

BILL TEXT:

STATE OF NEW YORK

9487

IN ASSEMBLY

May 2, 2014

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to community based initiatives for the purpose of trapping, neutering, vaccinating and returning feral cats to the area from which they were trapped

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 117-a of the agriculture and
2 markets law, as amended by section 11 of part T of chapter 59 of the
3 laws of 2010, is amended and a new subdivision 10 is added to read as
4 follows:

5 1. The commissioner shall submit a request for proposals from not-for-
6 profit entities as described herein for the purpose of administering a
7 state animal population control program. The entity chosen to administer
8 such program shall enter into a contract with the state for a term of
9 five years, which may be renewed subject to the approval of the commis-
10 sioner. The purpose of this program shall be to reduce the population of
11 unwanted and stray dogs and cats thereby reducing incidence of euthana-
12 sia and potential threats to public health and safety posed by the large
13 population of these animals. This program shall seek to accomplish its
14 purpose by encouraging residents of New York state who are the owners of
15 dogs and cats or, subject to the conditions established pursuant to
16 subdivision ten of this section, community-based initiatives operating
17 in coordination with an eligible not-for-profit entity as defined in
18 subdivision eight of this section for the purposes of trapping, neuter-
19 ing, vaccinating and releasing feral cats as defined in subparagraph two
20 of paragraph e of subdivision six of section 11-0103 of the environ-
21 mental conservation law, to have them spayed or neutered by providing
22 low-cost spaying and neutering services to such owners and initiatives
23 meeting the criteria enumerated in subdivision three of this section.
24 For purposes of this section, "low-cost" shall mean substantially less
25 than the average cost in a particular region of the state for spaying or
26 neutering services, including any and all ancillary [~~changes~~] charges
27 for services, including but not limited to, presurgical examinations,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 tests and immunizations, and other services related to the spay or
2 neuter procedure. All veterinary services provided pursuant to this
3 section must be performed by a veterinarian licensed in this state.

4 10. Notwithstanding any provision of this section to the contrary, the
5 administrative entity shall be authorized to utilize up to twenty
6 percent of the animal population control program fund balance annually
7 for grants to eligible entities as defined in subdivision eight of this
8 section working in coordination with community based initiatives for the
9 purposes of trapping, neutering, vaccinating and returning, to the area
10 from which they were trapped, feral cats as defined in subparagraph two
11 of paragraph e of subdivision six of section 11-0103 of the environ-
12 mental conservation law.

13 § 2. Subdivision 3 of section 117-a of the agriculture and markets law
14 is amended by adding a new paragraph (d) to read as follows:

15 (d) Subject to the conditions established pursuant to subdivision ten
16 of this section, the provisions of this subdivision shall not apply to
17 community-based initiatives operated in coordination with an eligible
18 entity as defined in subdivision eight of this section for the purpose
19 of trapping, neutering, vaccinating and releasing feral cats as defined
20 in subparagraph two of paragraph e of subdivision six of section 11-0103
21 of the environmental conservation law.

22 § 3. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)

BILL NUMBER: A9487

SPONSOR: McDonald

TITLE OF BILL: An act to amend the agriculture and markets law, in relation to community based initiatives for the purpose of trapping, neutering, vaccinating and returning feral cats to the area from which they were trapped

PURPOSE OR GENERAL IDEA OF BILL: This bill would authorize up to twenty percent of the animal population control program fund balance to be utilized for grants, to eligible entities working in coordination with community based initiatives, for the purpose of trapping, neutering, vaccinating and returning feral cats to the area from which they were trapped.

SUMMARY OF SPECIFIC PROVISIONS: Section 1 amends subdivision 1 of section 117-a of the agricultural and markets law, as amended by section 11 of part T of chapter 59 of the laws of 2010, by adding a new subdivision 10 which would authorize twenty percent of the Animal Population Control Program fund balance annually for grants to eligible entities, in coordination with community-based initiatives, for the purpose of trapping, neutering, vaccinating and returning, to the area from which they were trapped, feral cats as defined by the environmental conservation law.

Section 2 provides that such provisions shall not apply to community-based initiatives operated in coordination with an eligible entity as defined in subdivision eight of this section, which allows entities that do not have a county animal population control program to apply for funds from the Animal Population Control Program fund for the sole purpose of providing low-cost spay and neuter services in their service area.

Section 2 provides the effective date.

JUSTIFICATION: The New York State Animal Population Control Program serves Upstate and Long Island, providing grants to local governments and eligible not-for-profit organizations for low-cost, low-income spay/neuter initiatives and services directly related to such programs. Operated by the ASPCA at no cost to the state, the APCP funds viable, effective and high-impact programs each year to help communities manage homeless animal populations and serve areas of great need, as well as projects reaching more remote and less served populations.

Unfortunately, the APCP does not provide sufficient authority to award grants for the management of "Trap-Neuter-Return" or "TNR" feral cat programs. As the only proven humane and effective method to manage feral

cat colonies, these systems can have enormous value to a community. At least 15 other state-sponsored animal population control programs - including those in Massachusetts, Rhode Island, Connecticut and Delaware - authorize the use of spay/neuter funds to cover the costs of viable TNR programs.

Once considered unconventional, TNR is now generally accepted as a viable and effective population control tool. Successfully practiced in thousands of communities and in every landscape and setting, Trap-Neuter-Return programs humanely trap feral cats - which cannot be socialized to live with humans safely - and take them to a veterinarian to be neutered, vaccinated, and eartipped. After recovery, the cats are returned to their colony. Kittens of feral cats that can be socialized to people may be adopted into homes.

Grounded in science, TNR stops the breeding cycle of feral cats and therefore improves their lives. Historically, the ineffective and costly "catch and kill" approach was used to control feral cat populations, but history has now demonstrated the futility of attempts to permanently clear an area of cats because of the scientifically-documented phenomenon known as the "vacuum effect." In basic terms, whenever cats are removed, new cats move in to take advantage of the now-available resources (like food and shelter), or the surviving cats left behind breed to capacity. Under TNR, the returned cats act as placeholders, preventing intact cats from moving into the area. The cats being returned via TNR have significantly reduced nuisance behaviors (spraying, noise from mating and fighting) and are better community neighbors than the intact cats who would otherwise fill that space if there were a vacuum. As a result, there is robust support for TNR both at the grassroots level and within traditional political structures.

This legislation is consistent with the statutory purpose of this program, especially since its reinvention as a grants initiative in 2010. The bill would simply authorize a small percentage of funds available through the APCP each year to be used to support the collaborative work of humane societies, animal welfare organizations and animal shelters with community-based TNR initiatives so they may improve the quality of life for feral cats in a given area, and improve the character of that community for its residents. This in turn supports sound public health policy by proactively reducing the risk of rabies and other zoonotic diseases."

PRIOR LEGISLATIVE HISTORY: None.

FISCAL IMPLICATIONS: Twenty percent of the Animal Population Control Program fund balance will be allocated for the purposes of awarding grants for the management of "Trap-Neuter-Return" or "TNR" feral cat programs.

EFFECTIVE DATE: This act shall take effect immediately.