

Memorandum in Support, with Amendments

COMMITTEE ON ANIMALS AND THE LAW

Animals and the Law #8

June 9, 2016

S. 3003-B

By: Senator Addabbo

A. 6378-A

By: M. of A. Rosenthal

Senate Committee: Agriculture

Assembly Committee: Agriculture

Effective Date: January 1, 2017

AN ACT to amend the agriculture and markets law, in relation to requiring the installation and testing of fire protection systems at pet stores.

LAW AND SECTIONS REFERRED TO: This bill would amend the Agriculture and Markets law by adding a new section 407 establishing fire protection requirements for pet stores.

Fire protection and suppression equipment is required in commercial establishments which house people, i.e., hotels, in New York State, but there presently is no parallel mandate for commercial establishments which house animals. Creating a similar requirement for animal establishments will save human and animals lives alike.

Passage of this bill would potentially save countless animal lives. Animals in pet stores are typically caged and locked into those commercial establishments overnight, while the establishments are closed, making their escape impossible without human assistance. The animals' helpless situation is compounded by the use of electrical appliances required to provide the proper care for the animals. For instance, reptiles may require heat lamps or rocks and fish tanks require filters, all of which require the constant use of electricity. Thus, not only are animals trapped if a fire occurs, animals also are exposed to a greater risk of fire breaking out due to the equipment required for their care.

A less immediately obvious, but perhaps more important justification for passage of this bill is its potential to save human lives. Because animals cannot release themselves from their cages in the event of a fire, emergency responders and members of the public sometimes put their own lives at risk, entering the premises in an attempt to save the trapped animals. In fact, firefighters may be more susceptible to being injured while responding to a fire at a pet store since they might enter otherwise unoccupied burning buildings in order to free animals caged inside.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

Since 2004, there have been multiple fires in pet stores occurring in New York City and Long Island alone, in which many animals lost their lives. These include a 2004 fire in West Islip, Long Island in which hundreds of animals perished, a 2008, three alarm fire in a Bronx pet store in which more than 100 animals died and a 2010 fire in an Astoria, Queens pet store in which many birds died. In the latter example, it was reported to be due only to the heroic and selfless efforts of first responders, who cut through metal gates and locks to gain access to the store to rescue the animals, that more animals did not perish.

Fires at pet stores also occur upstate. In 2005, a fire at a pet breeding business in Latham killed thirteen dogs, including seven puppies less than eight weeks old; additional dogs were pulled from the burning building by firefighters and saved.

In each of these instances, firefighters put their own lives at risk in order to save animals.

In August 2015, the New York City Council passed an ordinance requiring that all establishments which house animals for twenty-four hours be equipped with automatic sprinkler systems. It is time for New York State to do the same, and provide this protection to animals outside New York City.

The Committee on Animals and the Law supports this bill, but it believes the bill could be improved by addressing the following two points. New York State's vast spectrum of different municipalities, from urban to suburban, and rural to farmland, all have different types of water supply systems. Thus, there may be areas of the state in which it is not possible for a building owner to hook up automatic sprinklers from the municipal water supply. This potential scenario is not recognized in the bill, but it should be taken into account. This can be done by exempting buildings located in municipalities in which the municipal water supply will not work with an automatic sprinkler system. All other fire protection equipment required by the bill would be required in these buildings.

Secondly, the bill would require owners of existing buildings to retrofit those buildings with the required equipment within three years of its effective date. Retrofitting buildings will impose construction burdens upon the owners of existing buildings, and the time period provided for doing so should be extended to five years from the effective date.

Finally, the Committee notes that S.3003-B was amended to extend the effective date by one year, since the original bill was written for passage in 2015. We urge the sponsors to conform their bills, so there are identical bills in both houses.

For the foregoing reasons, the Committee on Animals and the Law supports this bill and believes it could be improved by addressing the issues raised, herein.

Submitted by: NYSBA Committee on Animals and the Law