

3178

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

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.