



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #20

June 6, 2023

S.7287A
A.3505A

By: Senator Brisport
By: M of A L. Rosenthal

Senate Committee: Higher Education
Assembly Committee: Rules
Effective Date: 60th day after it shall have
become a law.

AN ACT to amend the education law, in relation to requiring higher education research facilities to make available certain information regarding the adoption of dogs and cats

LAW AND SECTION REFERRED TO: Subdivision 2 of section 239-b of the Education Law is amended and a new subdivision 4 of section 239-b is added.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

In 2016, the legislature passed the “Research Animal Retirement Act,”¹ which requires higher education research facilities to make a reasonable effort to offer dogs or cats for adoption after the research involving the animal is completed. The facility is required to assess the health of the dog or cat to determine whether it is suitable for adoption, and the attending or institutional veterinarian at the facility has the authority to make that assessment of the health of the animal, and appropriateness for adoption. Research facilities can offer dogs and cats for adoption through private placement or through an incorporated animal rescue organization, an incorporated SPCA or humane society, or an incorporated animal protective association. The adoption of dogs and cats from research facilities is an alternative to their being euthanized after the research is completed.

S.7287-A / A.3505-A does not change any of those provisions of the law enacted in 2016. It does, however, make minor additions to the law to ensure that the purpose of the Research Animal Retirement Act is carried out as intended, which is a worthy goal. The bill requires that animal welfare and protective organizations working with research facilities to take dogs and cats and make them available for adoption after their research is completed must be tax-exempt organizations, ensuring that they are dedicated to working with animals in a non-profit setting. It requires the research organization to post their adoption policy online and list the organizations

¹ Chapter 240 of the Laws of 2016, adding section 299-b to the NY Education Law, effective September 15, 2016.

to which dogs and cats were released for adoption. These measures help people interested in adopting a research animal have access to the policies and procedures in use at each research organization and the information needed to find animals appropriate for placement in private homes. Making a research animal available for adoption requires special attention to the health and behavioral status of the animal, and research facilities should structure their adoption policy to ensure that the potential adopter is aware of any special needs that the animal may have.² Posting the adoption policy helps ensure a successful adoption for the adopter and the animal, by providing a potential adopter the information needed to make an informed decision.

Most importantly, to address concerns that the research facilities required under existing law to make animals available for adoption are actually doing so, the bill requires that each facility post adoption statistics online. Specifically, the information included must indicate the number of dogs and cats released annually by the facility for adoption through private placement and the number released through an animal welfare or rescue organization (effective January 1, 2024). The online reporting requirement provides a mechanism for identifying those research facilities that are not complying with current law, thus providing that actions can be taken to bring them into compliance.

While the Committee on Animals and the Law has concerns about the use of animals in research, it does strongly support programs that give research animals an opportunity to be placed in a private home after their research is completed and to live the remainder of their lives in comfortable surroundings. The welfare of these animals should be the paramount concern when those adoptions are arranged. Individuals and families adopting research animals must be aware of the special needs that research animals will present in becoming accustomed to living outside the laboratory.³ The posting of a research facility's adoption policy online allows for a review of the policy to ensure that the appropriate steps have been taken to provide for a successful adoption, and to provide the retired research animal with the best opportunity for a good quality life.

New York's 2016 law was intended to work with federal regulations included in the Animal Welfare Act (AWA) to provide that all these elements will be met when research animals are offered for adoption. S.7287-A / A.3505-A will provide additional assurances that the adoptions of animals from research animals are taking place, and in a manner designed to provide these research animals with the best possible chance for them to live the remainder of their lives in a setting that provides for their unique health and welfare needs.

For these reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

² "Research dogs and cats adoption," American Veterinary Medical Association, <https://www.avma.org/resources-tools/avma-policies/research-dogs-and-cats-adoption>, last viewed May 26, 2023.

³ See, for example, "Adoption Can be an Option for Animals After Their Use in Research," Animal Welfare Institute, <https://awionline.org/awi-quarterly/2010-spring/adoption-can-be-option-animals-after-their-use-research>, last viewed May 26, 2023.