



The Advocacy Voice of New York's Animal Shelters.

Memo in Support of Companion Animal Care Standards Act for Shelters and Rescues A6246 (Paulin)/S6870 (Addabbo)

The New York State Animal Protection Federation considers this bill one of the most consequential proposals for the state's animal sheltering community in decades. In order to enhance the lives of homeless companion animals, this bill will finally recognize and define the full scope of animal sheltering and rescue operations in New York State. It is a comprehensive rewrite of Article 26 of the NYS Agriculture and Markets Law and uses the peer-reviewed best practices established by the Association of Shelter Veterinarians' (ASV) 2010 *Guidelines for Standards of Care in Animal Shelters* as their guideposts for the care they provide.



It will require all entities—shelters and rescues--to be licensed by the Department of Agriculture and Markets which will ensure our state's homeless companion animals will live in safe and humane conditions, with proper cleaning, nourishment, and veterinary care. All licensed facilities will be considered animal shelters under the law.

By enhancing the care standards for New York's homeless companion animals, the bill will:

- Require all personnel to have on-going training on the care of homeless companion animals.
- Require recordkeeping of animal records, including health and behavior.
- Ban dangerous and reckless methods of animal transport.
- Recognize the importance of foster care in animal sheltering, while requiring shelters and rescues to monitor and track all foster providers.
- Require all entities to have a clear, written, management structure that defines staff authority, reporting structure and responsibilities.
- Establish staffing requirements that are sufficient to feed each animal, clean enclosures and provide socialization and exercise.
- Require that the number of animals housed will not exceed the number of humane housing units available.

Our state's Companion Animal Capital Fund has, to date, invested \$20M in shelter capital projects. The Standards Act calls for improving the physical plant at licensed facilities including indoor building surfaces, drainage, electrical power and emergency back-up, water & sewer, air handling systems, ammonia levels, noise levels, animal housing, isolation, lighting, and vermin & pest control. The Fund is included in the Governor's executive budget and the Federation is asking the legislature to continue its legacy of \$5M to bring the Fund to \$10M. This Fund provides shelters with the opportunity to apply for funding that will help them meet the physical standards called for in the bill.

Recognizing what the breadth of changes this bill means for the licensed entities, the effective date is three years after it is signed into law. This will give all the organizations affected by the legislation the opportunity to work to meet these new standards. For some it will mean physical upgrades which the Companion Animal Capital Fund can assist with. For others, it means upgrading current and/or creating new policies and procedures that will enhance the day-to-day care of New York's homeless companion animals. The New York State Animal Protection Federation Education Fund, the Federation's 501C3 sister organization, stands at the ready to help these groups with seasoned consultants who have spent their lives in the animal welfare community.

Just as we don't want any animal left behind, we don't want any organization left behind either.

Attached to this memo are:

- Overview of the bill with more detail on each section.
- Letter of support from rescues across New York State.



COMPANION ANIMAL CARE STANDARDS ACT

FOR SHELTERS AND RESCUES

A6246 (Paulin)/S6870 (Addabbo)

This proposal would create a new Article 26-C in the Agriculture and Markets Law (AGM) and replace New York's existing shelter/rescue registration law (AGM, Section 408, enacted in 2017) with a licensing and inspection program for these entities that provides comprehensive, uniform facility and animal care standards for shelters and rescue organizations. This program would be administered by the NYS Department of Agriculture and Markets' Division of Animal Industry.

The basis for much of the provisions related to such standards is the Association of Shelter Veterinarians' (ASV) 2010 *Guidelines for Standards of Care in Animal Shelters*. During the crafting of this legislation great care was taken to ensure that each section's provisions are (a) consistent with existing law and (b) do not inadvertently overwrite or compromise the integrity of longtime laws and regulations related to shelter intake, animal transport, humane euthanasia and the like.

Overarching sections include the following:

Legislative Intent.

This prologue describes Department's current limitations pursuant to its existing statutory authority over most animal operations. It finds the existing statutory and regulatory backdrop to be outdated, vague and often in direct contravention efforts on behalf of the department and animal shelters alike to adequately and uniformly ensure animal health and wellbeing at and in transport to and from such facilities.

Definitions.

This section provides a number of definitions needed to ensure that the various requirements prescribed in the bill can be overseen by the Department of Agriculture and Markets in the most responsible manner.

One important definition to note is that of "animal shelter," which includes any animal organization with a building, structure, or facility where temporary or permanent housing and care is provided to stray, abandoned, abused, seized, impounded, owner-surrendered or otherwise unwanted animals, regardless of whether or not such facility also serves as a personal residence. While this definition includes rescue organizations, the following entities are exempted: veterinary practices, wildlife rehabilitation facilities, boarding kennels, pet dealers and foster care providers.

