



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

May 27, 2022

S. 6870-B

By: Senator Addabbo

A. 6246-C

By: M. of A. Paulin

Senate Committee: Rules

Assembly Committee: Rules

Effective Date: Three years after it shall have become a law

AN ACT to amend the agriculture and markets law, in relation to standards of care for animals held in, or being transported by, animal shelters; to amend the general business law, in relation to pet dealers; to amend the state finance law, in relation to establishing an animal shelter regulation fund; and to repeal certain provisions of the agriculture and markets law relating to pet dealers.

LAW & SECTION REFERRED TO: Amends the Agricultural and Markets Law by adding a new Article 26-C titled “Regulation of Animal Shelters.”

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

To expedite the implementation of protections for shelter animals we strongly support the proposed legislation and applaud the sponsor’s stated purpose “to establish responsible, uniform and effective standards of care of dogs and cats in animal shelters..., to improve state oversight, ensure public trust and provide for increased protections for such animals while in the care of such facilities.”¹

Generally, rescues and shelters act with the best of intentions, often operating on shoestring budgets and long volunteer hours dedicated to providing care, love, and protection to the animals they oversee. Unfortunately, there are notable exceptions which the current patchwork structure of shelter and rescue laws in New York does not adequately address. For example, a 2020 audit conducted by the Office of NYC Comptroller Scott M. Stringer identified numerous deficiencies in shelter conditions at the Animal Care Centers of NYC (ACC).² Deficiencies found included their findings that 57% of sampled animals developed canine infectious respiratory disease or upper respiratory infections, unacceptable humidity levels in multiple rooms, dirty kennels, and

¹ New York S.6870B / A.6246C, § 1.

² <https://comptroller.nyc.gov/newsroom/comptroller-stringer-audit-reveals-breakdowns-at-city-animal-care-centers/>

and <https://comptroller.nyc.gov/reports/audit-on-animal-care-control-of-new-york-city-inc-s-operating-practices/> (both last visited 05/16/2022).

expired food and medications.³ Understandably, the situation is not reserved to ACC. There are numerous non-profit rescues and shelters with the best of intentions that simply lack the resources, industry knowledge or facilities to properly care for the dogs and cats they take in. Consequently, lines may sometimes blur between cases of animal hoarding and well-intentioned rescues unable to meet the needs of an overpopulation of abandoned animals. Moreover, “rescue hoarders”—animal hoarders who consider themselves rescues or sanctuaries—make up “virtually all” of animal hoarding cases involving more than 50 animals.⁴ Well-intentioned or not, the lack of standards, oversight and awareness in these facilities results in overcrowding, spread of disease, poor and inadequate nutrition; and a lack of proper socialization or positive training leads to limited adoptions, recidivism and animal fatalities.

Currently, all New York non-profit animal rescues and shelters providing shelter for abandoned or surrendered dogs and cats must be registered in the state,⁵ but such registration does not impose uniform standards of care or oversight of the over 400 registered organizations.⁶ Only municipally operated shelters, or shelters operating with municipal contracts, are subject to provisions regarding the care of seized or abandoned animals and inspection of the shelter facilities.⁷ Non-municipal shelters and rescues operate largely outside of mandated oversight, and therefore they are governed primarily by general NYS animal cruelty statutes, local laws and ordinances, and a promise under New York’s Pet Dealer Exemption to comply with the welfare standards and requirements otherwise imposed on pet dealers.⁸

Consequently, New York’s most vulnerable dogs and cats are left subject to often vague, unenforced and patchwork laws and regulations, the result of which can undermine the intent of providing safe havens for abandoned, surrendered or seized animals, and can also pose a potential danger to public health. Moreover, New York’s regulatory framework does not reflect recent advancements in the specific and unique field of

³ <https://comptroller.nyc.gov/newsroom/comptroller-stringer-audit-reveals-breakdowns-at-city-animal-care-centers/> and <https://comptroller.nyc.gov/reports/audit-on-animal-care-control-of-new-york-city-inc-s-operating-practices/> (both last visited 05/16/2022).

