NEW YORK STATE BAR ASSOCIATION

Animal Law in New York State

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This pamphlet is dedicated to Lorraine Power Tharp, founder of the Special Committee on Animals and the Law. Her vision recognized not only the role that animals play in our society in general but also their importance specifically to New Yorkers in all walks of life. With sincere gratitude and in memory of Ms. Tharp, we remain Committed to Making a Difference for Animals and People.

Introduction

This pamphlet is presented by the New York State Bar Association's Committee on Animals and the Law. It is intended as a basic introduction to animal law and animal related issues in New York State for both the public and lawyers. Each section will provide general information about the topic covered as well as the relevant New York State and Federal laws that may apply. Always remember to check your local municipal laws or codes, as your municipality may have its own laws regarding a topic.

> ***"The greatness of a nation and its moral progress can be judged by the way its animals are treated." —***
> Mahatma Gandhi

New York Laws that Provide Penalties for Animal Cruelty/Abandonment/ Neglect are Found in the Agriculture and Markets Law starting with § 350

Definitions

§ 350 (1) "Animal," as used in this article, includes every living creature except a human being;

§350 (2) "Torture" or "cruelty" includes every act, omission, or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted;

§ 350 (5) "Companion animal" or "pet" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Pet" or "companion animal" shall not include a "farm animal" as defined in this section.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Agriculture and Markets Law § 353
Overdriving, Torturing and Injuring Animals

§ 353. Overdriving, torturing and injuring animals; failure to provide proper sustenance.

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a misdemeanor.

Agriculture and Markets Law § 353 applies to all animals, including farm animals and wildlife.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Agriculture and Markets Law § 353-a
Aggravated Cruelty to Animals

Popularly known as "Buster's Law," **Agriculture and Markets Law § 353-a**, provides that a person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner. Aggravated cruelty to animals is a felony.

Civil Practice Law as well as the Family Court Act provides that any orders of protection may also cover companion animals owned by the victim(s).

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Agriculture and Markets Law § 353-b

Appropriate Shelter for Dogs Left Outdoors

Agriculture and Markets Law § 353-b, requires that any person who owns or has custody or control of a dog that is left outdoors provide them with appropriate shelter. Appropriate shelter is currently defined as a structurally sound housing facility that is: insulated, has a waterproof roof; and is large enough to allow the dog to stand up, lie down, and turn around. The law also requires that there be a shaded area away from direct sunlight that is accessible to the dog at all times. Violations can trigger a series of escalating fines, which the court can reduce by an amount the owner or custodian proves he or she has spent to correct the deficiencies in the dog's shelter.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Agriculture and Markets Law §353-d

Confinement of Companion Animals in Vehicles in Extreme Temperatures

Agriculture and Markets Law § 353-d, states that a person shall not confine a companion animal in a motor vehicle during extreme hot or cold temperatures without proper ventilation or other protection from the temperatures, when doing so places the companion animal in imminent danger of death or serious physical injury as a result of the exposure.

If the owner can not be promptly located, the law authorizes police officers or peace officers, to take necessary steps to remove the animal(s) from the

vehicle. If so removed, the officer must place written notice on or in the vehicle with the name of the officer and the department or agency where the animal(s) will be taken. Any such officer acting under this statute is protected by law from criminal or civil liability for their actions taken reasonably and in good faith when enforcing this law.

Multiple violations of this law trigger escalating fines.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Abandonment of Animals

Under **Agriculture & Markets Law § 355**, an owner or person having charge or custody of an animal, who abandons such animal, or leaves it to die in a street, road or public place, or who allows such animal, if it become disabled, to lie in a public street, road or public place more than three hours after he receives notice that it is left disabled, is guilty of a misdemeanor. In addition, under **Agriculture & Markets Law § 331**, an animal is deemed to be abandoned when it is placed in the custody of a veterinarian, veterinary hospital, boarding kennel owner or operator, stable owner or operator, or any other person for treatment, board, or care and is not removed at the end of the specified period for care or boarding. Notice must be mailed to the person who had placed such animal in his custody within ten days thereafter by means of registered mail to the last known address of such person. An animal may also be deemed abandoned if after having been placed in such custody for an unspecified period of time is not removed within twenty days after notice to remove the animal has been given to the person who placed the animal in such custody, by registered mail to the last known address of such person. The giving of notice shall be deemed a waiver of any lien on the animal for the treatment, board or care of the animal, but shall not relieve the owner of the animal removed of his contractual liability for such treatment, board or care furnished.

