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

11699

I N A S S E M B L Y

September 1, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cusick) -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to the inspection of certain horse stables in cities of one million or more

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 359-b to read as follows:

S 359-B. INSPECTION OF CERTAIN HORSE STABLES IN CITIES OF ONE MILLION OR MORE. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO:

(A) HORSE STABLES IN CITES HAVING A POPULATION OF ONE MILLION OR MORE; AND

(B) HORSE STABLES FOR RIDING HORSES, THE BOARDING OF HORSES OR FOR HORSES USED FOR RIDING LESSONS.

2. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO APPLY TO CARRIAGE HORSES OR ANY HORSE THAT IS SUBJECT TO THE PROVISIONS OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

3. THE DEPARTMENT SHALL, AT A MINIMUM, MAKE YEARLY INSPECTIONS OF HORSE STABLES TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

4. (A) HORSES SHALL BE HOUSED IN STABLES WHICH SHALL BE CONSTRUCTED SO AS TO BE STRUCTURALLY SOUND. SUCH STABLES SHALL BE MAINTAINED IN GOOD REPAIR TO CONTAIN THE HORSE HOUSED THEREIN AND PROTECT IT FROM INJURY.

(B) STABLES SHALL PROVIDE SUFFICIENT SPACE TO ALLOW EACH HORSE ADEQUATE FREEDOM OF MOVEMENT TO MAKE NORMAL POSTURAL ADJUSTMENTS, INCLUDING THE ABILITY TO STAND UP, TURN AROUND AND LIE DOWN WITH ITS LIMBS OUTSTRETCHED.

(C) STABLES SHALL BE ADEQUATELY VENTILATED AT ALL TIMES TO PROVIDE FOR THE HEALTH AND WELL-BEING OF THE HORSE. VENTILATION SHALL BE PROVIDED BY NATURAL OR MECHANICAL MEANS, SUCH AS WINDOWS, VENTS, FANS OR AIR CONDITIONERS. VENTILATION SHALL BE ESTABLISHED TO MINIMIZE DRAFTS, ODORS AND MOISTURE CONDENSATION.

(D) THE TEMPERATURE SURROUNDING THE HORSE SHALL BE COMPATIBLE WITH THE HEALTH AND WELL-BEING OF SUCH HORSE. TEMPERATURE SHALL BE REGULATED BY

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

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HEATING AND COOLING TO SUFFICIENTLY PROTECT EACH HORSE FROM EXTREMES OF TEMPERATURE AND SHALL NOT BE PERMITTED TO FALL BELOW OR RISE ABOVE RANGES WHICH WOULD POSE A HEALTH HAZARD TO THE HORSE. THIS SHALL INCLUDE SUPPLYING SHADE FROM SUNLIGHT BY NATURAL OR ARTIFICIAL MEANS.

(E) INDOOR STABLES SHALL BE PROVIDED WITH ADEQUATE LIGHTING SUFFICIENT TO PERMIT ROUTINE INSPECTION AND CLEANING, AND BE ARRANGED SO THAT EACH HORSE IS PROTECTED FROM EXCESSIVE ILLUMINATION WHICH POSES A HEALTH HAZARD TO SUCH HORSE.

(F) STABLES SHALL BE DESIGNED TO ALLOW FOR EFFICIENT ELIMINATION OF WASTE AND WATER IN ORDER TO KEEP THE HORSE DRY AND PREVENT THE HORSE FROM COMING INTO CONTACT WITH THESE SUBSTANCES. IF DRAINS ARE USED, THEY SHALL BE CONSTRUCTED IN A MANNER TO MINIMIZE FOUL ODORS AND BACKUP OF SEWAGE. IF A DRAINAGE SYSTEM IS USED, IT SHALL COMPLY WITH FEDERAL, STATE AND LOCAL LAWS RELATING TO POLLUTION CONTROL.

