

STATE OF NEW YORK

4154--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. PRETLOW, LUPARDO, ZINERMAN -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the prohibition of the slaughter of race horses and race horse breeding stock; to amend the racing, pari-mutuel wagering and breeding law, in relation to requiring race horses to be microchipped; and to amend the tax law, in relation to gifts for thoroughbred and standardbred race horse aftercare

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agriculture and markets law is amended by adding a new section 382 to read as follows:

§ 382. Prohibition of the slaughter of race horses and race horse breeding stock. 1. Notwithstanding any other provision of law, it shall be unlawful for any person, corporation, association, or other entity to slaughter or have another person, corporation, association, or other entity slaughter a horse for a commercial purpose that such person, corporation, association or other entity knows to have been a race horse or race horse breeding stock.

2. Notwithstanding any other provision of law, it shall be unlawful for any person, corporation, association, or other entity who owns or is in the process of taking ownership of a race horse or race horse breeding stock to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, or receive, or direct another person to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, or receive a horse that such person, corporation, association or other entity knows to be a race horse or race horse breeding stock with the intent of slaughtering or

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

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1 having another person, corporation, association, or other entity slaugh-
2 ter such race horse or race horse breeding stock.

3 3. For the purposes of this section:

4 (a) "race horse" shall mean:

5 (i) a thoroughbred horse which meets or ever met the standards to be
6 eligible to race at any track licensed to operate pursuant to article
7 two of the racing, pari-mutuel wagering and breeding law; or

8 (ii) a standardbred horse which meets or ever met the standards to be
9 eligible to race at any track licensed to operate pursuant to article
10 three of the racing, pari-mutuel wagering and breeding law;

11 (b) "race horse breeding stock" shall mean: any mare or stallion used,
12 or intended to ever be used, to produce a foal that is intended to be
13 used as a race horse as defined in this subdivision, as well as the foal
14 bred by such a mare or stallion.

15 (c) "slaughter" shall mean the intentional killing, or having another
16 kill, a race horse or race horse breeding stock, if that person knows
17 that the purpose of such killing is using any part of such race horse or
18 race horse breeding stock for human or animal consumption. Nothing
19 herein shall prohibit a person from lawful disposition of a deceased
20 race horse or race horse breeding stock or any part of such horse or
21 stock.

22 4. (a) A violation of this section is a misdemeanor punishable by a
23 fine of not more than one thousand dollars per each race horse or race
24 horse breeding stock for an individual person and up to two thousand
25 five hundred dollars per each race horse or race horse breeding stock
26 for a corporation, association or other entity, for the first violation.
27 Any subsequent violation shall be punishable by a fine of up to two
28 thousand dollars per each race horse or race horse breeding stock for an
29 individual person and up to five thousand dollars per each race horse or
30 race horse breeding stock for a corporation, association, or other enti-
31 ty.

32 (b) A violation of this section will subject any New York state gaming
33 commission license to the provisions of section two hundred twenty or
34 three hundred nine of the racing, pari-mutuel wagering and breeding law.

35 5. (a) Any and all fines collected pursuant to a violation involving a
36 thoroughbred horse shall be remitted to the New York state thoroughbred
37 breeding and development fund established pursuant to section two
38 hundred fifty-two of the racing, pari-mutuel wagering and breeding law,
39 and shall be deposited by that fund into a dedicated account to be spent
40 by the fund solely for the purpose of the care of retired race horses,
41 consistent with paragraph h of subdivision two of section two hundred
42 fifty-four of the racing, pari-mutuel wagering and breeding law.

43 (b) Any and all fines collected pursuant to a violation involving a
44 standardbred horse or race horse breeding stock shall be remitted to the
45 agriculture and New York state horse breeding development fund estab-
46 lished pursuant to section three hundred thirty of the racing, pari-mu-
47 tuel wagering and breeding law, and shall be deposited by that fund into
48 a dedicated account, to be spent by the fund solely for the purpose of
49 the care of retired race horses, consistent with paragraph j of subdivi-
50 sion one of section three hundred thirty-two of the racing, pari-mutuel
51 wagering and breeding law.

