

## 2023 LEGISLATIVE REPORT

New York State Bar Association's Committee on Animal Law (COAL) position memoranda are available at <https://nysba.org/2023-and-2024-legislative-memoranda>. The public access portion of the Legislative Retrieval Service (LRS) provides access to bill status, text, summary and sponsor's memos <http://public.leginfo.state.ny.us/navigate.cgi> [public.leginfo.state.ny.us]

### **I. Bills Signed into Law**

#### **S. 846 (Gianaris) / A.981 (L. Rosenthal) Chapter 35 of the Laws of 2023 Effective December 15, 2025**

*Chapter Amendment – Pet Stores prohibited from selling dogs, cats, rabbits.*

In 2022, the Agricultural and Markets Law and General Business Law was amended to prohibit the sale of cats, dogs and rabbits in retail pet stores. It authorizes collaboration with entities such as municipal pounds, shelters, humane societies, and animal protective organizations to provide space to showcase cats or dogs for the purpose of adoption. Its purpose is to eliminate the supply chain for puppy mills. It was signed into law on December 15, 2022 with the commitment of chapter amendments. [S.1130 (Gianaris) / A.4283 (L. Rosenthal). Chapter 681 of the laws of 2022.] **The COAL did not take a position.**

In 2023, chapter amendments were passed to allow a retail pet store to receive rental fees from animal adoption organizations. Specifically, the 2023 chapter amendment allows a retail pet store to receive a reasonable rental fee for space in which an SPCA, humane society or animal protective association, adoption or rescue organization showcases dogs, cats and rabbits available for adoption; and extends the effective date of the 2022 law prohibiting dogs, cats and rabbits from being sold in retail pet stores until December 15, 2024. **The COAL did not take a position.**

#### **S.2123 (Addabbo) / A.3777 (Paulin) Chapter 131 of the Laws of 2023 Effective December 15, 2025**

*Chapter Amendment – Regulation of Animal Shelters.*

In 2022, a new law for the comprehensive standard of care for municipal animal shelters, not for profit humane societies, Society for the Prevention of Cruelty to Animals (SPCA) and animal shelters was passed. It amended the Agricultural and Markets Law by adding a new Article 26-C titled "Regulation of Animal Shelters." It will take effect December 15, 2025, three years from the date it became law. The goal is to provide adequate, uniform and comprehensive standards of care to ensure animal health and wellbeing in shelter/rescue care. [S.6870-B (Addabbo) / A.6246-C (Paulin) - Chapter 683 of the Laws of 2022.] **The COAL supported.**

In 2023, this chapter amendment makes a technical correction to the dedicated fund that will receive interest on funds held to carry out the 2022 law and provides that funds shall be deposited into the animal shelter regulation fund. **The COAL did not take a position.**

**S.7459 (Martinez) / A.6996 (Wallace) Chapter 153 of the Laws of 2023**  
**Effective June 25, 2024**

*Chapter Amendment - Information on drugs provided by veterinarians.*

This chapter amendment provided that when a veterinarian prescribes medication for animals that information may be provided in writing or orally and noted in the veterinary record. It is a chapter amendment to the 2022 law requiring a veterinarian to provide certain information on drugs prescribed for or dispensed to a dog, cat or rabbit to the owner or agent of the dog, cat or rabbit. It further requires that the information must be provided when a drug that will be used outside the veterinary office is initially prescribed; the information may be provided in writing or orally, noted in the veterinary record; and extends the effective date of the 2022 law to June 25, 2024. **The COAL did not take a position.**

**S.1677-A (Addabbo) / A.3552-A (Pretlow) Chapter 724 of the Laws of 2023**  
**Effective December 13, 2023**

*Increasing fines for selling a disabled member of the Equidae family at auction.*

This bill amends the Agriculture and Markets Law Section 358. The bill increases fines for certain auction sales of certain disabled or diseased horses and expands coverage from horses to all equids. The fines are increased to not more than \$1000 per violation from fines of not less than \$5 nor more than \$100. Fines apply to any licensed auctioneers to receive or offer for sale or sell at public auction any Equidae (the taxonomic family that includes, among other, ponies, miniature horses, donkeys, mules, and zebras) who is diseased, debilitated, or lame, or for any other cause such that working that equid would violate the state's law against cruelty to animals. Possible punishment of not more than six months' imprisonment or both fine and imprisonment remains unchanged. **The COAL supported** – Letter to the Governor dated September 18, 2023.