As stated above, foster care providers would not be licensed or inspected by the Department as the bill is currently drafted, but their partner shelters/rescues would be required to establish formal agreements with their fosters and ensure they are meeting minimal standards of care provided in this new statute. This has been

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deemed necessary since many rescue organizations are already foster-based, and without some accountability measure a licensee could simply arrange for its entire animal population to be harbored in unregulated circumstances, or sidestep regulation completely by deeming itself a foster – much like pet stores previously avoided licensure/inspection as a Pet Dealer by incorporating as not-for-profits.

License required and inspection of facilities.

As is currently the case for most shelter and rescue operations when registering with the Department, all licensees will have to prove themselves eligible for exemption from the definition of “pet dealer” pursuant to AGM Article 26-A. Passing inspection is required prior to licensure, and successful applicants receive a unique identification number. Licenses would be renewable annually at a proposed cost of \$150.

All municipal shelter applicants must provide a federal tax ID number, while all not-for-profit applicants must also provide proof of incorporation as a not-for-profit organization in NYS. All disclosures required in the existing shelter/rescue registration law (AGM Section 408) would be transferred to this section as well.

The section also lays out the conditions under which the commissioner may decline to grant or renew, or suspend or revoke an animal shelter license, including a prior conviction of animal cruelty or if the entity was previously licensed as a pet dealer.

Personnel training requirements.

This section requires any entity licensed pursuant to this article to provide training to all staff members and volunteers. Acceptable training modalities would include, online webinars, onsite lectures or seminars, off-site conferences for animal shelter staff, or other formal training as authorized by the commissioner. Training topics would include (but not be limited to) humane handling techniques, infectious disease, zoonotic diseases, sanitation procedures, body language and normal behaviors for all species regularly handled and required documentation and data entry.

Recordkeeping.

As a licensed entity of the state, these and all records maintained in compliance with the new law would be public information and subject to the Freedom of Information Law (Article 6 of the Public Officers Law). This section requires all licensed entities to create and maintain summary records of their total annual animal intake and dispositions by species, by source of intake, and by type of disposition. Such entity must also create and maintain an individual record for each animal in such entity’s custody or possession.

Any and all records shall be made available to the commissioner or his or her designee upon request, maintained for a 3-year minimum and include the following:

- Unique identifiers and any other identification associated with the animal upon examination at entry, including but not limited to a tattoo, a permanent official ID number or other ID tags, rabies tags and numbers, or a microchip number, if present;
- The name, address and telephone number of the person surrendering such an animal or from whom such animal was seized;
- The date of animal shelter intake and date of departure from same shelter;
- Whether the animal was adopted, transferred, redeemed by its owner, died, or humanely euthanized;

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- For adopted and transferred animals or those returned to an owner, the name, address, and phone number of the receiving individual or agency;
- Basic descriptors including species, age, gender, physical description including color and breed or breed mix, and the spay or neuter status at entry if determinable with reasonable certainty;
- Any available behavioral or health history or information otherwise obtained at intake, including bite history and rabies vaccination status at entry, when known. Previous bite history shall be fully disclosed in writing to an adopter, transfer partner, or reclaiming owner and provided in any reports regarding the animal, as applicable;
- All veterinary and behavioral examinations, treatments, procedures, or medications occurring during the animal's time under the care of the shelter.

Each licensed entity would be required to enter into a formal agreement with each of its designated foster care providers and establish a record that shall include each provider's name, address, telephone number, email address if available, types of animals for which the provider is willing to provide care, and current number of animals in the care of a designated foster care provider.

General facility standards.

This section requires all facilities to be constructed of materials that ensure a sound physical structure, and be maintained to protect animals from injury, ensure containment of animals within the property, and restrict unauthorized entry of other animals and humans into the building. Provisions are included to address indoor building surfaces, drainage, electrical power and emergency back-up, water & sewer, air handling systems, ammonia levels, noise levels, animal housing, isolation, lighting, and vermin & pest control.

Animal housing.

This section provides comprehensive detail regarding enclosures generally, requiring that they be made of materials that are non-porous, water resistant, non-toxic, and able to withstand regular cleaning and disinfection. Enclosures must be in good repair and structurally sound, maintained in safe, working condition to properly confine animals, prevent injury, keep animals safe from predation, and allow animals to remain dry and clean.

The section details the circumstances under which animals may be kept together and when they must be separated and would also provide various requirements and restrictions regarding "primary enclosures," which would be defined as where an animal is housed for a period exceeding twenty-four consecutive hours. A corresponding provision would specifically address requirements for outdoor primary enclosures, and place significant restrictions on tethering.