52 6. Notwithstanding any other provision of law, each and every owner of
53 a race horse that has competed in New York state on or after January
54 first, two thousand twenty-two, or any other horse used for breeding
55 purposes in New York state on or after January first, two thousand twen-
56 ty-two, shall be liable for any violation of this section, unless there

1 is proper documentation of a transfer of ownership, and that transfer
2 must be to a party with no financial or familial relationship to the
3 owner.

4 7. Legal liability under this section for any race horse shall be
5 limited to the last individual or corporation in the chain of ownership
6 of said horse, as determined by notice to the breed registry as refer-
7 enced in section two hundred twenty-five of the racing, pari-mutuel
8 wagering and breeding law for that breed or other documentation of
9 ownership. Further, the purchaser or seller of any registered race horse
10 sold by a New York state resident or corporation who is a member of such
11 registry shall be required to provide notification of said sale to the
12 relevant breed registry in order to document ownership and protect
13 previous owners from liability under this section.

14 8. The commissioner shall develop a program, in cooperation with the
15 gaming commission, New York state thoroughbred breeding and development
16 fund, and the agriculture and New York state horse breeding development
17 fund to disseminate information about the provisions of this section to
18 horse owners, sellers, buyers and transporters including, but not limit-
19 ed to farmers, recreational horse businesses, livestock and horse deal-
20 ers, horse rescue and aftercare organizations, renderers, animal food
21 producers, and any other organizations or businesses potentially
22 impacted by this section.

23 § 2. Section 225 of the racing, pari-mutuel wagering and breeding law,
24 as amended by chapter 243 of the laws of 2020, is amended to read as
25 follows:

26 § 225. Registration of race horses. The true name, sex and age, and
27 also the pedigree, unless such pedigree is unknown, of every horse,
28 mare, gelding, colt or filly shall be registered with the jockey club,
29 United States trotting association, American quarter horse association,
30 the national steeplechase and hunt association or such other entity as
31 the commission may designate before it shall be eligible to compete in
32 any race conducted under a license or franchise of the commission and
33 such name shall continue to be its true name unless and until the same
34 shall be changed according to the rules and regulations of such organ-
35 ization. The class to which any such animal belongs for the purpose of
36 the entry or competition in any race shall be determined by the public
37 performance thereof in former contests or trials of speed, as prescribed
38 by the printed rules of the person, association or corporation sponsor-
39 ing such race. No horse, mare, gelding, colt or filly shall be eligible
40 to compete in any race, unless it is first microchipped and registered
41 with the jockey club, United States trotting association, American
42 quarter horse association, the national steeplechase and hunt associ-
43 ation or such other entity, as applicable and as the commission may
44 designate. The commission may request that all microchip information be
45 provided and available to the commission as necessary pursuant to this
46 chapter.

47 § 3. Subdivision 3 of section 251 of the racing, pari-mutuel wagering
48 and breeding law, as amended by chapter 18 of the laws of 2008, is
49 amended to read as follows:

50 3. "New York-bred." A thoroughbred which is registered in the registry
51 designated and administered by such fund in accordance with such rules
52 concerning domicile and registration requirements as may be established
53 by the fund, including that each mare, stallion, and foal be micro-
54 chipped and registered pursuant to section two hundred twenty-five of
55 this article, and: was on or before December thirty-first, nineteen
56 hundred eighty, foaled in this state; or is on or after January first,

1919 nineteen hundred eighty-one, either: (i) sired by a New York stallion
1920 and foaled from a mare domiciled in this state; (ii) foaled from a mare
1921 domiciled in this state which mare has been serviced back exclusively by
1922 a New York stallion in the year of such foaling; or (iii) on or after
1923 January first, nineteen hundred ninety-five foaled from a mare domiciled
1924 in New York. [~~The fund shall report to the governor and the legislature
1925 on or before December fifteenth, nineteen hundred ninety-nine effects of
1926 paragraph (iii) of this subdivision on the New York state breeding
1927 industry.~~]

1928 § 4. Subdivision 2 of section 254 of the racing, pari-mutuel wagering
1929 and breeding law is amended by adding a new paragraph h to read as
1930 follows:

