

4342--A

2011-2012 Regular Sessions

I N   S E N A T E

March 30, 2011

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Introduced by Sens. LANZA, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to the inspection of certain horse stables in cities of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The agriculture and markets law is amended by adding a new  
2     section 359-b to read as follows:  
3     S 359-B. INSPECTION OF CERTAIN HORSE STABLES IN CITIES OF ONE MILLION  
4     OR MORE. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO:  
5     (A) HORSE STABLES IN CITIES HAVING A POPULATION OF ONE MILLION OR  
6     MORE; AND  
7     (B) HORSE STABLES FOR RIDING HORSES, THE BOARDING OF HORSES OR FOR  
8     HORSES USED FOR RIDING LESSONS IN CITIES HAVING A POPULATION OF ONE  
9     MILLION OR MORE.  
10    2. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO APPLY TO CARRIAGE  
11    HORSES OR ANY HORSE THAT IS SUBJECT TO THE PROVISIONS OF THE RACING,  
12    PARI-MUTUEL WAGERING AND BREEDING LAW.  
13    3. THE DEPARTMENT SHALL, AT A MINIMUM, MAKE YEARLY INSPECTIONS OF  
14    HORSE STABLES TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.  
15    4. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGU-  
16    LATIONS AS HE OR SHE DEEMS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS  
17    SECTION.  
18    5. VIOLATION OF ANY PROVISION OF THIS SECTION OR ANY RULE OR REGU-  
19    LATION PROMULGATED PURSUANT THERETO SHALL BE A CIVIL OFFENSE PUNISHABLE

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

LBD00585-04-2

1 BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE THOU-  
2 SAND DOLLARS.

3 S 2. Section 17-330 of the administrative code of the city of New  
4 York, as added by local law number 2 of the city of New York for the  
5 year 1994, subdivisions b, c, g, l, n and p as amended and subdivisions  
6 q and r as added by local law number 10 of the city of New York for the  
7 year 2010, is amended to read as follows:

8 S 17-330 Regulations. a. The commissioner, with the advice of the  
9 advisory board as hereinafter established AND SUBJECT TO THE PROVISIONS  
10 OF SECTION THREE HUNDRED FIFTY-NINE-B OF THE AGRICULTURE AND MARKETS  
11 LAW, shall promulgate such regulations as are necessary to carry out the  
12 provisions of this subchapter and to promote the health, safety and well  
13 being of the horses which are required to be licensed hereunder and of  
14 members of the public who hire such horses.

15 b. 1. Horses shall not be left untethered or unattended except when  
16 confined in a stable or other enclosure. When tethered, all horses shall  
17 be secured by the use of a rope attached to the halter, not to the bit  
18 or bridle.

19 2. Horse bridles and halters shall be used on carriage horses at all  
20 times when operating a carriage.

21 c. Standing stalls for carriage horses shall be sixty square feet or  
22 larger, with a minimum width of seven feet, and shall be configured to  
23 permit a carriage horse to turn around and safely lay down within the  
24 stall. Horses shall be un-tied when stabled. A halter shall be on the  
25 horse or hung outside each stall at all times.

26 d. Horses shall be adequately quartered. Stables and stalls shall be  
27 clean and dry and sufficient bedding of straw, shavings or other suit-  
28 able materials shall be furnished and changed as often as necessary to  
29 maintain them in a clean and dry condition. Adequate heating and venti-  
30 lation shall be maintained in stables as prescribed by the [commission-  
31 er] STATE DEPARTMENT OF AGRICULTURE AND MARKETS.

32 e. Owners shall insure that appropriate and sufficient food and drink-  
33 ing water are available for each horse and that while working each horse  
34 is permitted to eat and drink at reasonable intervals.

35 f. Owners shall not allow a horse to be worked on a public highway,  
36 path or street during adverse weather or other dangerous conditions  
37 which are a threat to the health or safety of the horse. A horse being  
38 worked when such conditions develop shall be immediately returned to the  
39 stable by the most direct route.

40 g. 1. Carriage horses shall not be at work for more than nine hours in  
41 any continuous twenty-four hour period. Riding horses shall not be at  
42 work for more than eight hours in any continuous twenty-four hour peri-  
43 od. Rest periods for carriage horses and riding horses shall be of such  
44 duration and at such intervals as the commissioner shall prescribe, but  
45 rest periods for carriage horses shall in no event be for less than  
46 fifteen minutes after each two hour working period, and the time of such  
47 rest period shall be included in calculating the number of hours the  
48 horse has worked in any twenty-four hour period. During such rest peri-  
49 ods, the person in charge of such carriage horses shall make fresh water  
50 available to the horse.

