



NEW YORK
CITY BAR

**REPORT ON LEGISLATION
BY THE ANIMAL LAW COMMITTEE,
THE CHILDREN AND THE LAW COMMITTEE AND
THE EDUCATION AND THE LAW COMMITTEE**

**A.2082
S.7670**

**M. of A. L. Rosenthal
Sen. Harkham**

AN ACT to amend the education law, in relation to expanding the requirements for teaching humane education to secondary school students and provides for the verification of compliance of such instruction

THIS LEGISLATION IS APPROVED

I. BILL SUMMARY

The proposed legislation would expand an existing state elementary school requirement — that New York schools teach students “humane education” — to include secondary schools under state control or receiving state funding. “Humane education” involves instructing students on the humane treatment and protection of animals, the importance that animals play in nature, and the need to prevent animal abandonment and cruelty. Students would also learn about “the principles of kindness to and respect for animals” along with “the observance of laws and rules pertaining to the humane treatment of animals.”¹ The New York State Commissioner of Education would determine how to incorporate this instruction into existing curricula and would promulgate any necessary regulations.

To monitor compliance with the law, the legislation would also require the Commissioner of Education to maintain records verifying elementary and secondary schools’ compliance with the humane education law and to make those records available to the public, including on the New York State Education Department’s website.

¹ The full text of the Assembly bill is available at https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A02082&term=2021&Summary=Y&Text=Y. The full text of the Senate bill is available at https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S07670&term=2021&Summary=Y&Text=Y. (All websites cited in this report were last visited on May 13, 2022.)

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

II. BACKGROUND

For over a century New York has statutorily required that public elementary schools teach humane education in their curricula.² New York enacted this statute amid widespread concern about species extinction and a growing nationwide movement to protect wildlife.³ At least nine other states — California,⁴ Florida,⁵ Illinois,⁶ Maine,⁷ New Jersey,⁸ Oregon,⁹ Pennsylvania,¹⁰ Washington,¹¹ and Wisconsin¹² — have similar laws promoting humane education.

While the New York State Education Department has previously published teaching guides in humane education,¹³ many schools today remain unaware of the humane education law.¹⁴ Yet, as discussed below, the need for humane education is greater than ever.

² Laws of New York, 1917, Chapter 210 (then-codified at Education Law § 700). The law was renumbered as N.Y. Educ. Law § 809 in 1947 and amended in 1976 to require elementary schools to teach students “the necessity of controlling the proliferation of animals which are subsequently abandoned and caused to suffer extreme cruelty.” Laws of New York, 1976, Chapter 138. And in 1994, New York added additional requirements to its humane education law relating to the study and care of live animals, the dissection of animals, the treatment of vertebrates, and reporting. Laws of New York, 1994, Chapter 542.

³ Meredith Blades and Jeremy Firestone, *Wind Power, Wildlife and the Migratory Bird Treaty Act: A Way Forward*, 38 *Envtl. L.* 1167, 1176-77 (2008) (discussing the enactment of the federal Migratory Bird Treaty Act in 1918). Twenty years earlier, in 1900, the United States enacted its first environmental protection law, the Lacey Act, to address issues including the increasing scarcity of certain bird species, problems such as the introduction of exotic species of birds, and interstate commerce in illegally killed and transported wildlife. 16 U.S.C. §§ 701, 702.

⁴ Cal. Educ. Code § 233.5(a) (“kindness toward domestic pets and the humane treatment of living creatures”); *see also* HEART, State Laws Related to Humane Education, <https://teachheart.org/advocacy/humane-ed-laws/> (listing state humane education laws).

⁵ Fla. Stat. §§ 1003.42(2) (“[k]indness to animals”), 1006.31 (“humane treatment of people and animals”).

⁶ 105 Ill. Comp. Stat. § 5/27-13.1 (“protection of wildlife and humane care of domestic animals”); 105 Ill. Comp. Stat. § 5/27-15; 105 Ill. Comp. Stat. § 5/27-18).

⁷ Me. Stat. tit. 20 § 1221 (“kindness to birds and animals”).

⁸ N.J. Rev. Stat. § 18A:35-4.1 (“kindness and avoidance of cruelty to animals and birds, both wild and domesticated”).

⁹ Or. Rev. Stat. § 336.067 (“[h]umane treatment of animals”).

¹⁰ 24 Pa. Cons. Stat. § 15-1514 (“No cruel experiment on any living creature shall be permitted in any public school of this Commonwealth”).

¹¹ Wash. Rev. Code § 28A.230.020 (“the worth of kindness to all living creatures and the land”).

¹² Wis. Stat. § 14.16(1) (allowing the Governor to designate an annual “Arbor and Bird Day” to, among other things, promote “a spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.” Two other states — Massachusetts and New Hampshire — have laws prohibiting in-class vivisection and requiring that classroom animals be housed and cared for in a humane and safe manner. Mass. Gen. Laws ch. 272, § 80G; N.H. Rev. Stat. Ann. § 644-8-c.

¹³ *See* University of the State of New York, State Education Department, Bureau of Elementary Curriculum Development, *The Humane Treatment of Animals: A Guide for Elementary Teachers* (1976), available at <https://files.eric.ed.gov/fulltext/ED129612.pdf>.

¹⁴ Lydia S. Antoncic, *A New Era in Humane Education: How Troubling Youth Trends and a Call for Character Education Are Breathing New Life Into Efforts to Educate Our Youth About the Value of All Life*, 9 *Animal L.* 183, 210 (2003).

