

**RESOLUTION NO. 699 -2020, ADOPTING LOCAL LAW NO. 44-2020, A LOCAL LAW REQUIRING ANIMAL SHELTERS AND RESCUES TO PROVIDE AN ANIMAL'S BEHAVIORAL AND BITE HISTORY PRIOR TO ADOPTION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2020, a proposed local law entitled, "**A LOCAL LAW REQUIRING ANIMAL SHELTERS AND RESCUES TO PROVIDE AN ANIMAL'S BEHAVIORAL AND BITE HISTORY PRIOR TO ADOPTION**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 44 -2020, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW REQUIRING ANIMAL SHELTERS AND RESCUES TO PROVIDE AN ANIMAL'S BEHAVIORAL AND BITE HISTORY PRIOR TO ADOPTION**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that there are thousands of animals available for adoption in Suffolk County.

This Legislature also finds and determines that many people, including families with small children, choose to adopt animals from local animal shelters and rescues.

This Legislature further finds and determines that many of the animals offered for adoption by animal rescues and shelters have had a difficult or abusive past, which may lead to underlying behavioral issues.

This Legislature determines that there have been recent issues with animal rescues and shelters on Long Island where there were several instances in which an adopted animal's aggressive behavior was kept from the adopting individual. In one case, one adopted dog bit several people, including a senior woman who needed 30 stitches.

This Legislature also finds that Suffolk County should protect its residents from this kind of misinformation, as it could lead to substantial physical harm or death.

This Legislature finds that adopters have a right to know about an animal's behavioral issues prior to bringing the animal into their home with family members and friends.

This Legislature further finds that animal rescues and shelters in the County should be required to inform individuals about all known behavioral issues of animals being considered for adoption prior to the animal's transfer to prospective owners.

Therefore, the purpose of this law is to amend Chapter 302 of the SUFFOLK COUNTY CODE to require that animal rescues and shelters provide a full behavioral and bite history of an animal in their custody which is being considered for adoption.

**Section 2. Amendments.**

Chapter 302 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 302. Animal Shelters and Kennels**

\* \* \* \*

**Article I. Animal Shelters and Rescues**

\* \* \* \*

**§ 302-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

\* \* \* \*

ANIMAL SHELTER - A property consisting of a tract or tracts of land and all buildings or structures and installations, temporary or permanent, pertaining thereto, any part or all of which is maintained for the harboring of animals which may be stray, unwanted, lost or abandoned, the owner or operator of which is a nonprofit or not-for-profit entity. For the purpose of this article, the term "animal shelter" shall not apply to a municipally owned or operated animal harboring facility; a facility commonly known as a "boarding kennel," where the ownership of the animal is not transferred; a facility commonly known as a "pet store," where animals are offered for sale as all or part of a business, an animal hospital owned, operated or supervised by a licensed veterinarian; or a facility where the owner or operator is licensed by the New York State Department of Environmental Conservation as a nuisance wildlife control agent or wildlife rehabilitator. The owner or operator of an animal shelter shall be presumed to be a nonprofit or not-for-profit entity unless documentation is presented to the satisfaction of the Suffolk County Department of Health Services or its agents which shows otherwise.

BITE – Any action by a dog in which the dog seizes an individual or animal with its teeth so that the teeth enter, grip, or wound the person or animal.

BREEDER - Any person who breeds nine or more cats or dogs per year.

\* \* \* \*

**§ 302-7. Requirements and restrictions.**

\* \* \* \*

R. Records shall be kept by the animal shelter or animal rescue, for at least a three-year period, of the source from which any animal was obtained, the medical history of the animal, the behavioral and bite history of the animal, and the eventual disposition of the animal.

(1) All animals arriving from out-of-state must have a certificate of veterinary inspection from the state of origin which was completed no more than 30 days prior to the animal entering New York State. The certificate of veterinary inspection must include:

- (a) The date of the examination, the breed, sex, and age of the dog or cat, the state or country of origin, and the full name and complete post-office address of the consignee and the consignor;
- (b) A statement that the examination revealed no clinical evidence of infectious or communicable disease, including external parasites and fungi, and that, to the best of the veterinarian's knowledge, the dog or cat has not recently been exposed to such infectious or communicable disease; and
- (c) A statement that the dog or cat has been properly immunized against rabies by a vaccine approved by the United States Department of Agriculture, with a notation as to whether the vaccine administered protects for 12 months or 36 months, within 12 months prior to the date of importation into the State of New York, unless a veterinarian certifies that the animal is less than three months of age or that the health of the animal would be endangered by the administration of a rabies vaccine.

(2) Surrendered animals must have documentation of their origin, including the name, address and phone number of prior owners. A copy of any and all records shall be provided to any individual who adopts or otherwise receives an animal from an animal shelter or animal rescue.

(3) All animal shelters and animal rescues must maintain records on the behavioral history of each animal. Behavioral history records shall include, but not be limited to:

- (a) a report on the behavioral disposition of the animal upon entering the animal shelter or animal rescue;
- (b) weekly documentation of the behavioral characteristics of the animal, including any specific concerns or incidents noted by staff or volunteers; and
- (c) a monthly summary of any changes to the animal's behavior, including a list of all bites or other negative behavioral incidents attributed to the animal during that period.

(4) If an animal shelter or rescue has knowledge that a dog, aged four months or older, has a bite history involving a person or another animal, the animal shelter or rescue shall, prior to adopting out or otherwise releasing or transferring the dog, complete the following:

- (a) disclose in writing to the person inquiring about adopting the dog about the dog's known bite history and the detailed circumstances related to each bite; and
- (b) obtain a signed acknowledgment from the person adopting the dog that he or she has been provided with information about the dog's bite history, as required herein. The animal shelter or animal rescue shall provide the person adopting the dog with a copy of the signed acknowledgment and shall retain the original copy in its files.

\* \* \* \*

W. Any animal which is adopted, bartered or given away by an animal shelter or animal rescue shall be spayed or neutered prior to transfer to a new owner unless a New York State licensed veterinarian provides a written determination that performing such procedure would be unsafe.

X. Any animal shelter or animal rescue shall provide any individual considering the adoption of an animal with all behavioral history records and bite history records of such animal, in writing, at least 24 hours prior to said animal being adopted, bartered, or given away.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language

\_\_\_ Underlining denotes addition of new language

DATED: October 6, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 27, 2020

After a public hearing duly held on October 19, 2020  
Filed with the Secretary of State on November 6, 2020