**S.2163B (Palumbo) /A.5109-A (Glick) Chapter 726 of the Laws of 2023**  
**Effective April 11, 2024**

*Prohibits slaughter of horses for human or animal consumption.*

This law amends the Agriculture and Markets Law to prohibit the slaughter of horses, including horses, ponies, donkeys, mules, asses and burros, for human or animal consumption. To strengthen its prohibitions, the bill makes it unlawful for a person who owns or is buying a horse to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, receive, give away, hold or accept, or direct another to do so, with intent to slaughter the horse for human or animal consumption. Violation of the bill's prohibitions is a misdemeanor

punishable by a civil penalty up to \$1,000 for an individual or \$2,500 for a corporation for a first offense, with those monetary penalties doubling for subsequent offenses. This bill will close gaps in current law that allow for the transport of horses across the border to Canada, where slaughterhouses and abattoirs exist for horses. The prohibition is a humane measure protecting older horses, and a public health measure providing that horsemeat tainted with medications taken by horses for therapeutic or performance reasons will not be included in food intended for human or animal consumption. **The COAL supported** – COAL Memo in Support #18 and Letter to the Governor dated September 1, 2023.

**S.4099 (Kennedy) / A.2917 (Glick) Chapter 762 of the Laws of 2023  
Effective November 1, 2024**

*Prohibits prizes for animal killing contests.*

This law amends the Environmental Conservation Law to prohibit the organizing, promoting, conducting, or participation in events in which wildlife are killed for monetary or other prizes given to the individual or team that has killed the largest number of animals. Violations are subject to fines ranging from \$500 to \$2000 per violation and forfeiture of any animals killed to DEC. Exempted from the prohibitions are the hunting, or taking, of white-tailed deer, turkey or bear. Although they are promoted by the organizers as a means of controlling nuisance wildlife species, scientists and wildlife management experts agree that the “wildlife killing contests” prohibited by this bill are counterproductive to sound wildlife conservation and management. They are, instead, inhumane activities that ignore the vital role that native wildlife play in a healthy ecosystem. **The COAL supported** – COAL Memo in Support #12 and Letter to the Governor dated September 1, 2023.

**S.2630 (May) / A.783 (Hunter) Chapter 683 of the Laws of 2023, Approval Memo 37  
Effective January 1, 2024, and expires December 31, 2027**

*Establishes an Urban Deer Management Program – Pilot Program.*

This bill establishes an urban deer management pilot program; authorizes the Department of Environmental Conservation, after a review of the site-specific deer management plan, and upon a finding that deer have become a nuisance, destructive to public or private property or a threat to public health or welfare, to issue a certified nuisance wildlife specialist a deer cull permit. There will be chapter amendments. **The COAL did not take a position.**

**S.4804-A (Palumbo) / A.5542-A (Thiele) Chapter 704 of the Laws of 2023, Approval Memo 49  
Effective January 1, 2024, and expires December 31, 2027**

*Establishes a Deer Management Program for the Town of Southhold, Long Island.*

This bill directs the Department of Environmental Conservation to establish a Long Island deer management pilot program in the town of Southold. This program provides qualifications for certified nuisance wildlife specialists, issuing permits and permission to use certain activities for deer culling. There will be chapter amendments. **The COAL did not take a position.**

## **II. Bills on which COAL issued position memoranda that were not passed by the Legislature in 2023**

### **S.460A (Sepulveda) / A.768A (L. Rosenthal)**

*Includes wildlife animals as those subjected to the animal cruelty laws.*

This bill amends Agriculture and Markets Law Section 353-a (Aggravated Cruelty) to extend protection to wildlife, in addition to companion animals, who are already protected. The violation of Section 353-a is a felony. Currently, felonious conduct, if perpetrated against wildlife, is a misdemeanor. It is logically inconsistent to afford a pet rabbit, rat, frog, etc. protections they would not have if living as wildlife or to condemn more lightly pain and suffering because it is inflicted upon wildlife. The bill, similarly, to penal laws, focuses upon the conduct being proscribed rather than upon the nature of the victim. The COAL supported – COAL Memo in Support #1.

### **S.761 (Krueger) / A.776 (L. Rosenthal)**

*Amends the definition of aggravated animal cruelty.*

This bill amends the definition of “aggravated cruelty to animals” to eliminate the element of the severity of the physical injury caused to an animal as the basis for a criminal charge and conviction. Specifically, it proposes amendments to the elements of the crime of aggravated cruelty to animals under the Agriculture and Markets Law Section 353-a (1) by eliminating the requirement that the injury to the animal be “serious.” Prosecutors report that some Courts refused to find defendants guilty because by the time the case involving the animal is before the Court, the animal has recovered from its serious injuries, although the other elements of the aggravated cruelty charge have been met. This change would make it more likely for charges to be sustained regardless of an animal's recovery from the act of cruelty. The COAL supported – COAL Memo in Support #2.