III. JUSTIFICATION

The New York City Bar Association supports expanding the humane education requirement to secondary schools and establishing the proposed legislation's record-keeping requirement because (i) humane education fosters positive attitudes toward humans and animals; (ii) humane education teaches the importance of reducing companion animal euthanasia; and (iii) helps children understand how their actions affect the environment and wildlife.

A. Humane education fosters positive attitudes toward humans and animals.

Humane education fosters empathy toward animals and, more broadly, prosocial attitudes. While research into humane education's effectiveness has been limited, existing studies support this intuitive result.¹⁵ Promoting such attitudes is as important today as when New York's humane education law was first enacted over a hundred years ago. Animal abuse incidents continue to occur across the country,¹⁶ and a Google News search for animal cruelty incidents in New York will inevitably turn up several examples. Since the State's humane education law was passed a century ago, studies have further found that animal abuse is closely tied to interpersonal violence.¹⁷

Critically humane education promotes positive attitudes toward animals and humans through education at a young age rather than through punishment after animal cruelty happens. Punitive criminal laws have historically been a primary tool to address animal mistreatment. While

¹⁵ William Ellery Samuels, Lieve Lucia Meers & Simona Normando, *Improving Upper Elementary Students' Humane Attitudes and Prosocial Behaviors Through an In-class Humane Education Program*, 29 *Anthrozoös* 597, 608-09 (2016); Christine Yvette Tardif-Williams & Sandra Leanne Bosacki, *Evaluating the Impact of a Humane Education Summer-Camp Program on School-Aged Children's Relationships with Companion Animals*, 28 *Anthrozoös* 587, 595-98 (2015); Catherine A. Faver, 32 *School-based Humane Education as a Strategy to Prevent Violence: Review and Recommendations*, *Children and Youth Services Rev.* 365, 367-68 (2010); Kate Nicoll, Cindy Trifoneb, and William Ellery Samuels, *An In-class, Humane Education Program Can Improve Young Students' Attitudes Toward Animals*, 16 *Society and Animals* 45, 55-57 (2008); Antoncic, *A New Era in Humane Education*, 9 *Animal L.* at 195-96.

¹⁶ Genevieve Rajewski, *CSI: Animal Abuse*, *Tufts Now* (Mar. 18, 2015), <https://now.tufts.edu/2015/03/18/csi-animal-abuse> (citing Humane Society of the United States estimate that nearly one million animals a year are abused or killed in episodes of domestic violence). Recent Federal Bureau of Investigation (FBI) data from state law enforcement agencies participating in the National Incident-Based Reporting System (NIBRS) shows around 10,000 animal cruelty incidents. However, this includes only reported incidents and excludes information from many states, including New York. Julie M. Palais, *Using the National Incident-Based Reporting System (NIBRS) to Study Animal Cruelty: Preliminary Results (2016–2019)*, 10 *Social Sciences* 378, Table 1, "Number of Animal Cruelty Incidents by State for 2016–2019 from the FBI NIBRS website for each year" (2021).

¹⁷ See generally Allie Philips, *Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals* (Jun. 2014), <https://ndaa.org/wp-content/uploads/The-Link-Monograph-2014-3.pdf>; see also Clifton P. Flynn, *Understanding Animal Abuse: A Sociological Analysis* (2012); *The Link Between Animal Abuse and Human Violence* (Andrew Linzey ed., 2009); Sara DeGue & David K. DiLillo, *Is Animal Cruelty a "Red Flag" for Family Violence?: Investigating Co-occurring Violence Toward Children, Partners, and Pets*, 24 *J. Interpersonal Violence* 1036, 1041 (2009); *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention* (Frank Ascione & Phillip Arkow eds., 1999); National Link Coalition, *Resource Materials*, <http://nationallinkcoalition.org/resources/articles-research#toolsforveterinarians> (collecting various resources).

such tools may be necessary in some cases, they raise several concerns, including the disproportionate impact of incarceration on minorities.

B. Humane education teaches the importance of reducing companion animal euthanasia.

Since New York’s humane education law was amended to require education on the “proliferation of animals,” animal welfare organizations have made significant strides in using spay-and-neuter programs to reduce the number of animals euthanized. Yet each year over 700,000 shelter dogs and cats are euthanized.¹⁸ Continued educational efforts are needed to reduce these unnecessary deaths.

C. Humane education helps children understand how their actions affect the environment and wildlife.

Humane education also helps children understand how their actions affect the environment and wildlife. Doing so can, in turn, help students make more thoughtful choices. Such lessons are critical now more than ever, when around one million animal and plant species are threatened with extinction.¹⁹

IV. CONCLUSION

For the reasons above, the New York City Bar Association’s Animal Law Committee, Children and the Law Committee, and Education and the Law Committee support the proposed legislation.

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¹⁸ Barry KuKes, The Streets of Heaven Are Too Crowded with Animals Tonight (Sept. 29, 2020), <https://www.news-journalonline.com/story/lifestyle/pets/2020/09/29/animal-shelters-u-s-still-euthanize-pets-fight-overcrowding/3523111001/>.

¹⁹ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, Global Assessment Report on Biodiversity and Ecosystem Services (Eduardo Brondizio et al., eds., 2019), https://zenodo.org/record/6417333/files/202206_IPBES%20GLOBAL%20REPORT_FULL_DIGITAL_MARCH%202022.pdf.