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[**~~,~~**]  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  munici-**

     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. An**

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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    **l. 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.**