### **S.1455 (Serrano) / A.1226 (L. Rosenthal)**

*Regulates controlling nuisance wildlife.*

This bill requires nuisance wildlife control operators (NWCO) to include in their reports to the Department of Environmental Conservation (DEC) the incidents and reasons when lethal, rather than non-lethal methods, were used to control nuisance wildlife. The bill also requires that the

DEC's list of NWCOs include any enforcement actions taken against NWCOs that are related to violations of nuisance wildlife control laws and regulations and that the list be made available to the public. These changes are made by an amendment to Environmental Conservation Law Section 11-0524 (Nuisance wildlife control operators). The goal is to increase transparency through the proposed reporting requirements. This bill will allow the public to make informed choices among NWCOs and to select those who have demonstrated to be committed to using humane, non-lethal methods for managing nuisance wildlife whenever possible. The COAL supported – COAL Memo in Support #3.

**S.1619 (Addabbo) / A.110 (L. Rosenthal)**

*Prohibits leg-gripping traps.*

This bill amends the Environmental Conservation Law Sections 11-1101, 11-1901 and 11-1903 to prohibit the use of wildlife leg-gripping traps, which are used to trap furbearing animals such as beavers, raccoons, foxes and coyotes. These traps are triggered by springs once an animal steps into them, clamping onto the animal's limb and holding the animal in place until it is discovered by the trapper. Leg-gripping traps inflict tremendous pain on animals and also present significant risks of catching non-target species, including humans and family pets, as they cannot discriminate between their victims. More humane alternatives exist and are readily available. The COAL supported – COAL Memo in Support #4.

**S.1659 (Bailey) / A.111 (L. Rosenthal)**

*Court-appointed advocate for animals.*

This bill adds new Article 22-B, Section 858-a to the Judiciary Law to provide that in any civil or criminal proceeding regarding the welfare of an animal, the court may appoint a volunteer special advocate to represent the interests of the animal and to help ensure the well-being of any living animal victim. The advocate will provide the parties and the court information and recommendations relating to the interest of the animal. The list of potential advocates, consisting of supervised law students and attorneys, would be maintained by the Office of Court Administration. The COAL supported – COAL Memo in Support #6.

**S.1673 (Addabbo) / A.420 (L. Rosenthal)**

*Requires the installation and testing of fire protection systems at pet stores.*

This bill requires licensed pet dealers that house animals on their premises to have and maintain fire protection systems, including an automatic sprinkler system connected to municipal water supply, that meets the standards set forth in the legislation. Specifically, this bill amends the Agriculture and Markets Law by adding Section 409 (Fire protection requirements for pet stores.) The scope of the bill is restricted to buildings that are not zoned as residential. The COAL supported – COAL Memo in Support #9.

**S.1968 (Sepulveda) / A.3798 (L. Rosenthal)**

*Authorizes emergency medical care personnel to provide basic first aid to dogs and cats.*

This bill authorizes emergency medical care personnel to provide basic first aid to dogs and cats found on the scene of an emergency. Although first responders frequently tend to animals, New York's law presently does not address this situation. Specifically, this bill amends Public Health Law Section 3103 (Immunity from liability) and adds a new Section 3018 (Basic first aid to dogs and cats). Additionally, the bill amends Education Law Sections 6702, 6703 and 6705 related to the practice of veterinary medicine by identifying the emergency first responders authorized to act and by allowing them to provide treatment to a dog or cat if no persons require medical attention at the time. The bill states that to be authorized to provide treatment to an animal, a first responder must be trained to provide the same treatment to a human. The proposed law strikes a balance between the need to provide life-saving medical care to dogs and cats in an emergency and the need to ensure that medical professionals treat humans first. A.3798 was passed by the Assembly in 2023. The COAL supported – COAL Memo in Support #7.

**S.3279 (Brisport) / A.790 (L. Rosenthal)**

*Prohibits fur products including the manufacture, sale, display for sale, trade, giving, donating, or otherwise distributing of fur products in NYS.*

This bill adds new Section 399-bbbb to the General Business Law prohibiting, with exceptions, the sale and manufacture of fur products. The bill prohibits the commercial sale, procurement, manufacturing, retail display, giving, donating, trade, or other distributions of a new or used fur product within New York State. Violators would be subject to \$500 to \$1,000 fines with potential liability for attorney's fees. Definitions of fur and fur products include exceptions for types of leather, cowhide, and sheepskin products. Used furs held by individuals not normally engaged in the fur business, non-profit organizations, manufacturers of used fur products, thrift stores and pawn shops are also excepted. Subdivision 5 exempts manufacture, sale, and distribution of fur products that conform with a religious or cultural practice. The undefined terms, "religious" and "cultural practice," allowing for exemption from the prohibitions in the bill, are catch-all terms that can virtually eliminate the effect of the bill's prohibitions. Unlike the exceptions, subdivision 5 has potential for unintended, harmful consequences undermining the sponsors' intent and the bill's purpose. The COAL opposed the passage and enactment of this legislation in its present form. COAL Memo in Opposition was not distributed in 2023.