Under **Agriculture & Markets Law § 332**, any person having in his care, custody, or control of any

abandoned animal, as defined in § 331 of this chapter, and after giving the required notice, may deliver the abandoned animal to any humane society or society for the prevention of cruelty to animals (SPCA), having facilities for the care and eventual disposition of the animal. However, the person with whom the animal was abandoned must on the day of divesting himself of possession of the animal, notify the person who had placed such animal in his custody of the name and address of the animal society or pound to which the animal has been delivered, by registered mail to the last known address of the person intended to be so notified.

Agriculture & Markets Law § 373, any police officer or agent who has found any lost, strayed, homeless or abandoned animal in any street, road or other public place, is authorized to take lawful possession of the animal. The officers also are authorized to lawfully take into their possession any unwanted animal from a person in possession or custody of such animal.

If the animal has been confined or kept in a crowded or unhealthy condition or unhealthful or unsanitary surroundings or not properly cared for without necessary sustenance, food or drink for more than twelve consecutive hours, a police officer may lawfully take possession and custody of the animal with a proper warrant issued upon a showing of just and reasonable cause.

Agriculture & Markets Law § 373(4), provides that when a person arrested while in charge of any animal or has an animal in their vehicle when arrested, the arresting officer may take charge of such animal and deliver it to the possession and custody of the police or sheriff of the county wherein such arrest was made. Any necessary expenses incurred in taking charge of the animal shall be charged to the person from whom the animal is taken.

Furthermore, this section specifically provides that it does not restrict the rights and powers related to the seizure of unlicensed dogs and the disposition to be made of such animals, nor those rights derived from any other general or special law relating to the seizure of other taking of dogs or other animals.

Obviously, any animal seized and impounded under violation of this statute, or **§ 353-d** of this article, or § 375 of this article, has to be cared for by an "impounding organization" until the ultimate disposition of the criminal case. Under **Agriculture & Markets Law § 373 (6)**, the "impounding organization" may petition the court for the posting of a security bond, in an amount sufficient to secure payment for all reasonable expenses expected to be incurred in caring and providing for the animal pending disposition of the charges. For purposes of this section, an "impounding organization" shall mean the duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter or any authorized agents thereof. "Reasonable expenses" shall include, but not be limited to, estimated medical care and boarding of the animal for at least thirty days taking into account all of the facts of the case.

The 'petition' is filed with the court, and then served upon the defendant and the district attorney as well as any other interested person having a pecuniary interest in the animal. The 'petition' shall be brought at the time of arraignment. A hearing on the petition shall be held within ten days of filing. The Petitioner has the burden of proof by a preponderance of the evidence, and the court has discretion to waive the posting if respondent shows good cause.

If the court orders the security, it must be posted with the clerk of the court, within five business days. The impounding organization may then draw from the security, the amount incurred.

If the person fails to post bond, the court can order immediate forfeiture of the animal to the impounding organization. The animal shall be made available for adoption or euthanized in accordance with the applicable provisions of this article.

