

1656

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, WEPRIN, MALLIOTAKIS, SALADINO, MONTES-
ANO, THIELE, WEISENBERG, CASTRO, MAISEL, KAVANAGH, ENGLEBRIGHT,
BROOK-KRASNY -- Multi-Sponsored by -- M. of A. BRENNAN, GLICK, GOTT-
FRIED, HEVESI, KATZ, MILLMAN, ROBINSON, SCHIMEL -- read once and
referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the
confinement of certain animals for food producing purposes

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 353-f to read as follows:

3 S 353-F. CONFINEMENT OF ANIMALS FOR FOOD PRODUCING PURPOSES. 1. FOR
4 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
5 MEANINGS:

6 (A) "CALF RAISED FOR VEAL" MEANS ANY CALF OF THE BOVINE SPECIES KEPT
7 FOR THE PURPOSE OF PRODUCING THE FOOD PRODUCT DESCRIBED AS VEAL.

8 (B) "COVERED ANIMALS" MEANS ANY PIG DURING PREGNANCY OR A CALF RAISED
9 FOR VEAL.

10 (C) "ENCLOSURE" MEANS ANY CAGE, CRATE, OR OTHER STRUCTURE (INCLUDING
11 WHAT IS COMMONLY DESCRIBED AS A "GESTATION CRATE" FOR PIGS OR A "VEAL
12 CRATE" FOR CALVES, USED TO CONFINE A COVERED ANIMAL.

13 (D) "FARM" MEANS THE LAND, BUILDINGS, SUPPORT FACILITIES, AND OTHER
14 EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL
15 PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR FOOD OR FIBER, AND
16 DOES NOT INCLUDE LIVE ANIMAL MARKETS.

17 (E) "FULLY EXTENDING ITS LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITH-
18 OUT TOUCHING THE SIDE OF AN ENCLOSURE.

19 (F) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCI-
20 ATION, OR OTHER LEGAL ENTITY.

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

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1 (G) "PIG DURING PREGNANCY" MEANS ANY PREGNANT PIG OF THE PORCINE
2 SPECIES KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

3 (H) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT
4 ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN
5 ENCLOSURE.

6 2. IT SHALL BE UNLAWFUL FOR ANY PERSON TO TETHER OR CONFINE ANY
7 COVERED ANIMAL, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, ON A FARM
8 FOR ALL OR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS SUCH
9 ANIMAL FROM LYING DOWN, STANDING UP AND FULLY EXTENDING ITS LIMBS AND
10 TURNING AROUND FREELY.

11 3. THIS SECTION SHALL NOT APPLY DURING THE FOLLOWING LAWFULLY
12 PERFORMED ACTIVITIES:

13 (A) TRANSPORTATION,

14 (B) EXHIBITIONS AT RODEOS, FAIRS, YOUTH PROGRAMS, AND SIMILAR EXHIBI-
15 TIONS,

16 (C) SLAUGHTERING PROCESS,

17 (D) SCIENTIFIC OR AGRICULTURAL RESEARCH,

18 (E) EXAMINATION, TESTING, INDIVIDUAL TREATMENT OR OPERATION FOR VETER-
19 INARY PURPOSES,

20 (F) TO A PIG DURING THE SEVEN-DAY PERIOD PRIOR TO THE PIG'S EXPECTED
21 DATE OF GIVING BIRTH.

22 4. A VIOLATION OF THE PROVISIONS OF THIS SECTION IS A CLASS A MISDE-
23 MEANOR PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR,
24 OR BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR BY BOTH SUCH FINE
25 AND IMPRISONMENT.

26 5. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY TOWN, CITY,
27 VILLAGE OR COUNTY IN NEW YORK STATE FROM ENACTING A LOCAL LAW OR ORDI-
28 NANCE TO PROVIDE FOR THE HUMANE TREATMENT OF AND PREVENTION OF CRUELTY
29 TO FARM ANIMALS, PROVIDED, HOWEVER, THAT NO SUCH LAW SHALL CONFLICT WITH
30 THE PROVISIONS OF THIS SECTION.

31 6. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO REDUCE THE
32 PROTECTION AFFORDED TO FARM ANIMALS UNDER ANY OTHER SECTION OF THIS
33 ARTICLE OR ANY OTHER LAW OR REGULATION. NOTHING IN THIS SECTION SHALL BE
34 CONSTRUED TO LIMIT OR RESTRICT AGENTS OR OFFICERS OF SOCIETIES FOR THE
35 PREVENTION OF CRUELTY TO ANIMALS OR THE POLICE FROM ENFORCING THE OTHER
36 PROVISIONS OF THIS ARTICLE OR ANY OTHER LAW OR REGULATION RELATING TO
37 THE HUMANE TREATMENT OF OR CRUELTY TO ANIMALS.

38 7. THIS SECTION SHALL BE ENFORCED BY THE DEPARTMENT, AND ANY AGENT AND
39 OFFICER OF ANY DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY
40 TO ANIMALS MAY ISSUE AN APPEARANCE TICKET PURSUANT TO SECTION 150.20 OF
41 THE CRIMINAL PROCEDURE LAW, SUMMONS OR ARREST, AND BRING BEFORE A COURT
42 OR MAGISTRATE HAVING JURISDICTION, ANY PERSON OFFENDING AGAINST ANY OF
43 THE PROVISIONS OF THIS SECTION.

44 S 2. This act shall take effect January 1, 2017.