51 2. Carriage horses shall receive no less than five weeks of vacation  
52 or furlough every twelve months at a horse stable facility which allows  
53 daily access to paddock or pasture turnout. Proof of such vacation or  
54 furlough shall be provided upon request to the department and/or the  
55 ASPCA.

h. Carriage horses shall not be driven at a pace faster than a trot. Riding horses may be ridden at a canter but shall not be galloped.

i. Horses shall be suitably trimmed or shod, and saddles, bridles, bits, road harnesses and any other equipment used on or with a horse at work shall be maintained and properly fitted as prescribed by regulation of the commissioner.

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the STATE department OF AGRICULTURE AND MARKETS, and any persons designated by the STATE commissioner OF AGRICULTURE AND MARKETS to enforce the provisions of this subchapter AND THE STATE AGRICULTURE AND MARKETS LAW, agents of the ASPCA, police officers, and employees of the department of consumer affairs.

k. An owner shall be jointly liable with the person to whom a horse is rented for any violation of this subchapter or of any regulations promulgated hereunder committed by such person if the owner had knowledge or notice of the act which gave rise to the violation at the time of or prior to its occurrence or under the circumstances should have had knowledge or notice of such act and did not attempt to prevent it from occurring.

l. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the driver's name and identification number, if applicable, rider's name, the horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

m. A horse required to be licensed pursuant to this subchapter which is lame or suffers from a physical condition or illness making it unsuitable for work may be ordered to be removed from work by the commissioner or his or her designee or by an agent of the ASPCA or a veterinarian employed or retained by such commissioner or ASPCA to inspect licensed horses. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. In any proceeding, under this section it shall be presumed that a horse which is found at work within forty-eight hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight hour period.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business, at time of each license renewal, and thereafter at intervals of not less than four months and not greater than eight months. The examination shall include the general physical condition of the horse, its teeth, hoofs and shoes,

1 its stamina and physical ability to perform the work or duties required  
2 of it, and whether it is current on vaccinations, including those for  
3 rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneu-  
4 monitis virus, and tetanus, or any other vaccinations the Commissioner  
5 may require by rule. The examination shall also include a record of any  
6 injury, disease, or deficiency observed by the veterinarian at the time,  
7 together with any prescription or humane correction or disposition of  
8 the same. A signed health certificate by the examining veterinarian  
9 shall be maintained at the stable premises at which such horse is  
10 located and shall be displayed on the outside of the such horse's indi-  
11 vidual stall. An original of said certificate shall be mailed by the  
12 examining veterinarian to the department.

13 o. 1. Carriage horses shall not be worked whenever the air temperature  
14 is 18 degrees fahrenheit or below.

15 2. Carriage horses shall not be worked whenever the air temperature is  
16 90 degrees fahrenheit or above.

17 3. For purposes of this subdivision, temperatures shall be those meas-  
18 ured by a state-of-the-art thermometer, as determined by the commission-  
19 er, as measured by the commissioner or his or her designee at street  
20 level at one of the stands designated pursuant to section 19-174 of the  
21 code.

22 4. If the temperature exceeds the limits set by this subdivision  
23 during the course of a particular ride, at the ride's conclusion, but no  
24 later than one-half hour after the temperature exceeds these limits, the  
25 operator must immediately cease working, move the horse to an area of  
26 shelter, where available, rest the horse and then walk it directly to  
27 its stable. All horses so returned to their stable must be unbridled and  
28 unharnessed and remain at the stable for at least one hour, and there-  
29 after, until such time as the weather conditions shall once again reach  
30 acceptable limits.

31 5. No violation of this subdivision shall occur unless a written warn-  
32 ing of violation is first issued by the authorized enforcement personnel  
33 to the operator advising that the air temperature limits of this subdi-  
34 vision have been exceeded and directing that the operator cease working  
35 a carriage horse in accordance with the provisions of this subdivision.  
36 A violation of this subdivision may be issued if an operator fails to  
37 comply with the direction contained in the written warning of violation.  
38 Failure to comply with such direction shall not be construed as a sepa-  
39 rate violation.

40 p. Every carriage horse required to be licensed hereunder shall be  
41 equipped with a manure catching device. Such devices shall be affixed or  
42 attached to the carriage and shall at no time be affixed or attached to  
43 the horse.

44 q. Carriage horses shall not be younger than five years at the time  
45 placed into service in any rental horse business and licensed. No  
46 carriage horse older than 26 years of age shall be licensed to work in a  
47 rental horse business. Acceptable proof of age shall include a signed  
48 letter from a licensed veterinarian stating the horse's age, a certif-  
49 icate from an officially recognized national registry of horses stating  
50 the horse's age, or another industry approved method of certifying age.

51 r. Owners shall insure that during the months of November through  
52 April every carriage is equipped with a heavy winter horse blanket large  
53 enough to cover the horse from crest of neck to top of rump. Such blan-  
54 kets shall be used to cover carriage horses in cold weather. Waterproof  
55 horse blankets of a lighter material shall be provided at all times to

1 cover the horse from withers to tail during periods of wet weather when  
2 the air temperature is 55 degrees or below.  
3 S 3. This act shall take effect on the first of January next succeed-  
4 ing the date on which it shall have become a law.