Sanitation.

Licensed entities would be required to establish and maintain sanitation protocols that address proper hygiene of shelter staff, volunteers, and visitors, including signage, supervision, and hand sanitation. Cleaning and disinfectant properties must be effective under conditions present in a given environment and with demonstrated activity, based on published recommendations and literature, against the pathogens for which animals are at risk.

Shelter management protocols.

Licensed entities would be required to have a clear, written, management structure that defines staff authority, reporting structure and responsibilities, and is readily accessible to all staff and volunteers. Staffing must meet



minimum requirements and be sufficient to feed each animal, clean their enclosures, and provide socialization and exercise. All animals must be observed daily by a manager or his/her designee to identify each animal's needs for care, housing and service and to ensure that each animal has a plan to advance efficiently through the shelter to a final disposition.

This section would also require that the number of animals housed in a licensed facility shall not exceed the number of humane housing units available to house them at such facility, but exceptions would be allowed in the event of an animal cruelty seizure or a natural disaster where an official declaration of the disaster or emergency has been made.

Animal husbandry.

This section is also comprehensive in nature and broken down into two main subdivisions – one for animal nutrition and one for animal handling. The nutrition portion of the section provides requirements for food, water, food containers, intervals and exceptions as prescribed by a veterinarian, observation periods and written documentation.

The handling portion addresses issues such as humane restraint (to minimize pain, fear or suffering), safety precautions, prohibited practices (such as use of physical force in punishment or use of control poles for cats), equipment maintenance and reporting requirements.

Veterinary care.

This section governs the provision of veterinary services in coordination with licensed facilities and requires that medications and treatments be administered by each under the advisement of or in accordance with written protocols provided by a duly licensed veterinarian. Each licensed entity must have the ability to provide for veterinary assessment and humane care in a timely fashion through in-house facilities or at an off-site location. The section provides detailed requirements for the administration of drugs, vaccinations, parasite treatment, intake assessments and examinations, emergency medical plans, treatment of acute and chronic pain, animals in foster care and grooming.

In addition, this section contains all shelter medicine protocols for spaying and neutering, including examination requirements prior to surgery, anesthetic protocols, necessary equipment for anesthesia and patient monitoring, aseptic surgical techniques, post-operative care and owner disclosures.

Behavior.

Each licensed entity would be required to take measures to collect a behavioral history for each animal in its custody or possession at the time of intake. In addition to laying out the responsibilities of each entity in terms of enrichment, exercise, daily handling and social interaction, each entity would also be required to implement additional measures for enrichment and stress reduction for any animal in its custody or possession showing persistent hiding, hostile interactions with other animals, reduced activity, depression or social withdrawal, barrier frustration or aggression, self-injurious behavior, repetitive non goal-oriented movement, and/or stereotypic behaviors. Such measures must be documented in such animal's medical record.

This section also authorizes licensed entities to perform systematic behavioral evaluations on animals prior to re-homing or other placement. Should such capacity be developed, designated staff must receive, in advance, adequate training in the performance and interpretation of the behavioral evaluation or evaluations, and use a standardized form to document every behavioral evaluation performed.

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Each licensed entity would be required to fully disclose all available information regarding the behavior of any animal in its possession, including bite history, prior to such animal's transfer to an individual or another organization.

Transportation.

This section contains four subdivisions and is applicable to transporting animals both within the state and across state lines. The first provides general requirements for transport vehicles, including restrictions on open pick-ups and flat-beds, safe and secure confinement practices, heating, cooling and air quality protocols.

The second subdivision provides general responsibilities of shelters of origin prior to transport. This includes protocols for ensuring the capacity and capabilities of its destination shelters, administration of certain vaccinations and veterinary examination requirements before transport, and health certificate and animal identification requirements.

The third subdivision provides responsibilities of the transporter – regardless of who is employing them – during actual transport to a destination shelter. These include compliance with maximum transport periods, enclosure and sanitation requirements, food and water requirements, and separation of sick and healthy animals, establishment of animal observation periods, and other responsibilities to ensure the animals being transported arrive safe and healthy to their destination.

The final subdivision detail responsibilities for destination shelters, including prompt intake and veterinary care, adequate housing for new arrivals, and isolation areas for known or suspected animals with medical issues.

This section also prohibits shelters and rescues from sourcing any animal under one year of age whose origin is a USDA-licensed dog breeder.

Foster care providers.