1931 h. An amount as shall be determined by the fund for the care of
1932 retired horses, provided, however, such amounts shall be allocated from
1933 a dedicated account maintained by the fund supported by the collection
1934 of fines assessed pursuant to section three hundred eighty-two of the
1935 agriculture and markets law and contributions made pursuant to sections
1936 two hundred nine-N and six hundred thirty-i of the tax law, and the fund
1937 shall not be required to make any allocations for such purposes that are
1938 in excess of the amount collected pursuant to those sections during the
1939 preceding year. In making such allocations, the fund shall consider
1940 whether the potential recipient organization is an accredited horse
1941 retirement and rescue program. The gaming commission shall establish an
1942 advisory board to consult the fund when making such allocations with
1943 representatives of thoroughbred and standardbred owners and breeders,
1944 and animal protection organizations with expertise in the care of
1945 retired and rescued horses.

1946 § 5. Subdivision 1 of section 332 of the racing, pari-mutuel wagering
1947 and breeding law is amended by adding a new paragraph j to read as
1948 follows:

1949 j. An amount as shall be determined by the fund for the care of
1950 retired horses, provided, however, such amounts shall be allocated from
1951 a dedicated account to be funded by the collection of fines assessed
1952 pursuant to section three hundred eighty-two of the agriculture and
1953 markets law. The gaming commission shall establish an advisory board to
1954 consult the fund when making such allocations with representatives of
1955 thoroughbred and standardbred owners and breeders, and animal protection
1956 organizations with expertise in the care of retired and rescued horses.

1957 § 6. The opening paragraph of subdivision 1 of section 334 of the
1958 racing, pari-mutuel wagering and breeding law, as amended by chapter 90
1959 of the laws of 2006, is amended to read as follows:

1960 The fund is further authorized and directed to conduct each year, at
1961 the New York state exposition, with the approval of the director of the
1962 exposition, or at any licensed pari-mutuel track in New York state, with
1963 a preference given to any available licensed pari-mutuel track that is
1964 five-eighths of a mile long or larger, colt, stake and overnight events
1965 for standardbred horses to provide contests for two year old and three
1966 year old colts and fillies at each gait of trotting and pacing. The
1967 colt, stake and overnight events so conducted for two year old and three
1968 year old colts and fillies at each gait of trotting and pacing hereunder
1969 shall be conditioned to admit only those colts and fillies dropped from
1970 a mare bred in this state and sired by a stallion owned or leased and
1971 permanently standing for service at and within this state at the time of
1972 the said foal's conception, provided, however, that such mare, stallion,
1973 and foal shall be microchipped with such microchip information which the
1974 commission may request be provided and made available pursuant to

1 section two hundred twenty-five of this chapter. Such colt, stake and
2 overnight events shall be opened for nomination not earlier than the
3 first day of January in the year the event is to be held and only colts
4 and fillies and horses complying with the following standards shall be
5 eligible for such nomination:

6 § 7. The tax law is amended by adding two new sections 209-N and 209-O
7 to read as follows:

8 § 209-N. Retired and rescued thoroughbred race horse aftercare.
9 Effective for any tax year commencing on or after the effective date of
10 this section, a taxpayer in any taxable year may elect to contribute to
11 the New York state thoroughbred breeding and development fund estab-
12 lished pursuant to section two hundred fifty-two of the racing, pari-mu-
13 tuel wagering and breeding law, for the purpose of funding the operation
14 of retired race horse aftercare facilities. Any contributions made to
15 the thoroughbred breeding and development fund pursuant to this section
16 shall be deposited into a dedicated account managed by the fund, which
17 shall solely be used for funding the operation of retired race horse
18 aftercare facilities, with a preference for those organizations that are
19 accredited horse retirement and rescue programs. Such contribution shall
20 be in any whole dollar amount and shall not reduce the amount of the
21 state tax owed by such taxpayer. The commissioner shall include space on
22 the corporate income tax return to enable a taxpayer to make such
23 contribution. Notwithstanding any other provision of law, all revenues
24 collected pursuant to this section shall be credited to the New York
25 state thoroughbred retirement race horse and aftercare fund and shall be
26 used only for those purposes set forth in paragraph h of subdivision two
27 of section two hundred fifty-four of the racing, pari-mutuel wagering
28 and breeding law.