⁴ Bethany W. Adams, HSUS Animal Sheltering Magazine Summer 2018, “When Animal Rescue Isn’t: Some Groups That Claim To Be Helping Animals Are Actually Hurting Them” <https://humanepro.org/magazine/articles/when-animal-rescue-isnt#:~:text=%E2%80%9CRescue%20hoarders%E2%80%9D%E2%80%94animal%20hoarders,iguanas%2C%20rabbits%20and%20even%20tarantulas> (last visited 4/20/22).

⁵ Pet Dealer Exemption, Article 26-A, Agriculture and Markets Law (“AML”) §408.

⁶ New York State Agriculture and Markets Registered Rescues & Shelters, Q#4 (2021) https://agriculture.ny.gov/system/files/documents/2021/12/cert_shelterrescue_list.pdf.

⁷ AML §114; *see also* AML Articles: Art. 25-B Abandoned Animals; Art. 26 Animals; Art. 26-A. Care of Animals by Pet Dealers.

⁸ *See generally*, AML, § 353, §353-a; 353-b; ALM Art. 26-A. Care of Animals by Pet Dealers, Art. 26-B abandoned Animals; Art. 26-A. Care of Animals by Pet Dealers; and the NYS Pet Dealer Exemption Rescue Registry form, “The applicant represents that satisfactory housing, sanitation, feeding and watering, handling, veterinary care, records and practices exist to maintain the establishment in a clean, sanitary and humane condition and that the cleaning, maintenance and operation of the establishment is such that the dogs and cats are cared for under Article 26-A” https://agriculture.ny.gov/system/files/documents/2019/09/AI-Rescue_Registry_Application.pdf.

shelter animal medicine⁹ incorporated by numerous nationally respected organizations,¹⁰ veterinary medical programs¹¹ or the Association of Shelter Veterinarians (ASV).¹² For example, New York lacks mandated training requirements for animal shelter staff and volunteers related to safe management and handling of shelter animals, transport protocols, mitigation of zoonotic disease or improving shelter animal behavior and adoptability through positive reinforcement. Additionally, there are no New York laws governing foster care programs and no means to accurately track the number of people serving as animal fosters within New York -- despite estimates that more than 10 million households provide foster animal services nationwide.¹³

S.6870B / A.6246C seeks to remedy the lack of uniform laws and enforcement mechanisms and to update the standards of shelter animal care by amending the Agricultural and Markets Law to require licensing of all shelters and rescues, in addition to registration under the Pet Dealer Exemption. Many of the bill's provisions are founded on the peer reviewed best practices established by the Association of Shelter Veterinarians (ASV) 2010 Guidelines for Standards of Care in Animal Shelters.¹⁴ Under the bill's licensing schema, comprehensive best practice requirements for the care and management of all rescued companion animals are defined and penalties imposed for violations, regardless whether the rescuing organization is a municipal shelter or contracting affiliate. Duly incorporated humane societies and duly incorporated Societies for the Prevention of Cruelty to Animals (SPCAs) are also included. To aid enforcement and ensure compliance, the bill also amends the State Finance Law to establish an "Animal Shelter Regulation Fund," funded in part through revenues collected under the bill's licensing provisions.

⁹ Kamiya, Dr. Cristie and Novello, Carol, Maddie's Fund, "Getting the Most Out of Shelter Medicine" webcast, (Dec 2015) at 10:32/1:33:00, , <https://www.maddiesfund.org/getting-the-most-out-of-shelter-medicine.htm> ("Shelter medicine is a field of veterinary medicine that is dedicated solely to the care of homeless animals in shelters or other facilities dedicated to finding them new homes...shelter medicine has emerged as a specialty field to elevate and promote a better quality of life for shelter animals.")

¹⁰ HSUS "Rescue Group Best Practices Guide," found at <https://humanepro.org/page/rescue-group-best-practices-guide> (last visited 05/16/2022), compiled by the HSUS and PetSmart Charities; ASPCAPro, "Shelter Veterinary Medicine and the ASPCA," <https://www.aspcapro.org/about-programs-services/shelter-veterinary-medicine-and-aspcapro> (last visited 05/16/2022).

