

3178

2009-2010 Regular Sessions

I N   S E N A T E

March 12, 2009

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

AN ACT to amend the agriculture and markets law, in relation to prohibiting the slaughtering of horses for human consumption

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 380 to read as follows:

3     S 380. PROHIBITION OF SLAUGHTERING HORSES FOR HUMAN CONSUMPTION. 1.  
4     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL FOR ANY  
5     PERSON TO SLAUGHTER OR HAVE ANOTHER PERSON SLAUGHTER A HORSE WHERE SUCH  
6     PERSON KNOWS OR SHOULD KNOW THAT ANY PART OF SUCH HORSE WILL BE USED FOR  
7     HUMAN CONSUMPTION.

8     2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL  
9     FOR ANY PERSON TO SELL, OFFER TO SELL OR BARTER, GIVE AWAY, PURCHASE,  
10    POSSESS, TRANSPORT, DELIVER, OR RECEIVE ANY HORSE WITH THE INTENT OF  
11    SLAUGHTERING OR HAVING ANOTHER PERSON SLAUGHTER SUCH HORSE IF SUCH  
12    PERSON KNOWS OR SHOULD KNOW THAT ANY OF THE HORSEFLESH IS INTENDED FOR  
13    HUMAN CONSUMPTION.

14    3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL  
15    FOR ANY PERSON TO SELL, BARTER, OFFER TO SELL OR BARTER, GIVE AWAY,  
16    PURCHASE, POSSESS, TRANSPORT, DELIVER, OR RECEIVE HORSEFLESH IF SUCH  
17    PERSON KNOWS OR SHOULD KNOW THAT ANY OF THE HORSEFLESH WILL BE USED FOR  
18    HUMAN CONSUMPTION.

19    4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL  
20    FOR ANY PERSON TO IMPORT INTO OR EXPORT FROM THIS STATE, LIVE HORSES  
21    WHERE SUCH PERSON KNOWS OR SHOULD KNOW THAT SUCH HORSE IS INTENDED FOR  
22    SLAUGHTER FOR HUMAN CONSUMPTION.

23    5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL  
24    FOR ANY PERSON TO IMPORT INTO OR EXPORT FROM THIS STATE, HORSEFLESH

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

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1 WHERE SUCH PERSON KNOWS OR SHOULD KNOW THAT SUCH HORSEFLESH IS INTENDED  
2 FOR HUMAN CONSUMPTION.

3 6. IT SHALL BE UNLAWFUL TO OFFER HORSEFLESH FOR SALE FOR HUMAN  
4 CONSUMPTION.

5 7. AS USED IN THIS SECTION, THE TERM "HORSE" INCLUDES ALL MEMBERS OF  
6 THE EQUINE FAMILY, INCLUDING HORSES, PONIES, DONKEYS, MULES, ASSES AND  
7 BURROS; AND THE TERM "HORSEFLESH" MEANS THE FLESH OF A DEAD HORSE,  
8 INCLUDING THE ANIMAL'S VISCERA, SKIN, HAIR, HIDE, HOOVES, AND BONES; THE  
9 TERM "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, TRUST,  
10 ASSOCIATION OR OTHER LEGAL ENTITY.

11 8. A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY IMPRI-  
12 SONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE  
13 THOUSAND DOLLARS, OR BY BOTH. IN LIEU OF CRIMINAL PROSECUTION, A  
14 VIOLATION OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO  
15 ONE THOUSAND DOLLARS FOR AN INDIVIDUAL AND UP TO FIVE THOUSAND DOLLARS  
16 FOR A CORPORATION FOR THE FIRST VIOLATION. ANY SUBSEQUENT VIOLATION  
17 SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO TWENTY-FIVE THOUSAND  
18 DOLLARS.

19 9. ANY CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION OF LAW SHALL  
20 BE PAYABLE TO THE ANIMAL POPULATION CONTROL FUND ESTABLISHED PURSUANT TO  
21 SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

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