

Memorandum Urging Approval

COMMITTEE ON ANIMALS AND THE LAW

Animals #27-GOV

September 21, 2018

S. 177-C

By: Senator Marchione

A. 9970-B

By: M. of A. Jenne

Senate Committee: Agriculture

Assembly Committee: Codes

Effective Date: 90th day after it shall have become a law

AN ACT to amend the Agriculture and Markets Law, in relation to the disposition of cats.

LAW & SECTION REFERRED TO: Subdivision 2 of Section 374 of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL**

In New York State and in 35 other states, animal shelters, humane societies, SPCAs, pounds, and other organizations that take in lost or abandoned cats and dogs are obligated to hold them for a mandatory holding period before assuming ownership of the animal, a step that must be taken before the animal can be offered for adoption, or other disposition is arranged. This holding period is intended to give unidentified or lost animals a chance to be reclaimed by owners searching for them at their local animal shelter. Throughout the United States, required holding periods range from 48 hours to ten days. The holding period in New York City is three days, and elsewhere state law mandates a holding period of five business days, which often means that the holding period lasts for a total of seven days in municipalities outside New York City.

This bill would amend the Agriculture and Markets Law by amending Subdivision two of Section 374 to allow all municipalities to reduce the required holding period for cats to three days. After the third day, following assessment by a veterinarian and spaying/neutering, if the shelter routinely provides spay/neuter services, the cats would become the property of the shelter, and the shelter could then offer the cats for adoption. The reduced holding period would not apply to disposition of any cat by euthanasia, which would still require a holding period of five business days. The municipality would be required to pass a local law to reduce the holding period for adoption to the three days authorized by the bill. This new provision would not affect the current holding period for any other animal species.

This bill, now passed by both the Senate and the Assembly, should be approved by the Governor. Longer holding periods, mandated by current law, are not in the best interests of the cats, the shelters, or our communities. Longer holding times do not lead to significantly higher reclaiming rates by owners. Longer holding times contribute to overcrowding and subject shelter cats to a higher risk of communicable disease. Any outbreak of disease among cats, or any other animals in a shelter, imposes financial stresses on the shelter and the supporting communities. Some shelters respond with population control measures that result in increased euthanasia rates.

Extending holding periods beyond a few days for unidentified cats does not result in increased reclamation by owners, and may jeopardize other options for live release, especially if the extended holding period results in overcrowding of the shelter. In one study, extending the holding period for stray cats from 72 hours to 4-6 days failed to produce a higher reclaim rate, yet resulted in substantially greater demands for housing and care.¹ In another study, when stray cats without identification were held beyond three days, the increased holding time only resulted in an additional four cats (out of 1,795) being returned to their owners. Overall, only 13% of the cats brought to the shelters were reclaimed.²

Reuniting cats with their owners is an important goal. However, of the 16,371 stray cats that were recently brought to New York's shelters, only 4% -- a total of 690 -- were returned to their owners, and these reclamations usually happened within 48 hours. Sixty-nine percent of all cats that come into the shelter are either owner-surrendered or stray cats. Of these cats, 90% are adopted.³

Reducing rather than increasing shelter length of stay is an important part of promoting the health and behavioral patterns of shelter animals. The average length of stay for cats in New York shelters is 37 days for cats under one year of age, and 88.5 days for cats older than one year. Consequently, the number of Care Days in 2016 – the number of total days individual cats are cared for in one year in New York shelters – is 1,150,253 days. Multiple studies have identified length of stay as the most significant risk factor for illness in shelter cats in the United States.^{4 5 6 7} With illness comes the

¹ Local Rabies Control Activities [cited 2012]; <http://www.cdph.ca.gov/HealthInfo/discond/Pages/LocalRabiesControlActivities.aspx>.

² Sutter Animal Services, Sutter County, California; https://www.suttercounty.org/agenda/agendaimage/item/6391agenda_item_ApprovalofnewHoldingPeriodPolicies.

