



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #21

January 23, 2024

S. 142

By: Senator Gianaris

A. 3569

By: M. of A. Zebrowski

Senate Committee: Agriculture

Assembly Committee: Agriculture

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

AN ACT to amend the agriculture and markets law, in relation to restricting the performance of surgical devocalization procedures on dogs and cats

LAW & SECTIONS REFERRED TO: Sections 365-a and 374 of the Agriculture and Markets Law

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

This bill amends the Agriculture and Markets Law by adding new section § 365-a to restrict the surgical devocalization procedures on dogs and cats. The term “devocalization,” as used in § 365-a, is defined as “a surgical procedure on the larynx or vocal cords of an animal intended to cause the reduction or elimination of vocal sounds produced by that animal and includes procedures commonly referred to as ‘debarking’, ‘silencing’ or ‘bark softening.’” At this time, owners of dogs and cats are free to proceed with the devocalization of their pets for any or no reason at all. If this bill becomes a law, it will change this reality in many ways, while still permitting the procedure to be performed when medically needed. More specifically, the devocalization surgery would be legally permissible only if (i) performed by a licensed veterinarian, and (ii) to treat a dog or a cat for a physical condition that causes—or could cause—pain or harm, or to save its life. For dogs and cats under six months of age, the surgery would only be justified if it is both medically necessary *and* if the only alternative to the surgery would be death or euthanasia. In all cases, the medical necessity warranting the intervention is required to be documented by the veterinarian in the treatment record of the patient.

Anyone violating the prohibitions in S. 142 / A. 3569 would face adverse consequences. A veterinarian who knowingly violates the prohibitions in the bill would be both subject to a civil penalty of up to \$1,000, and to the revocation or suspension of his or her license. Anyone else who either knowingly

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performs or causes a devocalization to be performed on a dog or cat in violation of the prohibitions in the bill could be charged with a class B misdemeanor, punishable by imprisonment for no more than ninety days, by a fine up to \$500, or both.

The surgical devocalization of cats and dogs who do not medically need it serves a single purpose: making them quiet. In addition to causing pain, there are a plethora of serious adverse consequences for the animals that can result from these “convenience surgeries.”¹ Devocalizations present long-term physical risks, which include increased risks of aspiration pneumonia, breathing difficulties, exercise intolerance, as well as chronic coughing or gagging.² They also create increased risks to their physical safety due to the loss of their ability to ward off threats by vocalizing and alerting others to dangers.³ From a psychological and behavioral perspective, the procedure decreases the animals’ ability to communicate their intentions to other animals and to people, leading to possible misinterpretation and harm by others or danger to themselves and/or others.⁴ Animals subjected to the procedure have also been reported to show an increased level of frustration, leading to possible destructive behaviors toward property or to aggression toward other animals or people.⁵ Accordingly, many credible organizations have taken a firm stance against the non-therapeutic devocalization of animals, including the American Veterinary Medical Association, the International Society for Animal Rights, PETA and the Humane Society Veterinary Medical Association.⁶

Numerous states have already limited or prohibited the devocalization of pets. Canine devocalization is restricted to medical necessity in Massachusetts, Maryland, and New Jersey. California and Rhode Island have adopted legislation making it unlawful to make devocalization an obligatory condition of real estate occupancy for tenants who own dogs.⁷ It is now time for New York to oppose devocalization and put an end to this cruel practice.

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

¹ Humane Society Veterinary Medical Association, Devocalization Fact Sheet, available at <https://www.hsvma.org/assets/pdfs/devocalization-facts.pdf> (last visited Nov. 28, 2023).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ The American Veterinary Medical Association, Canine Devocalization, available at <https://www.avma.org/resources-tools/avma-policies/canine-devocalization> (last visited Nov. 21, 2023); The International Society for Animals Rights, Stop Devocalization, available at <https://isaronline.org/nsite/stop-devocalization/> (last visited Nov. 21, 2023); PETA, Debarking, available at <https://www.peta.org/issues/animal-companion-issues/cruel-practices/debarking> (last visited Nov. 21, 2023); Humane Society Veterinary Medical Association, Devocalization Fact Sheet, available at <https://www.hsvma.org/assets/pdfs/devocalization-facts.pdf> (last visited Nov. 21, 2023).

⁷ The American Veterinary Medical Association, Canine Devocalization, *supra*.

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