisions
four,
26 six, eight and nine of section one hundred [~~eighteen~~] seventeen of
this
27 chapter, and paragraphs d and e of subdivision one-b of section
three
28 hundred seventy-three of this article, any animal of which possession
is
29 taken as provided for in the preceding section, unless the same
is
30 earlier redeemed by its owner.
31 3. a. Any duly incorporated humane society, duly incorporated
society
32 for the prevention of cruelty to animals, animal shelter or pound
main-
33 tained by or under contract or agreement with any county, city, town
or
34 village, that takes possession of abandoned, not properly cared
for,
35 lost, stray or homeless animals, or animals that have been
surrendered
36 by the owner(s), ("Impounding Organization") shall maintain a
registry
37 of approved animal rescue organizations or individuals willing to
accept
38 animals for the purpose of adoption, including breed-specific
rescues,
39 or to provide the animals with appropriate long-term placement and
care.
40 b. The registry shall include the following information about
each
41 such organization or individual:
42 (1) Name, address, phone number(s) and email address(es); and
name(s)
43 and contact information for the primary person to be contacted
pursuant
44 to the requirements of this subdivision, and for one additional
person
45 to serve as a secondary person in the event the primary person
is
46 unavailable;

47 (2) Species, types and breeds of animals the organization or
individ-
48 ual is willing to accept;
49 (3) Any resources available to the organization or individual
includ-
50 ing veterinary, rehabilitative or other care; care for special-
needs
51 animals, training or behavior modification programs, including the
names
52 and credentials of trainers or behaviorists; or appropriate sanctuary
or
53 long-term placement and care;
54 c. Animal rescue organizations and individuals may be maintained
on
55 the registry by providing current information as set forth in
paragraph
56 b of this subdivision and subject to approval by the impounding
organ-

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1 ization as set forth in this subdivision. It shall be the
responsibility
2 of the animal rescue organization or individual to provide the
impound-
3 ing organizations with current information required by paragraph b
of
4 this subdivision.
5 d. The impounding organization shall make the current list of
animal
6 rescue organizations and individuals on the registry available to
all
7 staff and the public on the internet on a website maintained by
or
8 otherwise made available to such impounding organization by the
municipi-
9 pal or county government in which such impounding organization
is
10 located, or organization approved pursuant to this subdivision.
The
11 notice required by this paragraph may be made by means other than
the
12 internet if use of the internet is impracticable. The identity of
an
13 animal rescue organization or individual shall not be publicly
disclosed
14 if the organization or individual makes a request by email or letter
to
15 the director of the impounding organization.
16 e. An organization or individual shall be excluded from the
registry
17 if any of the organization's current directors, managers or
employees,
18 or the individual, or any of their employees or regular volunteers,
has
19 ever been convicted of or pleaded guilty to or is currently charged
with

20 any felony, crime involving violence, or any felony,
misdemeanor,
21 offense, infraction, or violation for failure to comply with this
arti-
22 cle or similar animal fighting, animal cruelty or neglect or anti-
hoard-
23 ing laws in any federal, state or local jurisdiction; in the
previous
24 ten years, has had animals in his or her care or custody seized
or
25 confiscated for suspected violations of such laws; or has at any
time
26 been the subject of a restraining order, injunction, cease and
desist,
27 stop movement order, license denial, revocation or suspension, a
seizure
28 or confiscation of animals or other disciplinary action for violation
of
29 the animal welfare act, 7 U.S.C. Sections 2131 et seq. or
regulations
30 issued thereunder, or similar animal protection laws in any
federal,
31 state or local jurisdiction. The rescuing organization or
individual
32 shall cooperate in providing information about such violations,
includ-
33 ing the cost of a criminal background check by the county in which
such
34 organization or individual is located. Any rescue organization or
indi-
35 vidual who knowingly makes false statements or misrepresentations
in
36 providing information under this subdivision shall not be eligible
for
37 inclusion on the registry.
38 f. An animal rescue organization or individual shall be excluded
from
39 the registry for any violation of paragraph b of subdivision eight
of
40 this section.
41 g. Except as set forth in paragraphs e, f and o of this
subdivision,
42 approval for inclusion on the registry shall be contingent only
upon a
43 reasonable determination by the impounding organizations that the
animal
44 rescue organization or individual has the resources to provide
the
45 animals requested to be transferred with clean, sanitary and
adequate
46 shelter; food, water, appropriate exercise, necessary veterinary
care
47 and treatment, including vaccinations and parasite control; and a
safe
48 environment; maintains a protocol for containing and managing
contagious

49 illness and disease, maintains an active adoption program or
facilities
50 appropriate for long-term placement, manage animals to minimize risk
of
51 injury to the animals and the public, and avoid behavior that is
abusive
52 to the impounding organization's staff or disrupts or interferes
with
53 the impounding organization's lawful operations.
54 h. The impounding organization shall have the right to inspect
the
55 facilities, records that are related to the animals and animal care,
and
56 animals of the animal rescue organization or individual,
including

