

5512

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 13, 2009

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Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A.  
V. LOPEZ -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to nonambu-  
latory animals

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

1     Section 1. The agriculture and markets law is amended by adding a new  
2     section 357-a to read as follows:  
3     S 357-A. NONAMBULATORY ANIMALS. 1. DEFINITIONS. FOR THE PURPOSES OF  
4     THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     (A) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCI-  
6     ATION, MUNICIPALITY, OR OTHER LEGAL ENTITY;  
7     (B) "NONAMBULATORY ANIMAL" MEANS ANY DOMESTIC SHEEP, CATTLE OR SWINE  
8     THAT IS RAISED FOR COMMERCIAL OR SUBSISTENCE PURPOSES AND THAT IS UNABLE  
9     TO STAND AND WALK WITHOUT ASSISTANCE;  
10    (C) "HUMANELY EUTHANIZE" MEANS TO KILL AN ANIMAL BY A SINGLE BLOW OF A  
11    PENETRATING CAPTIVE BOLT OR GUN SHOT, OR BY CHEMICAL MEANS THAT IMME-  
12    DIATELY RENDERS THE ANIMAL UNCONSCIOUS, WITH COMPLETE UNCONSCIOUSNESS  
13    REMAINING UNTIL DEATH;  
14    (D) "UNDUE DELAY" MEANS ANY DELAY BEYOND THAT WHICH IS REASONABLY  
15    NECESSARY TO CARRY OUT PROMPT, HUMANE EUTHANASIA OR TO ADMINISTER  
16    PROMPT, APPROPRIATE AND NECESSARY VETERINARY TREATMENT, OR TO CARRY OUT  
17    PROMPT, HUMANE HANDLING AND TRANSPORT OF THE NONAMBULATORY ANIMAL PURSU-  
18    ANT TO THIS SUBDIVISION AND SUBDIVISION THREE OF THIS SECTION;  
19    (E) "HUMANE HANDLING" MEANS THAT A NONAMBULATORY ANIMAL SHALL ONLY BE  
20    MOVED WITH A SLING, STONEBOAT, OR ON OTHER SLED-LIKE OR WHEELED CONVEY-  
21    ANCES. IN NO EVENT SHALL A NONAMBULATORY ANIMAL BE DRAGGED, PUSHED WITH  
22    A TRACTOR, FORKLIFT, OR OTHER EQUIPMENT, LIFTED, UNLESS WITH FULL BODY  
23    SUPPORT, OR OTHERWISE MOVED INHUMANELY.

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

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1 (F) "VETERINARY TREATMENT" MEANS THAT A LICENSED VETERINARIAN SHALL  
2 DETERMINE WHETHER A NONAMBULATORY ANIMAL REQUIRES MEDICAL ATTENTION OR  
3 REHABILITATION, OR HUMANE EUTHANASIA.

4 2. NO PERSON SHALL TRANSPORT OR HOLD, EXCEPT AS PROVIDED IN SUBDIVI-  
5 SION THREE OF THIS SECTION, BUY, SELL, GIVE, RECEIVE, OR MARKET A NONAM-  
6 BULATORY ANIMAL.

7 3. (A) A NONAMBULATORY ANIMAL MAY BE TRANSPORTED, PROVIDED SUCH TRANS-  
8 PORT IS IN COMPLIANCE WITH PARAGRAPH (E) OF SUBDIVISION ONE OF THIS  
9 SECTION, WHERE THE ANIMAL BECOMES NONAMBULATORY ON THE PROPERTY OF A  
10 FARMER WHO HAS BRED OR RAISED THE ANIMAL, WITHOUT UNDUE DELAY FROM THE  
11 TIME THE ANIMAL BECOMES NONAMBULATORY, TO ANOTHER LOCATION ON THAT SAME  
12 PROPERTY, SOLELY FOR THE PURPOSE OF ADMINISTERING TO THE ANIMAL APPRO-  
13 PRIATE AND NECESSARY VETERINARY TREATMENT.

14 (B) A NONAMBULATORY ANIMAL MAY BE HELD ON THE PROPERTY OF A FARMER WHO  
15 HAS BRED OR RAISED THE ANIMAL FOR A BRIEF PERIOD OF TIME WHICH IS  
16 REASONABLY NECESSARY TO OBTAIN VETERINARY TREATMENT OF THE NONAMBULATORY  
17 ANIMAL PURSUANT TO THIS SUBDIVISION. SUCH VETERINARY TREATMENT SHALL BE  
18 ADMINISTERED WITHOUT UNDUE DELAY FROM THE TIME THE ANIMAL BECOMES NONAM-  
19 BULATORY.

20 4. UNDER NO CIRCUMSTANCES SHALL A NONAMBULATORY ANIMAL BE TRANSPORTED  
21 OR HELD FOR ANY PURPOSE OTHER THAN THAT PERMITTED IN THIS SECTION.

22 5. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL BE  
23 GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT OF NOT MORE THAN ONE  
24 YEAR, OR BY A FINE OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS,  
25 OR BY BOTH SUCH FINE AND IMPRISONMENT. EACH DAY ON WHICH A VIOLATION OF  
26 THIS SECTION OCCURS AND EACH INSTANCE OF A PROHIBITED ACTION UNDER THIS  
27 SECTION SHALL CONSTITUTE A SEPARATE OFFENSE.

28 6. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO CARRY  
29 OUT THE PROVISIONS OF THIS SECTION.

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