The person who posted the security is entitled to a refund in whole or part for any expenses not incurred by the impounding organization upon determination of the charges. If the charges are dismissed or the person is acquitted, the person who posted security is entitled to a full refund, including reimbursement from the impounding

organization as well as return of the animal. The court will order the refund and reimbursement to be made within a reasonable time.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Reporting Animal Cruelty

To report animal cruelty, please contact your local county Society for the Prevention of Cruelty to Animals ("SPCA") or other humane enforcement agency or contact your local police department. The agency you call must have police powers to investigate, file a report, and arrest. Usually, each county has one agency that possesses these powers in addition to the police. For assistance in locating your local SPCA, you may contact The American Society for the Prevention of Cruelty to Animals ("ASPCA") at (212)-876-7700. You can also access the ASPCA's website at www.aspca.org. The ASPCA has law enforcement powers only in New York State. Remember to give your local humane officers as much information as possible including names, addresses, witnesses, dates, times and pictures, if possible.

New York State Agriculture and Markets Law § 121

Dangerous Dogs

Any person who witnesses an attack or threatened attack upon a person or a companion animal, farm or domestic animal, may complain to a dog control officer or police officer, who shall immediately tell the complaining person of his right to start a legal action. If there is reason to believe the dog is a dangerous dog, the officer shall immediately begin an action himself. Thereupon, the judge or justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to the dog control or police officer to immediately seize such dog and hold the same pending judicial determination as provided in this section.

Whether or not the judge finds probable cause for the seizure of the dog, he shall, within 5 days, with at least 2 days prior written notice to the dog's owner, hold a hearing on the complaint. At the judicial hearing, the person who brings the complaint must prove, by clear and convincing evidence, that the dog is a "dangerous dog." A dog shall not be declared dangerous if its conduct was justified because the person who was injured, threatened or killed, was then or had previously tormented, abused, assaulted or physically threatened the dog or its offspring.

A dog shall not be declared dangerous if the conduct of the dog was justified because the dog was responding to pain or injury, or was protecting itself, its people, its kennels or its offspring; or was justified because the companion animal, farm animal or domestic animal that was injured, threatened or killed, was attacking or threatening to attack the dog or its offspring.

If the dog is found to be dangerous, the judge shall then order spaying and/or neutering of the dog, micro-chipping of the dog, and one or more of the following as deemed appropriate circumstances and as deemed necessary for the protection of the public: (a) evaluation of the dog by a certified behavioral expert, with the owner paying for the evaluation and any such training ordered; (b) secure humane confinement of the dog for a period of time and in a manner deemed appropriate by the court but in all instances in a manner designed to: (1) prevent escape of the dog, (2) protect the public from unauthorized contact with the dog, (3) to protect the dog from the elements under **§ 353-b** of this article, but shall not include lengthy periods of tying or chaining; (c) restraint of the dog on a leash by an adult whenever the dog is on public premises; (d) muzzling the dog whenever on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration; or (e) maintenance of a liability insurance policy in an amount determined by the court, up to $100,000.00 for personal injury or death resulting from an attack by the dog.

However, if the dog is found dangerous, the judge can order humane euthanasia or permanent confinement of the dog, if one of the following aggravating circumstances is established in court: (a) the dog, without justification, attacked a person causing serious physical injury or death; or (b) the dog has a known vicious propensity evidenced by previous unjustified attacks on a person causing serious physical injury or death; or (c) the dog, without justification, caused serious physical injury or death to a companion animal, farm animal or domestic animal, and has, in the past two years caused similar unjustified attacks evidenced by a 'dangerous dog' finding under this section. If the judge orders humane euthanasia, it shall not be carried out until expiration of the thirty day period provided for the filing of a notice of appeal, unless the owner of the dog has indicated to the judge in writing that he is waiving his right to appeal. If the owner files a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal.

If the owner of the dog, through any act or omission, negligently permits his dog to bite a person, service dog, guide or hearing dog, causing physical injury or serious physical injury shall also be subject to civil penalty of up to $400.00 or $1500.00 respectively, in addition to the other applicable penalties. If the negligent owner permits his dog, which has previously been determined to be a 'dangerous dog' under this article, to bite a person causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine and/or imprisonment in addition to the other applicable penalties.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi.

