

STATE OF NEW YORK

7840

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting the importing, possession, or sale of any part or product of the skin or body of a kangaroo for commercial purposes

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 385 to read as follows:

3 § 385. Prohibition of importing, possessing or selling any kangaroo
4 product for commercial purposes. 1. Notwithstanding any other provision
5 of law, it shall be unlawful for any person to import any part or prod-
6 uct of the skin or body of a kangaroo, possess any part or product of
7 the skin or body of a kangaroo with intent to sell, or sell any part or
8 product of the skin or body of a kangaroo, for commercial purposes, or
9 attempt to import, possess, or sell any part or product of the skin or
10 body of a kangaroo, for commercial purposes.

11 2. Notwithstanding any other provision of law, it shall be unlawful
12 for any person to direct another person to import any part or product of
13 the skin or body of a kangaroo, possess any part or product of the skin
14 or body of a kangaroo with intent to sell, or sell any part or product
15 of the skin or body of a kangaroo, for commercial purposes, or direct
16 another person to attempt to import, possess, or sell any part or prod-
17 uct of the skin or body of a kangaroo, for commercial purposes.

18 3. A violation of this section shall be punishable by a civil penalty
19 of up to one thousand dollars for the first offense and five thousand
20 dollars for any subsequent violation.

21 4. The provisions of this section shall be in addition to, and not in
22 lieu of, any other laws protecting animal welfare. This section shall
23 not be construed to limit any state law or rules protecting the welfare
24 of animals or to prevent a local governing body from adopting and

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

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1 enforcing its own animal welfare laws and regulations. Nothing in this
2 section shall prohibit a person from otherwise lawful disposition of a
3 deceased kangaroo or any part or product of the skin or body of such
4 kangaroo.

5 5. If any provision of this section, or the application thereof to any
6 person or circumstances, is held invalid or unconstitutional, such inva-
7 lidity or unconstitutionality shall not affect other provisions or
8 applications of this section that can be given effect without the inval-
9 id or unconstitutional provision or application, and to such end the
10 provisions of this section shall be severable.

11 6. For purposes of this section:

12 (a) The term "any part or product of the skin or body of a kangaroo"
13 shall include, but not be limited to, the animal's viscera, skin, hide,
14 meat, or bones;

15 (b) The term "person" shall mean an individual, corporation, partner-
16 ship, trust, association, or other legal activity;

17 (c) The term "commercial purposes" shall mean the advancement of a
18 person's economic interests, such as by inducing another person to buy,
19 rent, lease, join, subscribe to, provide, or exchange products, goods,
20 property, information, or services, or enabling or effecting, directly
21 or indirectly, a transaction or other undertaking intended for profit;
22 and

23 (d) The term "kangaroo" shall include any of the following:

24 (i) an *osphranter rufus*, commonly known as a red kangaroo;

25 (ii) a *macropus giganteus*, commonly known as an eastern grey kangaroo;

26 (iii) a *macropus fuliginosus*, commonly known as a western grey kanga-
27 roo; or

28 (iv) an *osphranter robustus*, commonly known as the common wallaroo.

29 § 2. This act shall take effect on the one hundred twentieth day after
30 it shall have become a law.