While the proposed bill does not mandate state licensing and inspection of foster care providers, it does require animal shelters to enter into written agreements with each of their foster partners and review such agreement biennially. Records of these agreements must be retained by both parties and be made available to the Department of Agriculture upon request. It is also the responsibility of animal shelters to ensure that foster care providers are able to responsibly harbor and provide necessary sustenance for any animal placed in their care.

Violations.

This section was lifted from the existing law regarding shelter/rescue registration, which in turn reflects the violation provisions in the pet dealer law (AGM Article 26-A). It provides that any licensed entity may be subject to license denial, revocation, suspension, or refusal of license renewal as a result of any violation, and that such violations shall be a civil offense, for which a penalty of not less than \$100 and not more than \$1,000 for each violation may be imposed by the commissioner, provided that, in addition, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations.



Importation.

Department of Agriculture and Markets regulations address importation of dogs and cats in 1 NYCRR Part 65. While there has been much discussion regarding updating some of these requirements, doing so generally falls outside the scope of this proposed legislation. The Association of Shelter Veterinarians (ASV) guidelines used in part as a template for this legislation is silent on this issue; however, some parties felt strongly that the measure should include a 48-hour mandatory “hold” requirement at first destination following importation for any imported dog or cat prior to further transfer. This is similar to existing requirements in other states and would apply to anyone importing a dog or a cat – not just shelters and rescues – and would retain existing exemptions. This comes as a result of the explosive growth in such transports over the past several decades.

Waving of requirements authorized.

In the event of a natural disaster that results in a disaster declaration by the governor, the commissioner of the Department of Agriculture and Markets is authorized to wave specific requirements in this statute to protect public and animal health & safety. Throughout the pandemic response the prompt relocation of animals (for example) from shelters was necessary due to mandatory staff reductions but also to prepare for potential increases in owner surrenders.

Effective date.

The effective date is set at three years following enactment. The long compliance period is necessary to allow organizations of all sizes and shapes to comply.

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Dear New York State Legislator,

Homeless companion animals deserve the highest quality of care in New York State regardless of whether they are cared for in a shelter or by a rescue.

The rescue community in New York State has grown substantially over the past years as a way to help alleviate the strain placed on animal shelters. Many rescues work hand in hand with shelters such as the New Hope Partners Network that works closely with the Animal Care Centers of New York City, or Kindred Spirits Dog Adoption in Clinton, NY that takes animals from the Central NY SPCA out of Syracuse or Teacher's Pet Animal Sanctuary or Greece Residents Assisting Stray Pets, both of which are in Greece, NY, working with Lollypop Farm, the Humane Society of Monroe County.

With this growth comes greater responsibility to the animals and to the public. It is with this responsibility in mind that we support the Companion Animal Care Standards for Shelters and Rescues Act (A6246-Paulin/S6870-Addabbo). This bill calls for the enhancement of shelter and rescue operations in order to improve the lives of the animals in our care.

The bill will hold shelters and rescues alike to a standard of care that reflects peer-reviewed best practices established by the Association of Shelter Veterinarians' (ASV) 2010 *Guidelines for Standards of Care in Animal Shelters*. Many shelters and rescues already use these guidelines as their guidepost for the care they provide.

We concur that everyone who cares for homeless animals should participate in training to keep up on the latest advances in animal welfare. Recordkeeping, as called for in the bill, is essential for tracking the health and well-being of the animal. Shelters and rescues alike should have the best facilities possible with easy to clean floors, cages, kennels, etc. to mitigate disease. Housing must be kept up to date and in good repair and we all need to have sound policies and procedures in place for consistent operation of our organizations.

We welcome guidelines for transporting animals both intra and inter-state. Additionally, we are relieved to see the prohibition of sourcing of any animal under one-year of age from a USDA-licensed breeder.

Many of us engage fosters to care for our animals. It is essential to the work we do. We appreciate that these providers will not be licensed and inspected but do understand the need for written agreements that are kept on file as part of our overall recordkeeping. These agreements protect both the organization and the foster provider detailing who is responsible for what and where actual ownership of the animal lies.

Providing compassionate veterinary care to homeless animals is essential for both the animals and potential adopters. Shelters and rescues alike providing the same level of care will enhance the lives of the animals as well as strengthen the public's faith in the work we do.

These are just a few of the areas this bill covers and we welcome its implementation to move the animal welfare community in New York State forward.

Thank you for time.

Sincerely,



Paula Garber, President
President, Cat Protection Council of Westchester



Mia Genovesi, President
Godspeed Horse Hostel, Dutchess County



Jessica Price, DVM, President
CPV Rescue and Sanctuary, Oneida County



Sarah Price, Executive Director
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