Note: Always remember to check your local municipal laws or codes as your county or city may have its own laws or codes regarding Dangerous Dogs.

New York State Agriculture and Markets Law § 351

Prohibition of Animal Fighting

Agriculture and Markets Law §351, defines "animal fighting", as any fight between cocks or other birds, or between dogs, bulls, bears or any other animals, or between any such animal and a person or persons, except in exhibitions such as rodeos.

A person who engages in any of the following conduct is guilty of a felony punishable by imprisonment for up to 4 years, or by a fine of up to $25,000.00 or both: (a) causes any animal to engage in animal fighting for amusement or gain; (b) trains any animal under circumstances evincing intent that such animal engage in animal fighting for amusement or gain; (c) breeds, sells or offers for sale any animal under circumstances evincing intent that such animal engage in animal fighting for amusement or gain; (d) permits any of the three previous activities to occur on premises under his control; or (e) owns, possesses or keeps any animal trained for fighting on premises where an exhibition of animal fighting is being conducted under circumstances evincing intent that such animal engage in animal fighting.

Any person who owns, possesses or keeps any animal under circumstances evincing an intent that such animal engage in animal fighting is guilty of a misdemeanor punishable by imprisonment for up to 1 year, or a fine not to exceed $15,000.00 or both.

The mere presence of a knowing spectator at the exhibition, even without having paid an admission fee or wager, is guilty of a violation punishable by a fine of up to $500.00. Any knowing spectator having paid an admission fee or having made a wager at any place where an exhibition of animal fighting is being conducted is guilty of a misdemeanor punishable by imprisonment for up to 1 year, or a fine not to exceed $1,000.00 or both. However, any such knowing spectator convicted of either such conduct within the past five years, is guilty of a misdemeanor punishable by imprisonment of up to 1 year, or by a fine not to exceed $1000.00 or both.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Important Federal Law

"Animal Welfare Act" as Amended (7 USC, 2131-2156)

The Animal Welfare Act is administered by the United States Department of Agriculture and regulates the purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research, exhibition, or holding them for sale as pets or for any such purpose or use. The act also establishes minimum standards for animal care including, but not limited to, handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds it necessary for humane handling, exercise for dogs, and for a physical environment adequate to promote the psychological well-being of primates.

Note: Please see the Animal Welfare Act in its entirety by visiting the United States Department of Agriculture website: http://www.nal.usda.gov/awic/legislat/usdaleg1.htm

Access Rights of Individuals with Disabilities and their Service Animals

Legal Protection for Service Animals

The rights of persons with disabilities to use service animals are protected under a network of federal, state and local laws and regulations. Federal regulations under the Americans with Disabilities Act ("ADA") specifies that a service animal is any guide dog, signal dog or other animal that has been trained to perform tasks for individuals with disabilities. The New York Civil Rights Law specifically protects individuals who use guide dogs, hearing dogs and service dogs. Discrimination against persons with disabilities is prohibited under other New York laws, which may protect all service animals in addition to service dogs. Furthermore, because the law giving

the broadest protection applies, the "ADA" protects the use of all service animals in New York regardless of any limitation of the New York Civil Rights Law.

Both New York State and federal laws protect the rights of individuals with disabilities to bring a service animal into the workplace.

New York State law and the "ADA" forbid places of public accommodation from discriminating against individuals with disabilities. These laws provide that service animals must be permitted in all areas of a facility where customers are generally permitted.

Transportation

Title II of the "ADA" forbids discrimination against individuals with disabilities from using public services accompanied by their service animals, including public transportation.

Enforcement

Criminal and civil sanctions apply to violations of the access rights of individuals with disabilities using service animals.