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1 foster homes, periodically, at reasonable times, to determine
whether
2 the organization or individual should be approved and also maintained
on
3 the registry. The first such inspection to qualify the animal
rescue
4 organization or individual for the registry initially must be
completed
5 within forty-five days of the day the animal rescue organization
or
6 individual submits a request for inclusion on the registry and
informa-
7 tion as described in paragraphs b and c of this subdivision.
8 i. The approval of the impounding organization shall not be
unreason-
9 ably withheld. The impounding organization shall state in
writing,
10 signed by the managing director or officer, or the appointed agent
of
11 the managing director or officer, the reasons why an animal
rescue
12 organization or individual does not meet the criteria set forth in
para-
13 graph g of this subdivision and is not approved or is not approved
for
14 some or all animals, or has been removed from the registry. The
reasons,
15 including any acts or omissions, that have resulted in
disapproval,
16 should be stated with sufficient specificity to inform the
organization
17 or individual of the particular criteria that have not been met and
any
18 acts or omissions that have resulted in disapproval, and the
actions
19 required for approval, if possible. As soon as practicable, a copy
of
20 such written document shall be provided to the animal rescue
organiza-

21 tion or individual that is not approved or that has been removed
from
22 the registry.
23 j. The animal rescue organization or individual that is not
approved
24 or removed from the registry pursuant to paragraphs g, h and i of
this
25 subdivision, may, at any time, demonstrate that the reasons stated
for
26 denying approval have been remedied and request approval for
placement
27 on the registry as provided in this subdivision. The impounding
organ-
28 ization shall cooperate by providing reinspections, if necessary,
as
29 soon as practicable after a request for reconsideration by the
animal
30 rescue organization or individual, to determine if the organization
or
31 individual is approved. A decision to continue to deny approval to
such
32 organization or individual must be in writing consistent with
the
33 requirements of paragraph i of this subdivision and a copy of
same
34 provided to the organization or individual. An impounding
organization
35 shall not be required to consider an animal rescue organization or
indi-
36 vidual for placement on the registry more than twice annually.
37 k. No animal shall be euthanized as described in subdivision two
of
38 this section unless the impounding organization certifies in
writing
39 signed by the impounding organization's managing director or officer,
or
40 the appointed agent of the managing director or officer, that: (1)
The
41 impounding organization has contacted each of the organizations or
indi-
42 viduals approved for the species, type or breed of animal; (2) That
none
43 of the organizations or individuals contacted were willing and able
to
44 accept transfer of the animal, or if an organization or
individual
45 contacted did not respond or failed to pick up or accept transfer of
an
46 animal after agreeing to do so, that the organization or individual
was
47 contacted at the methods of contact provided in the registry pursuant
to
48 subparagraph one of paragraph b of this subdivision, and at the end
of
49 the redemption period or after two days following the last contact,
not

50 including the day of contact, whichever is longer, there was no
response
51 or no confirmation that the organization or individual was willing
and
52 able to accept transfer of the animal, or the organization or
individual
53 failed to pick up or accept transfer of the animal. A copy of
such
54 certification shall be maintained for two years and available to
the
55 public upon request. This paragraph shall not apply to
euthanasia
56 performed pursuant to subdivisions one and five of this section.

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1 impounding organization is not required to contact an animal
rescue
2 organization or individual on the registry about taking animals that
are
3 a species, type or breed that the organization or individual did
not
4 previously indicate pursuant to subparagraph two of paragraph b of
this
5 subdivision that they would accept, or are animals for which
the
6 impounding organization did not approve the animal rescue
organization

7 or individual.

8 1. The impounding organization may charge a reasonable adoption
fee
9 for each animal transferred to an animal rescue organization or
individ-
10 ual on the registry and which does not exceed the adoption fee
that
11 would be charged to adopters.

12 m. An animal that has been determined by a court having
competent

13 jurisdiction to be dangerous pursuant to the provisions of section
one
14 hundred twenty-three of this chapter, shall be eligible only for
trans-
15 fer to an organization or individual that can meet the requirements
of
16 section one hundred twenty-three of this chapter for the care and
handl-
17 ing of such animal.

18 n. The provisions of this subdivision shall not apply to animals
that
19 impounding organizations have accepted from owners only for the
purpose
20 of humane euthanasia.

21 o. Impounding organizations may but are not required to include on
the
22 registry animal rescue organizations or individuals located outside
of

23 the impounding organization's county or adjoining counties in the
state
24 of New York.
25 p. An impounding organization and its employees and volunteers
shall
26 have no liability to any person or other organization in connection
with
27 the transfer of an animal to an animal rescue organization or
individual
28 on the registry.