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

5490--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. ENGLEBRIGHT, MILLMAN, ROSENTHAL -- Multi-Sponsored by -- M. of A. GLICK, HEVESI, McDONOUGH -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to nonambulatory animals

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 357-a to read as follows:

S 357-A. NONAMBULATORY ANIMALS. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, MUNICIPALITY, OR OTHER LEGAL ENTITY;

(B) "NONAMBULATORY ANIMAL" MEANS ANY DOMESTIC SHEEP, CATTLE OR SWINE THAT IS RAISED FOR COMMERCIAL OR SUBSISTENCE PURPOSES AND THAT IS UNABLE TO STAND AND WALK WITHOUT ASSISTANCE;

(C) "HUMANELY EUTHANIZE" MEANS TO KILL AN ANIMAL BY A SINGLE BLOW OF A PENETRATING CAPTIVE BOLT OR GUN SHOT, OR BY CHEMICAL MEANS, RESTRICTED TO THE USE OF PENTOBARBITAL SOLUTION IN AN OVERDOSE CONCENTRATION, THAT IMMEDIATELY RENDERS THE ANIMAL UNCONSCIOUS, WITH COMPLETE UNCONSCIOUSNESS REMAINING UNTIL DEATH;

(D) "UNDUE DELAY" MEANS ANY DELAY BEYOND THAT WHICH IS REASONABLY NECESSARY TO CARRY OUT PROMPT, HUMANE EUTHANASIA OR TO ADMINISTER PROMPT, APPROPRIATE AND NECESSARY VETERINARY TREATMENT, OR TO CARRY OUT PROMPT, HUMANE HANDLING AND TRANSPORT OF THE NONAMBULATORY ANIMAL PURSUANT TO THIS SUBDIVISION AND SUBDIVISION THREE OF THIS SECTION;

(E) "HUMANE HANDLING" MEANS THAT A NONAMBULATORY ANIMAL SHALL ONLY BE MOVED WITH A SLING, STONEBOAT, OR ON OTHER SLED-LIKE OR WHEELED CONVEY-

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

LBD00879-03-3

ANCES. IN NO EVENT SHALL A NONAMBULATORY ANIMAL BE DRAGGED, PUSHED WITH A TRACTOR, FORKLIFT, OR OTHER EQUIPMENT, LIFTED, UNLESS WITH FULL BODY SUPPORT, OR OTHERWISE MOVED INHUMANELY.

(F) "VETERINARY TREATMENT" MEANS THAT A LICENSED VETERINARIAN SHALL DETERMINE WHETHER A NONAMBULATORY ANIMAL REQUIRES MEDICAL ATTENTION OR REHABILITATION, OR HUMANE EUTHANASIA.

2. NO PERSON SHALL TRANSPORT OR HOLD, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, BUY, SELL, GIVE, RECEIVE, OR MARKET A NONAMBULATORY ANIMAL.

3. (A) A NONAMBULATORY ANIMAL MAY BE TRANSPORTED, PROVIDED SUCH TRANSPORT IS IN COMPLIANCE WITH PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION, WHERE THE ANIMAL BECOMES NONAMBULATORY ON THE PROPERTY OF A FARMER WHO HAS BRED OR RAISED THE ANIMAL, WITHOUT UNDUE DELAY FROM THE TIME THE ANIMAL BECOMES NONAMBULATORY, TO ANOTHER LOCATION ON THAT SAME PROPERTY, SOLELY FOR THE PURPOSE OF ADMINISTERING TO THE ANIMAL APPROPRIATE AND NECESSARY VETERINARY TREATMENT.

(B) A NONAMBULATORY ANIMAL MAY BE HELD ON THE PROPERTY OF A FARMER WHO HAS BRED OR RAISED THE ANIMAL FOR A BRIEF PERIOD OF TIME WHICH IS REASONABLY NECESSARY TO OBTAIN VETERINARY TREATMENT OF THE NONAMBULATORY ANIMAL PURSUANT TO THIS SUBDIVISION. SUCH VETERINARY TREATMENT SHALL BE ADMINISTERED WITHOUT UNDUE DELAY FROM THE TIME THE ANIMAL BECOMES NONAMBULATORY.

4. UNDER NO CIRCUMSTANCES SHALL A NONAMBULATORY ANIMAL BE TRANSPORTED OR HELD FOR ANY PURPOSE OTHER THAN THAT PERMITTED IN THIS SECTION.

5. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT OF NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT. EACH DAY ON WHICH A VIOLATION OF THIS SECTION OCCURS AND EACH INSTANCE OF A PROHIBITED ACTION UNDER THIS SECTION SHALL CONSTITUTE A SEPARATE OFFENSE.

6. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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