5. STABLES SHALL BE KEPT IN A CLEAN CONDITION IN ORDER TO MAINTAIN A HEALTHY ENVIRONMENT FOR THE HORSE. THIS SHALL INCLUDE REMOVING AND DESTROYING ANY AGENTS INJURIOUS TO THE HEALTH OF THE HORSE AND PERIODIC CLEANINGS. UNDER NO CIRCUMSTANCES SHALL A HORSE REMAIN INSIDE A STABLE WHILE IT IS BEING CLEANED WITH STERILIZING AGENTS OR AGENTS TOXIC TO HORSES, OR CLEANED IN A MANNER LIKELY TO THREATEN THE HEALTH AND SAFETY OF THE HORSE.

6. (A) HORSES SHALL BE PROVIDED WITH WHOLESOME AND PALATABLE FOOD, FREE FROM CONTAMINATION AND OF NUTRITIONAL VALUE SUFFICIENT TO MAINTAIN EACH HORSE IN GOOD HEALTH.

(B) HORSES SHALL BE ADEQUATELY FED AT INTERVALS NOT TO EXCEED TWELVE HOURS OR AT LEAST TWICE IN ANY TWENTY-FOUR HOUR PERIOD IN QUANTITIES APPROPRIATE FOR THE HORSE BREED AND AGE.

(C) FOOD RECEPTACLES SHALL BE PROVIDED IN SUFFICIENT NUMBER, OF ADEQUATE SIZE, AND SO LOCATED AS TO ENABLE EACH HORSE TO BE SUPPLIED WITH AN ADEQUATE AMOUNT OF FOOD.

(D) HORSES SHALL BE PROVIDED WITH REGULAR ACCESS TO CLEAN, FRESH WATER, SUPPLIED IN A SANITARY MANNER SUFFICIENT FOR THEIR NEEDS.

7. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE SUCH RULES AND REGULATIONS AS HE OR SHE DEEMS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

8. VIOLATION OF ANY PROVISION OF THIS SECTION OR ANY RULE OR REGULATION PROMULGATED PURSUANT THERETO SHALL BE A CIVIL OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS.

S 2. Section 17-330 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1994, subdivisions b, c, g, l, n and p as amended and subdivisions q and r as added by local law number 10 of the city of New York for the year 2010, is amended to read as follows:

S 17-330 Regulations. a. The commissioner, with the advice of the advisory board as hereinafter established AND SUBJECT TO THE PROVISIONS OF SECTION THREE HUNDRED FIFTY-NINE-B OF THE AGRICULTURE AND MARKETS LAW, shall promulgate such regulations as are necessary to carry out the provisions of this subchapter and to promote the health, safety and well being of the horses which are required to be licensed hereunder and of members of the public who hire such horses.

b. 1. Horses shall not be left untethered or unattended except when confined in a stable or other enclosure. When tethered, all horses shall be secured by the use of a rope attached to the halter, not to the bit or bridle.

2. Horse bridles and halters shall be used on carriage horses at all times when operating a carriage.

c. Standing stalls for carriage horses shall be sixty square feet or larger, with a minimum width of seven feet, and shall be configured to permit a carriage horse to turn around and safely lay down within the stall. Horses shall be un-tied when stabled. A halter shall be on the horse or hung outside each stall at all times.

d. Horses shall be adequately quartered. Stables and stalls shall be clean and dry and sufficient bedding of straw, shavings or other suitable materials shall be furnished and changed as often as necessary to maintain them in a clean and dry condition. Adequate heating and ventilation shall be maintained in stables as prescribed by the [commissioner] STATE DEPARTMENT OF AGRICULTURE AND MARKETS.

e. Owners shall insure that appropriate and sufficient food and drinking water are available for each horse and that while working each horse is permitted to eat and drink at reasonable intervals.

f. Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other dangerous conditions which are a threat to the health or safety of the horse. A horse being worked when such conditions develop shall be immediately returned to the stable by the most direct route.

g. 1. Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period. Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for carriage horses and riding horses shall be of such duration and at such intervals as the commissioner shall prescribe, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.

2. Carriage horses shall receive no less than five weeks of vacation or furlough every twelve months at a horse stable facility which allows daily access to paddock or pasture turnout. Proof of such vacation or furlough shall be provided upon request to the department and/or the ASPCA.

h. Carriage horses shall not be driven at a pace faster than a trot. Riding horses may be ridden at a canter but shall not be galloped.

i. Horses shall be suitably trimmed or shod, and saddles, bridles, bits, road harnesses and any other equipment used on or with a horse at work shall be maintained and properly fitted as prescribed by regulation of the commissioner.

