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**REPORT ON LEGISLATION BY THE  
ANIMAL LAW COMMITTEE**

**Int. No. 0146-A 2014**      **Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez, Cornegy, Rosenthal, Levin, Rodriguez, Dickens, Torres, Lander and Ulrich**

A LOCAL LAW to amend the New York City Administrative Code in relation to microchipping animals sold in pet shops.

**THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS**

**SUMMARY OF LEGISLATION**

The proposed legislation would amend chapter 8 of title 17 of the New York City Administrative Code to provide that no pet shop,<sup>1</sup> animal rescue group or non-profit rescue group may release a dog or cat to a purchaser unless (1) such dog or cat has been microchipped by a licensed veterinarian; (2) the pet shop, animal rescue group or non-profit rescue group has registered such animal's microchip with the purchaser's contact information with a bona fide pet microchip registration company; and (3) the pet shop, animal rescue group or non-profit rescue group has provided the purchaser with written usage instructions for the microchip as provided by the microchip manufacturer and provided the purchaser with written certification of compliance with requirements (1) and (2). The proposed legislation would also require that the pet store maintain a record of the usage instructions and consumer acknowledgement accompanying each pet sale for a period of ten years.

**JUSTIFICATION**

Currently, the City of New York requires licensing of dogs as a method of identifying a pet's owner.<sup>2</sup> Unfortunately, not all owners comply with this requirement, and even if an owner complies with this requirement, not all owners physically maintain the license information on

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<sup>1</sup> We note that these requirements would not apply to a pet shop that allows an animal shelter or non-profit rescue group to use the pet shop's premises for the purpose of making animals available for adoption, provided that the pet shop does not have an ownership interest in such animals.

<sup>2</sup> Existing law provides that all persons who own or possess a dog in New York City must obtain a dog license for such dog. Rules of the City of New York § 161.04(a). *See also* N.Y. AGRIC. & MKTS. LAW § 109.

their pet (such as on a collar) so that the animal could be identified when not in the owner's care. Microchipping is one of the best ways to increase a pet's chances of being reunited with his or her family in the event that the pet is lost or stolen.

Microchipping is a simple process in which a veterinarian injects a 12mm microchip, about the size of a grain of rice, beneath the surface of the animal's skin between the shoulder blades. The process is similar to a routine vaccination and no anesthetic is required.<sup>3</sup> The microchip is then registered with the microchip manufacturer or another microchip registering company,<sup>4</sup> which will then maintain the owner's contact information for use in the event that the pet is separated from the owner. The microchip, unlike dog tags and collars which can fall off or be removed, provides a unique identification code that cannot be altered or removed, except by surgery, and has no internal energy source, so it will last the life of the animal in which it is injected. The microchip is read by passing a microchip scanner over the pet's shoulder blades. Activated and currently registered microchips may be identified by a scanner and can provide owner contact information in the event that a pet is lost.

Including microchipping as an additional legal requirement for dogs and cats purchased or adopted from pet shops, animal rescue groups or non-profit rescue groups in New York City will (1) increase the chances of lost and stolen pets being reunited with their owners, thus reducing the population of stray animals in city-maintained shelters and, as a consequence, euthanasia rates and (2) deter abandonment of pets by owners into the city streets, pet abuse and the use of certain dog breeds in dogfighting because the owners of these abandoned, abused and injured pets can easily be identified and thus, where responsible, may face consequences such as fines or jail. Currently, several cities in California and Texas make microchipping of dogs and cats mandatory.<sup>5</sup>

## **RECOMMENDATIONS**

We recommend that the proposed legislation be amended to clarify that the microchipping requirements also apply to animal shelters.

We also recommend that the proposed legislation be amended to clarify that the usage instructions to be provided to the purchaser shall include the contact information for the microchip manufacturer and microchip registering company for the microchip implanted in the animal as well as information regarding the necessity of maintaining current microchip registration and pet owner contact information with a microchip registering company.

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<sup>3</sup> "How Microchipping Works," Home Again Co., available at <http://public.homeagain.com/how-pet-microchipping-works.html> (last visited November 11, 2014).

<sup>4</sup> Microchips are "universal" in the sense that any brand of microchip may be registered by any registering company and with multiple registering companies. See 5 Things You Didn't Know About Microchips, available at <http://blog.adoptandshop.org/5-things-you-didnt-know-microchips/> (last visited November 11, 2014).

<sup>5</sup> See e.g., Riverside Municipal Code, §8.21.030, Santa Cruz County Code §6.08.005, El Paso City Code §7.12.020.

## **CONCLUSION**

For the aforementioned reasons, the Committee supports the proposed legislation and recommends that the Council take into consideration the above recommendations.

Animal Law Committee  
Christine Mott, Chair

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