29 § 209-O. Retired and rescued standardbred race horse aftercare. Effec-
30 tive for any tax year commencing on or after the effective date of this
31 section, a taxpayer in any taxable year may elect to contribute to the
32 agriculture and New York horse breeding and development fund established
33 pursuant to section three hundred thirty of the racing, pari-mutuel
34 wagering and breeding law, for the purpose of funding the operation of
35 retired race horse aftercare facilities. Any contributions made to the
36 agriculture and New York state horse breeding development fund pursuant
37 to this section shall be deposited into a dedicated account managed by
38 the fund, which shall solely be used for funding the operation of
39 retired race horse aftercare facilities, with a preference for those
40 organizations that are accredited horse retirement and rescue programs.
41 Such contribution shall be in any whole dollar amount and shall not
42 reduce the amount of the state tax owed by such taxpayer. The commis-
43 sioner shall include space on the personal income tax return to enable a
44 taxpayer to make such contribution. Notwithstanding any other provision
45 of law, all revenues collected pursuant to this section shall be credit-
46 ed to the New York state standardbred retirement race horse and after-
47 care fund and shall be used only for those purposes enumerated in para-
48 graph j of subdivision one of section three hundred thirty-two of the
49 racing, pari-mutuel wagering and breeding law.

50 § 8. The tax law is amended by adding two new sections 630-i and 630-j
51 to read as follows:

52 § 630-i. Gifts for thoroughbred aftercare. Effective for any tax year
53 commencing on or after the effective date of this section, a taxpayer in
54 any taxable year may elect to contribute to the New York state thorough-
55 bred breeding and development fund established pursuant to section two
56 hundred fifty-two of the racing, pari-mutuel wagering and breeding law,

1 for the purpose of funding the operation of retired race horse aftercare
2 facilities. Any contributions made to the thoroughbred breeding and
3 development fund pursuant to this section shall be deposited into a
4 dedicated account managed by the fund, which shall solely be used for
5 funding the operation of retired race horse aftercare facilities, with a
6 preference for those organizations that are accredited horse retirement
7 and rescue programs. Such contribution shall be in any whole dollar
8 amount and shall not reduce the amount of the state tax owed by such
9 taxpayer. The commissioner shall include space on the personal income
10 tax return to enable a taxpayer to make such contribution. Notwithstand-
11 ing any other provision of law, all revenues collected pursuant to this
12 section shall be credited to the New York state thoroughbred retirement
13 race horse and aftercare fund and shall be used only for those purposes
14 enumerated in paragraph h of subdivision two of section two hundred
15 fifty-four of the racing, pari-mutuel wagering and breeding law.

16 § 630-j. Gifts for standardbred aftercare. Effective for any tax year
17 commencing on or after the effective date of this section, a taxpayer in
18 any taxable year may elect to contribute to the agriculture and New York
19 horse breeding and development fund established pursuant to section
20 three hundred thirty of the racing, pari-mutuel wagering and breeding
21 law, for the purpose of funding the operation of retired race horse
22 aftercare facilities. Any contributions made to the agriculture and New
23 York horse breeding and development fund pursuant to this section shall
24 be deposited into a dedicated account managed by the fund, which shall
25 be solely used for funding the operation of retired race horse aftercare
26 facilities, with preference for those organizations that are accredited
27 horse retirement and rescue programs. Such contribution shall be in any
28 whole dollar amount and shall not reduce the amount of the state tax
29 owed by such taxpayer. The commissioner shall include space on the
30 personal income tax return to enable a taxpayer to make such contrib-
31 ution. Notwithstanding any other provision of law, all revenues
32 collected pursuant to this section shall be credited to the New York
33 state standardbred retirement race horse and aftercare fund and shall be
34 used only for those purposes enumerated in paragraph j of subdivision
35 one of section three hundred thirty-two of the racing, pari-mutuel
36 wagering and breeding law.

37 § 9. The New York state thoroughbred breeding and development fund and
38 the agriculture and New York state horse breeding development fund shall
39 expend appropriate resources to ensure that the public is made aware of
40 the prohibitions, penalties, and contribution opportunities established
41 by this act.

42 § 10. This act shall take effect immediately; provided that sections
43 two, three, six, seven and eight of this act shall take effect January
44 1, 2022, and shall apply to all fiscal years commencing on and after
45 such date.