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the STATE department OF AGRICULTURE AND MARKETS, and any persons designated by the STATE commissioner OF AGRICULTURE AND MARKETS to enforce the provisions of [this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer affairs] THE STATE AGRICULTURE AND MARKETS LAW.

k. An owner shall be jointly liable with the person to whom a horse is rented for any violation of this subchapter or of any regulations promulgated hereunder committed by such person if the owner had knowledge or notice of the act which gave rise to the violation at the time of or prior to its occurrence or under the circumstances should have had

knowledge or notice of such act and did not attempt to prevent it from occurring.

l. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the driver's name and identification number, if applicable, rider's name, the horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

m. A horse required to be licensed pursuant to this subchapter which is lame or suffers from a physical condition or illness making it unsuitable for work may be ordered to be removed from work by the commissioner or his or her designee or by an agent of the ASPCA or a veterinarian employed or retained by such commissioner or ASPCA to inspect licensed horses. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. In any proceeding, under this section it shall be presumed that a horse which is found at work within forty-eight hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight hour period.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business, at time of each license renewal, and thereafter at intervals of not less than four months and not greater than eight months. The examination shall include the general physical condition of the horse, its teeth, hoofs and shoes, its stamina and physical ability to perform the work or duties required of it, and whether it is current on vaccinations, including those for rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneumonitis virus, and tetanus, or any other vaccinations the Commissioner may require by rule. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of the same. A signed health certificate by the examining veterinarian shall be maintained at the stable premises at which such horse is located and shall be displayed on the outside of the such horse's individual stall. An original of said certificate shall be mailed by the examining veterinarian to the department.

o. 1. Carriage horses shall not be worked whenever the air temperature is 18 degrees fahrenheit or below.

2. Carriage horses shall not be worked whenever the air temperature is 90 degrees fahrenheit or above.

3. For purposes of this subdivision, temperatures shall be those measured by a state-of-the-art thermometer, as determined by the commission-

er, as measured by the commissioner or his or her designee at street level at one of the stands designated pursuant to section 19-174 of the code.

4. If the temperature exceeds the limits set by this subdivision during the course of a particular ride, at the ride's conclusion, but no later than one-half hour after the temperature exceeds these limits, the operator must immediately cease working, move the horse to an area of shelter, where available, rest the horse and then walk it directly to its stable. All horses so returned to their stable must be unbridled and unharnessed and remain at the stable for at least one hour, and thereafter, until such time as the weather conditions shall once again reach acceptable limits.

5. No violation of this subdivision shall occur unless a written warning of violation is first issued by the authorized enforcement personnel to the operator advising that the air temperature limits of this subdivision have been exceeded and directing that the operator cease working a carriage horse in accordance with the provisions of this subdivision. A violation of this subdivision may be issued if an operator fails to comply with the direction contained in the written warning of violation. Failure to comply with such direction shall not be construed as a separate violation.

p. Every carriage horse required to be licensed hereunder shall be equipped with a manure catching device. Such devices shall be affixed or attached to the carriage and shall at no time be affixed or attached to the horse.

q. Carriage horses shall not be younger than five years at the time placed into service in any rental horse business and licensed. No carriage horse older than 26 years of age shall be licensed to work in a rental horse business. Acceptable proof of age shall include a signed letter from a licensed veterinarian stating the horse's age, a certificate from an officially recognized national registry of horses stating the horse's age, or another industry approved method of certifying age.

r. Owners shall insure that during the months of November through April every carriage is equipped with a heavy winter horse blanket large enough to cover the horse from crest of neck to top of rump. Such blankets shall be used to cover carriage horses in cold weather. Waterproof horse blankets of a lighter material shall be provided at all times to cover the horse from withers to tail during periods of wet weather when the air temperature is 55 degrees or below.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that if the amendments to subdivision c of section 17-330 of the administrative code of the city of New York made by local law number 10 of the city of New York for the year 2010, shall not have taken effect on or before such date, section two of this act shall take effect on the same date and in the same manner as such amendments take effect.