**S.3431A (Skoufis) / A.1148A (Zebrowski)**

*Regulates animal fighting and appropriately punishing individuals associated with such activities.*

These bills, which are not identical due to amendments made late in the 2023 legislative session, propose significant revisions to the Agriculture and Markets Law related to the crimes of animal fighting and promoting animal fighting. They conform the associated penalties to New York's

penal code. Two notable changes include the establishment of multi-layered offenses related to the facilitation of animal fighting, including the possession of bait animals, and the addition of Section 351-c (Promoting enterprise animal fighting), a felony. By increasing the penalties for all animal fighting related activities and defining the enterprise related offenses which establish grounds to invoke the federal Racketeer Influenced and Corrupt Organizations Act (RICO), this legislation addresses many of the weaknesses undermining the current law. S.3431-A was passed by the Senate in 2023. The COAL supported – COAL Memo in Support #13.

**S.4081 (Brisport) / A. 5499 (L. Rosenthal)**

*Provides financial assistance for guide dogs for social recipients.*

This bill amends the Social Services Law (SSL) to increase eligibility and income deductions for disabled people who have guide dogs, hearing dogs and service dogs by repealing SSL Section 303-a and adding new SSL Section 131-y. This bill defines a service dog more broadly than the federal Americans with Disabilities Act (ADA). The bill affects deductions from declared income in two ways. First, a dog's veterinary expenses can be added to a dog's food expenses as necessary living expenses for the purpose of determining the amount of federal social security income benefits and/or additional state payments that eligible disabled people may receive. Second, the monthly minimum income deduction for eligible disabled people goes up from \$35 to \$50, although there is no limit on the actual amount that an eligible disabled person can deduct as necessary living expenses for the amount spent on veterinary care and dog food. The bill also expands the beneficiaries under the SSL by including those who receive supplemental nutrition assistance program benefits, medical assistance for needy persons, and/or additional state payments under the same SSL chapter. The COAL supported – COAL Memo in Support #11.

**S.4163 (Hoylman-Sigal/ A.1149 (L. Rosenthal)**

*Prohibits insurers from canceling renters' insurance based on ownership of a specific breed of dog.*

This bill amends Insurance Law Section 3421 to make it unlawful for an insurance company to refuse to issue or renew, cancel or impose an increased premium, exclude, limit, restrict or reduce coverage under any renter's insurance policy on the basis of the ownership of any specific dog breed (or mixture of breeds) on the premises. The bill extends to renters in one, two, three or four family dwellings the same protections against arbitrary insurance cancellation provided to homeowners by the same section of law. The COAL supported – COAL Memo in Support #19.

**S.4363-A (Fernandez) / A.4005-A (Glick)**

*Prohibits the use of wild animals in circuses aka traveling animal acts.*

These bills, which are not identical due to an amendment to the Assembly bill made late in the 2023 legislative session, prohibit the use of wild animals in traveling animal acts, including

circuses. The specific “uses” of animals prohibited by the bills include requiring wild animals to perform tricks, give rides to people, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience. Livestock and companion animals are not covered by the bill. The COAL supported – COAL Memo in Support #14.

**S.4533 (Harckham) / A.416 (L. Rosenthal)**

*Expand teaching humane education in schools.*

This bill expands the existing requirement for teaching the humane treatment and protection of animals in schools to include publicly funded secondary schools. Current law, Section 809 of the Education Law, is limited to primary schools. The bill provides for the incorporation of curricula on the humane treatment and protection of animals, the importance they play in nature, the necessity of controlling animal populations so animals are not subject to abandonment and cruelty, and the respect for animals into existing curricula in secondary schools. In addition, the bill requires the Commissioner of Education to maintain records verifying all schools’ compliance with the existing humane education law and this expansion of it, a measure that will allow for better compliance and enforcement. The COAL supported – COAL Memo in Support #16.

