S T A T E O F N E W Y O R K

2426

2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to downed animals

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

Section 1. Section 96-g of the agriculture and markets law is amended by adding a new subdivision 18 to read as follows:

18. "DOWNED ANIMAL" MEANS ANY LIVE SPECIES OF CATTLE THAT IS UNABLE TO STAND AND WALK UNASSISTED.

S 2. The agriculture and markets law is amended by adding a new section 96-k to read as follows:

S 96-K. DOWNED ANIMALS. 1. NO SLAUGHTERHOUSE, STOCKYARD, AUCTION MARKET AGENCY, OR DEALER SHALL BUY, SELL, OR RECEIVE A DOWNED ANIMAL OR PRODUCTS OF DOWNED ANIMALS FOR HUMAN CONSUMPTION.

2. NO SLAUGHTERHOUSE, STOCKYARD, AUCTION MARKET AGENCY, OR DEALER SHALL HOLD A DOWNED ANIMAL WITHOUT TAKING IMMEDIATE ACTION TO HUMANELY EUTHANIZE THE ANIMAL, OR HUMANELY REMOVE THE ANIMAL FOR VETERINARY TREATMENT.

3. WHILE IN TRANSIT OR ON THE PREMISES OF A SLAUGHTERHOUSE, STOCKYARD, AUCTION MARKET AGENCY, OR DEALER, A DOWNED ANIMAL SHALL NOT BE DRAGGED AT ANY TIME, OR PUSHED WITH EQUIPMENT AT ANY TIME, BUT SHALL BE MOVED WITH A SLING OR ON A STONEBOAT OR BY OTHER SLED-LIKE OR WHEELED CONVEYANCE.

4. AS USED IN THIS SECTION (A) "HUMANELY EUTHANIZED" MEANS TO KILL BY A MECHANICAL, CHEMICAL, OR ELECTRICAL METHOD THAT RAPIDLY AND EFFECTIVELY RENDERS THE ANIMAL INSENSITIVE TO PAIN; AND (B) "HUMANELY REMOVE" MEANS MOVING A DOWNED ANIMAL WITH A SLING OR ON A STONEBOAT OR BY OTHER SLED-LIKE OR WHEELED CONVEYANCE.

5. A VIOLATION OF THIS SECTION SHALL BE A MISDEMEANOR AS DEFINED IN SUBDIVISION FOUR OF SECTION 10.00 OF THE PENAL LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD07075-01-9