Companion Animals and Housing Issues

It is not always readily apparent when a person can keep a companion animal in a home. While people who keep a companion animal in a house are not usually challenged unless the animal seriously provokes a neighbor; people living in apartments and condominium-type communities, face different challenges. For example, many leases prohibit pets, and often house rules in a co-op or condominium ban pets, without written board permission. But just as a lease doesn't allow a landlord to withhold essential services such as heat and hot water, or allow a co-op to unlawfully discriminate; a no-pet clause also is not always enforceable. For example, in New York City and in Westchester County, laws commonly referred to as the "Pet Law", prohibit the enforcement of a "no pet" clause, even if there is an applicable "no pet" clause in the lease, if a landlord fails, within three months of his knowledge of a tenant's harboring of a pet, to enforce the "no pet" provision. The law applies to both owners and

renters, in apartment complexes, co-ops and condos, whether privately owned or government subsidized.

Just as a landlord must accommodate a disabled tenant who requires a wheelchair, a companion animal must similarly be permitted. The only limitations are generally that the disability substantially interfere with a major life activity (work, social activities, etc.), and that the pet is under control (i.e. it would be reasonable to allow the pet).

These disability laws are set forth in the Federal Fair Housing Act, as well as, the "ADA", and in state and local human rights laws. Some federal laws allow pets for all people over 62 years of age in federal or federally-funded housing. Other laws allow animals trained as "service animals" to reside with their companion human.

Note: Please see the above referenced "Pet Law" in its entirety under the (Administrative Code of the City of New York § 272009.1) by visiting: www.nyc.gov, and in Westchester County under the Laws of Westchester County § 694). The Unites States Code Title 42 contains the "Federal Fair Housing Act which can be found by visiting: http://www.gpoaccess.gov/uscode/index.html, and the "ADA" by visiting http://frwebgate.access.gpo.gov/cgibin/multidb.cgi

Estate, Powers and Trusts § 7-8.1

Honorary Trusts For Pets

Today, people regard pets as children, especially in clients without children. Many clients ask how they can ensure their beloved pets are properly cared for after their death. The Estates, Powers and Trusts §7-8.1, gives people the ability to establish honorary trusts for their pets. A pet trust can be set up in a person's will or as a living trust. The trust is then funded with a portion of the decedent's assets. Like any other trust, the trust must provide for a trustee to administer the trust and make arrangements for the care and maintenance of the pet by the appointed guardian. The trustee and the guardian (or caregiver) can be two different people. The trust terminates when no living animal is covered by the trust, or at

the end of twenty-one years, whichever occurs first.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at http://public.leginfo.state.ny.us/menuf.cgi

Education § 809

Instruction in the Humane Treatment of Animals

Every elementary school under state control or supported wholly, or partly by public money of the state shall provide instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals which subsequently may be abandoned and/or caused to suffer extreme cruelty.

Such weekly instruction may be divided into two or more periods and shall be for a period of time during the school year as the board of regents may prescribe. Instruction may be joined with work in literature, reading, language, nature study and ethnology.

Any school district that doesn't follow these guidelines well not be entitled to participate in public school money.

Any school which cares for or uses animals for study shall ensure that the animals are afforded: appropriate quarters; sufficient space for normal behavior and postural requirements of the species; proper ventilation, lighting, and temperature control; adequate food and clean drinking water; and quarters cleaned regularly and located in an area that minimizes undue stress and disturbance.

Any student expressing a moral or religious objection to the performance or witnessing of dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the teacher; provided that the objection is substantiated in writing by a parent or guardian; and the student shall not be penalized.

A school district, school principal or administrator may allow a teacher certified in sciences, teaching

students at grade levels 10-12, who are pursuing an accelerated course of study in the sciences, in preparation of state or national advanced placement examinations to submit to the Commissioner a written program plan asking for a waiver of restrictions against the study of live vertebrate animals outlined in this section. The written program plan shall include, but not be limited to: (1) educational basis for the waiver; (2) the objective of the lesson or experiment; (3) the methods and techniques to be used; and (4) any other information required by the commissioner. The commissioner is required to submit annual reports to the governor and legislature which shall include, but not be limited to: the number of written program proposals submitted, and the number of them that were approved. Any approved plan shall be appended to the report.

