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

8639

2009-2010 Regular Sessions

I N  A S S E M B L Y

June 1, 2009

Introduced by M. of A. MARKEY, CLARK, REILLY -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the task force on the slaughter of non-ambulatory animals; and to amend chapter 164 of the laws of 2008 amending the agriculture and markets law relating to establishing a task force on preventing the slaughter for food of non-ambulatory animals in New York state, in relation to the effectiveness thereof

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

Section 1. Section 96-n of the agriculture and markets law, as added by chapter 164 of the laws of 2008, is amended to read as follows:

S 96-n. Task force on the slaughter of non-ambulatory animals. 1. The task force on the slaughter of non-ambulatory animals is hereby created to examine, evaluate, and [determine the most] MAKE RECOMMENDATIONS ON effective [state] actions [to prevent] THAT CAN BE TAKEN AT THE STATE LEVEL AND RECOMMENDED TO THE FEDERAL GOVERNMENT FOR THE PURPOSE OF PREVENTING the slaughter of non-ambulatory animals and the entrance of the meat of non-ambulatory animals to the food supply of New York state AND PROTECTING PUBLIC HEALTH.

2. Such task force shall consist of eleven members, each to serve until January fifteenth, two thousand [ten] ELEVEN. Such members shall [be] INCLUDE EIGHT AT LARGE MEMBERS appointed [as follows: two shall be appointed by the governor; two shall be appointed] by THE GOVERNOR, INCLUDING TWO UPON THE RECOMMENDATION OF the temporary president of the senate; two [shall be appointed by] UPON THE RECOMMENDATION OF the speaker of the assembly; one [shall be appointed by] UPON THE RECOMMENDATION OF the minority leader of the senate; and one [shall be appointed by] UPON THE RECOMMENDATION OF the minority leader of the assembly; provided that at least one member appointed [above] represents an [agricultural] organization based in New York state that represents meat

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

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processors, ONE MEMBER REPRESENTS AN ORGANIZATION THAT REPRESENTS LIVESTOCK PRODUCERS, one member represents New York state based retailers which sell meat to the public, one member represents an organization based in New York state THAT IS dedicated to the humane treatment of and prevention of cruelty to animals, ONE MEMBER REPRESENTS AN ORGANIZATION BASED IN NEW YORK THAT SPECIALIZES IN CONSUMER FOOD SAFETY, and one member represents an organization representing veterinary professionals[, including large animal veterinarians,] THAT IS active in New York state. Additional members shall be the commissioner, the chairperson of the consumer protection board and the commissioner of health or their designees. Appointments shall be made within sixty days of the effective date of this section. Vacancies in the task force shall be filled in the manner provided for original appointments.

3. The [task force shall be chaired by the commissioner or his or her designee. The task force shall elect a vice-chair and other necessary officers from among all appointed] GOVERNOR SHALL SELECT A CHAIR AND A VICE-CHAIR FROM AMONG THE TASK FORCE'S members. A majority of the members of the task force then in office shall constitute a quorum for the transaction of business or the exercise of any power or function of the task force. An act, determination or decision of the majority of the members present during the presence of a quorum shall be held to be the act, determination, or decision of the task force.

4. The task force shall meet at least [quarterly] THREE TIMES PER YEAR at the call of the chair. [Meetings may be held via teleconference.] Special meetings may be called by the chair at the request of a majority of the members of the task force. Members of the task force shall receive no compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties in the work of the task force.

5. The task force established shall:

(a) identify, study and determine [the] CONCERNS RELATING TO public health and safety [concerns] AND THE HUMANE TREATMENT OF NON-AMBULATORY ANIMALS associated with the [potential] HANDLING OF slaughter of non-ambulatory animals in the state of New York and the entry of the meat of non-ambulatory animals into the food supply [in a manner consistent with the humane treatment of such non-ambulatory animals], including but not limited to the operation and inspection BY THE STATE OR THE UNITED STATES DEPARTMENT OF AGRICULTURE of slaughterhouses within the state, the inspection BY THE STATE OR THE UNITED STATES DEPARTMENT OF AGRICULTURE of meat processed out of state and transported into New York state, the use of coercive techniques or mechanical devices to compel THE movement [out] of [otherwise] non-ambulatory animals, [the] AN appropriate definition of [a] non-ambulatory [animal in relation to the ability of the animal to stand and/or walk unassisted or assisted, the public auction or other wholesale or retail sale of meat in New York state] ANIMALS, and the method and quality of veterinary treatment, euthanization and sequestration of non-ambulatory animals once they have been identified and any potential infectious risk to nearby animals;

(b) evaluate what [state] actions [shall be taken, whether legislative, regulatory, or intergovernmental,] MAY BE TAKEN AT THE STATE LEVEL AND RECOMMENDED TO THE FEDERAL GOVERNMENT to ensure the public health and safety of the people of New York in a manner consistent with the humane treatment of such non-ambulatory animals in relation to the concerns identified in paragraph (a) of this subdivision; and

(c) prepare a report identifying policy options and recommendations regarding legislation or regulations required to resolve public health

and safety concerns consistent with the humane treatment of animals as identified by paragraphs (a) and (b) of this subdivision.

6. The task force may establish such advisory committees as it deems appropriate on matters relating to the task force's [functions, powers and duties] RESPONSIBILITIES. Such committees shall be chaired by a task force member, but may be composed of task force members as well as other individuals selected by the task force to provide expertise of interest specific to the charge of such committee.

7. The department shall provide the task force with such facilities, assistance and data as will enable the task force to carry out its [powers and duties] RESPONSIBILITIES. Additionally, all other agencies of the state or subdivisions thereof shall, at the request of the chair [provided] PROVIDE the task force with such facilities, assistance, and data as will enable the task force to carry out its powers and duties.

8. The task force shall make a final report of its findings, conclusions, recommendations and activities already undertaken by the task force, not later than January fifteenth, two thousand [ten] ELEVEN and shall submit with its reports legislative and regulatory proposals as it deems necessary to implement its recommendations.

S 2. Section 2 of chapter 164 of the laws of 2008 amending the agriculture and markets law relating to establishing a task force on preventing the slaughter for food of non-ambulatory animals in New York state, is amended to read as follows:

S 2. This act shall take effect immediately and shall expire January 15, [2010] 2011 when upon such date the provisions of this act shall be deemed repealed.

S 3. This act shall take effect immediately; provided, however, that the amendments to section 96-n of the agriculture and markets law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.