³ NYS Animal Protection Federation, *Pet Point Survey of 89 Animal Shelters in New York State*; <https://nysapf.org/legislation/>.

⁴ Dinnage, J.D., Scarlett, J.M., and Richards, J.R. "Descriptive epidemiology of feline upper respiratory tract disease in an animal shelter." *J Feline Med Surg*, 2009. 11(10); p. 816-25.

need for treatment and a yet more prolonged stay. Shelters are very stressful places for cats, and can have significant negative impacts on not only their health and well-being. Most sheltering facilities house cats in high-density environments where they have daily exposure to animals with unknown medical histories, risking the spread of disease. Crowding is common, and directly impacts all other facets of animal care, and exponentially increases the stress level for both the animals and the staff.^{8 9} At the same time, many animals admitted to shelters have had little or no preventive care prior to admission. These factors, coupled with the direct effects of significant stress, create a situation where there is a high potential that with a prolonged stay, sheltered cats will become infected with a variety of contagious diseases, including upper respiratory infections,^{10 11} ringworm, and panleukopenia. Such outbreaks are serious and compromise shelter operations; they can force shelters to temporarily suspend operations or curtail services.

Longer hold times which contribute to longer average length of stay will strain the shelter's capacity and are used to justify "euthanizing-for-space." Conversely, smaller shelter populations allow for appropriate maintenance of animals needing more preparation for adoption, rather than having that animal be forced out by the extended stay of an otherwise easily placed pet. More recent reports indicate that reducing hold times and length of stay are associated with a reduction in euthanasia rates.¹²

⁵ Edinboro, C.H., Ward, M.P., and Glickman, L.T. "A placebo-controlled trial of two intranasal vaccines prevent tracheobronchitis (kennel cough) in dogs entering a humane shelter." *Preventive Veterinary Medicine*, 2004. 62(2): p. 89-99.

⁶ Edinboro, C.H., et al. "A clinical trial of intranasal and subcutaneous vaccines to prevent upper respiratory infection in cats at an animal shelter." *Feline Practice*, 1999. 27(6): p. 7-13.

⁷ Holt, D.E., Mover, M.R. and Brown, D.C. "Serologic prevalence of antibodies against canine influenza virus (H3N8) in dogs in a metropolitan animal shelter." *J Am Vet Med Assoc*, 2010. 237(1): p. 71-73.

⁸ Crawford, C. "Management of Disease Outbreaks in Animal Shelters." *Maddie's® Shelter Medicine Program*. Revised July 2016 <https://vetmed-maddie.sites.medinfo.ufl.edu/.../Management-of-disease-outbreaks-in-s>.

⁹ Cohn LA. "Feline respiratory disease complex." *Vet Clin North Am Small Anim Pract*. 2011. 41:1273–1289. [PubMed]

¹⁰ Edinboro, C.H., et al. 1999. *Ibid*.

¹¹ Dinnage, J.D., Scarlett, J.M., and Richards, J.R. 2009. *Ibid*.

¹² Cohn LA. 2011. *Ibid*.

Finally, prudent fiscal management enables our shelters to better serve the communities that support them. If the cost per day to care for one cat is \$10.00 (and most would argue it is significantly higher), the cost to 90 sheltering organizations across New York minimally exceeds \$11.5M annually. While some shelters in New York State are well endowed and financially sound, a number of shelters are financially challenged. Reducing the average length of stay by reducing the hold period mandated for stray cats will expedite adoptions, produce significant cost savings and contribute to our shelters' financial stability.¹³

Shelter administrators have long recognized that longer mandatory holding times for cats does not serve the best interests of the cats themselves, the organizations caring for them or the communities in which they reside. Forcing pets to stagnate in shelters for unnecessary extra days that do nothing to increase return-to-owner rates is not a lifesaving strategy. Amending current law to allow shelters alternatives to outdated solutions is an important step in helping New York State implement humane practices for all the animals in our communities, including those in shelters.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** this legislation and **URGES ITS APPROVAL** by the Governor.

¹³ NYS Animal Protection Federation. *Ibid.*