Once a waiver is obtained, the pursuant to the written program plan, the teacher shall be allowed to perform a lesson, or experimental study on a live vertebrate animal that employs: (1) micro-organisms which cause disease in humans or animals; (2) ionizing radiation; (3) known cancer producing agents; (4) toxic chemicals; (5) drugs producing pain or deformity; (6) severe extreme temperatures; (7) shock, including electric; (8) excessive noise; (9) noxious fumes; (10) exercise to exhaustion; (11) overcrowding; (12) paralysis by drugs; (13) deprivation or excess of food, water or essential nutrients; (14) invasive procedures including surgery; (15) other extreme stimuli; or (16) termination of life.

This section shall not apply to vocational instruction in the normal practice of animal husbandry, or environmental education activities established by DEC.

Note: Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Feral Cats

Unlike dogs, which are regulated by the government with licensing requirements, New York

animal care and control and municipal animal shelters, are not required by law to take in cats whether they be domestic or otherwise.

Public Health Law § 2140(13), defines "Feral animal" as any cat…born in the wild and is not socialized; is the offspring of an owned or feral cat …and is not socialized; or is a formerly owned cat …that has been abandoned and is no longer socialized.

Environmental Conservation Law § 11-0103(5) (e), states that "Wild animal" shall not include "companion animal" as defined in **Agriculture and Markets Law § 350**. Wild animal includes, and is limited to, any or all of the following orders and families:

(1) Nonhuman primates and prosimians;

(2) Felidae and all hybrids thereof, with the exception of the species Felis catus (domesticated and feral cats, which shall mean domesticated cats that were formerly owned but have been abandoned and that are no longer socialized, as well as their offspring) and hybrids of Felis catus that are registered by the American Cat Fanciers Association or the International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations.

As the human population has grown over time, so has the number of free roaming cats that are left outdoors unspayed and unchecked. An unspayed free roaming female cat can have several thousand kittens over her lifetime. Once surviving kittens reach maturity, this cycle is then multiplied exponentially when her kittens breed and give birth to their own litters and on and on. Because many of these outside cats are born and raised without human contact they are often fearful of humans and are often referred to as "feral cats". These cats often form what are known as "colonies" and live short lives falling victim to starvation, disease, freezing, cruelty and are commonly found hit by cars leaving a litter behind. In response to the overwhelming demand for assistance, many animal rescue organizations have initiated what are known as trap-neuter-release or ("TNR") programs. Trap-Neuter-Release ("TNR") has proven to be a most effective way of humanely reducing feral cat populations. Through TNR programs, stray and feral cats are humanly

trapped and transported to veterinarians, where under anesthesia, they are spayed or neutered and ear tipped for future identification. Cats are often accessed to see whether they are social enough to be adopted, if not, they are transported back to their original location under the care of a cooperating neighborhood resident who will continue to provide a food source. Through TNR feral cat populations are slowly decreased through attrition. Cats should always be kept indoors for their own safety.

Note: Always remember to check your local municipal codes as your municipality may have its own laws or codes regarding feral cats. Please see New York State Consolidated Laws for the above section in its entirety by visiting the New York State Assembly website at: http://public.leginfo.state.ny.us/menuf.cgi

Conclusion

The New York State Bar Association's Committee on Animals and the Law hopes that this pamphlet has been a useful guide to introducing you to the field of animal law. Due to space limitations, not every animal-related law or topic is covered. Many of the laws cited in this pamphlet have been abbreviated and/or paraphrased and should be viewed in their full statutory form. For more information regarding Animal Law, please visit the Committee on Animals and the Law on the New York State Bar Association's website at: www.nysba.org.

This pamphlet, which is based on New York law, is intended to inform, not provide advice. No one should attempt to interpret or apply any law without the aid of an attorney. For counsel please contact your local bar association. This pamphlet is produced by the New York State Bar Association's Committee on Animals and the Law.

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