**S.4717 (Sanders) / A.3149 (Hunter)**

*Authorizes the Department of Veterans’ Affairs to provide eligible veterans with financial assistance for purchasing, training and upkeep of service and emotional dogs.*

This bill authorizes the Department of Veterans’ Services to provide eligible veterans with financial assistance for the purchasing, training and upkeep of service dogs as well as emotional support dogs. Specifically, this legislation amends the Veterans’ Services Law by adding a new Section 29-b to provide grants to veterans suffering from PTSD and/or traumatic brain injury for the purchase and training of a service dog and/or an emotional support dog. It also provides monetary monthly assistance for the upkeep of the dog. The COAL supported – COAL Memo in Support #5.

**S.4976-A (Harckham) / A.2084A (Glick)**

*Prohibits the use of lead ammunition in the taking of wildlife on state-owned land and on land contributing surface water to the New York City water supply.*

This bill prohibits the use of lead ammunition in the hunting or management of wildlife on state owned land or land contributing surface water to the NYC water supply. Specifically, it amends Environmental Conservation Law Section 11-0901, Subdivision 3 by adding a new paragraph h prohibiting the use of lead ammunition on state owned/controlled lands. The proposed ban is limited in scope, applying only to public lands and to land area that contributes surface water to the water supply of New York City. It is not a ban on hunting in these areas -- rather, it requires



the use of alternatives to lead ammunition. Its purpose is to reduce lead exposure in humans and wildlife. The bill also requires that the syllabus provided by DEC to localities that sell hunting licenses include information on this lead ammunition prohibition. A.2084-A was passed by the Assembly in 2023. The COAL supported – COAL Memo in Support #8.

**S.5203 (Skoufis) / A.1409 (Zebrowski)**

*Expands the definition of “dangerous” relating to a dog that caused death to a companion animal, farm animal or domestic animal while trespassing on property.*

This bill expands the number of different circumstances under which a judge may order that a dog determined to be a “dangerous dog” be euthanized or permanently confined. Specifically, this legislation amends the Agricultural and Markets Law Section 123 to add an additional circumstance that would allow a dog to be required to be euthanized or permanently confined -- where the dog is considered to have caused the death of another animal without justification, and while trespassing on another person’s property. The COAL OPPOSED – COAL Memo in Opposition #10.

**S.5341 (Addabbo) / A.2718 (Paulin)**

*Provides for the licensing of pet grooming facilities, establishes standards of care and required record keeping.*

This bill amends the General Business Law by adding a new article establishing licensing and regulation of pet grooming facilities. Pet shows, exhibitions and self-service facilities are exempt. Pet grooming is “big business” but is still largely unregulated in most states including New York. Preventable pet injuries and deaths are increasing as the demand for grooming services increases. The COAL supported – COAL Memo in Support #17

**S.6365 (Hinchey) / A.2881 (Lupardo)**

*Requires vacated property to be inspected for animals.*

This bill amends Agriculture and Markets law Section 373 to require that certain newly vacant property be inspected for any animals that might be abandoned on the premises. The bill would require an owner, lessor, or designee of property that has become vacant as a result of an eviction, foreclosure, forfeiture or default on a mortgage, trust deed or land sales contract, or abandonment of the property, to inspect such property within three days of when such person knew or should have known of such vacancy to see if any animals were left behind in the premises. If an owner, lessor, or designee discovers an animal that appears to have been abandoned, that person must notify a dog control officer, a police officer, or an agent of a duly incorporated society for the prevention of cruelty to animals. The person who discovers the animal will not be deemed to be owner of such animal. Violators would be subject to fines of

\$500 to \$1,000. S.6365 was passed by the Senate in 2023. The COAL supported – COAL Memo in Support #15.

**S.7287A (Brisport) /A.3505A (L. Rosenthal)**

*Requires higher education research facilities to make available certain information regarding the adoption of dogs or cats on their website.*

This bill requires higher education research facilities to make available certain information regarding the adoption of retired research dogs or cats on their website. It amends Section 239-b of the Education Law, enacted in 2016 as the Research Animal Retirement Act, that provided for the adoption of dogs and cats used by research facilities in their research, and subsequently retired. It requires a research facility subject to the provisions of the 2016 law to provide information on its website that will make it easier for the public to find facilities that have dogs and cats formerly used in research that are eligible for adoption; and to provide information on the number of dogs and cats released to organizations that provide for such adoptions. The provisions of this bill are designed to ensure that the 2016 law providing for the adoption of retired research dogs and cats are being implemented by research facilities in the state, and that dogs and cats retired from research are given an opportunity to live the remainder of their lives with adoptive families. The COAL supported – COAL Memo in Support #20.

**This report was prepared by Barbara Ahern, Chair of the Committee of Animals and the Law, Rebecca Thompson, Esq. and Fiona Farrell, Esq., Vice Chairs of the Committee's Legislation Subcommittee.**