¹¹ Examples include but not limited to, Cornell University, College of Veterinary Medicine, "Maddie's Shelter Medicine Program," <https://www.vet.cornell.edu/hospitals/maddies-shelter-medicine-program/veterinarians-shelters> (last visited 05/16/2022); University of Florida, College of Veterinary Medicine, "Maddie's Shelter Medicine Program," <https://sheltermedicine.vetmed.ufl.edu> (last visited 05/16/2022); University of California, Davis, "Koret Shelter Medicine Program," <https://www.sheltermedicine.com/about/> (last visited 05/16/2022).

¹² The Association of Shelter Veterinarians (ASV) consists of over 2000 shelter veterinarian members and over 23 student chapters, <https://www.sheltervet.org/> (last visited 05/16/2022). It originated to address the lack of federal or judicial oversight of "...the welfare and care of companion animals in a shelter environment. The goal of the ASV was to provide information that will help any animal welfare entity meet the physical, mental and behavioral needs of the animals in their care." <https://www.sheltervet.org/> (last visited 05/16/2022).

¹³ HSUS, HumanePro, "Pets by the Numbers," <https://humanepro.org/page/pets-by-the-numbers> (last visited 05/16/2022). This report indicates that 8% of the 128.451M households nationwide foster pets. While this bill does not directly license foster care providers, it does create an oversight of foster homes, via the related shelter. Additionally, for those unaffiliated with a licensed shelter or rescue, but claiming they are a non-profit 'foster' network, the bill requires that they register and become licensed as a shelter.

¹⁴ Association of Shelter Veterinarians, "Guidelines for Standards of Care in Animal Shelters, 2010" <https://www.sheltervet.org/assets/docs/shelter-standards-oct2011-wforward.pdf> (last visited 05/16/2022).

In addition to helping the state's animal shelter population, the bill's comprehensive oversight provisions provide extensive public health benefits as well. Training staff on the topics of infectious and zoonotic diseases, combined with appropriate and timely veterinary examinations and care, can prevent the spread of such diseases to the shelter staff as well as to the public and to pets, post adoption.

Many NYS shelters advertise their operations as "No Kill", which is widely supported by the public. However, without proper oversight, euthanasia rates may be higher than reported. In addition, there are currently no requirements that an animal's behavioral history be disclosed. Such transparency is important for the benefit of the animal and potentially for the safety of the new owners and the public at large. Additionally, although this bill does not address the retail sale of animals, a major concern for New York is the sourcing of purebred puppies and kittens for sale from unscrupulous breeders, often referred to as puppy mills. The inadvertent or intentional purchase and transport of purebred animals rejected by such breeders to rescues or shelters fosters and helps support the puppy mill industry.¹⁵ Often the rejected animals are purchased at auction by rescue groups or obtained directly from the breeders and are then transferred to shelters where higher adoption fees are obtained from people wanting a specific breed of animal. The proposed bill's extensive transport provisions include a ban on transporting any dog or cat under one year of age originating from a federally licensed breeder.¹⁶

The needs of homeless animals in New York for refuge, care, nutrition and veterinary services to avoid starvation, illness and often death do not change whether an animal finds itself in a municipal or non-municipal rescue or shelter. By providing for the comprehensive and uniform oversight of all New York's animal shelters and rescues, and removing arbitrary distinctions between shelter definitions, this proposed legislation meets the intended objectives to protect vulnerable animals and the public welfare. We commend the sponsor's foresight and insight in designing a bill with tight regulatory and enforcement mechanisms that ensure each dog and cat surrendered or abandoned to a shelter will find a safe and nurturing haven until a more permanent home through adoption can hopefully be provided.

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

¹⁵ Kavin, Kim, The Washington Post, (April 18, 2018) "Dog rescuers, flush with donations, buy animals from the breeders they scorn," <https://www.washingtonpost.com/graphics/2018/investigations/dog-auction-rescue-groups-donations/> (last visited 4/20/22).

¹⁶ New York S.6870B / A.6246C, §431(5) – "No animal shelter or its agents shall transport any dog or cat less than one year of age whose point of origin is any breeder licensed by the United States department of agriculture pursuant to the provisions U.S.P.L. 89-544 as of August twenty-fourth, nineteen sixty-six, or any subsequent corresponding sections of the federal Animal Welfare Act, as from time to time amended."