

724--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture -- 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 downed animals

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

1 Section 1. Section 96-g of the agriculture and markets law is amended
2 by adding a new subdivision 18 to read as follows:

3 18. "DOWNED ANIMAL" MEANS ANY LIVE SPECIES OF CATTLE, SHEEP, GOATS OR
4 SWINE THAT IS UNABLE TO STAND AND WALK UNASSISTED.

5 S 2. The agriculture and markets law is amended by adding a new
6 section 96-k to read as follows:

7 S 96-K. DOWNED ANIMALS. 1. NO SLAUGHTERHOUSE, STOCKYARD, AUCTION
8 MARKET AGENCY, OR DEALER SHALL BUY, SELL, OR RECEIVE A DOWNED ANIMAL OR
9 PRODUCTS OF DOWNED ANIMALS FOR HUMAN CONSUMPTION.

10 2. NO SLAUGHTERHOUSE, STOCKYARD, AUCTION MARKET AGENCY, OR DEALER
11 SHALL HOLD A DOWNED ANIMAL WITHOUT TAKING IMMEDIATE ACTION TO HUMANELY
12 EUTHANIZE THE ANIMAL, OR HUMANELY REMOVE THE ANIMAL FOR VETERINARY
13 TREATMENT.

14 3. WHILE IN TRANSIT OR ON THE PREMISES OF A SLAUGHTERHOUSE, STOCKYARD,
15 AUCTION MARKET AGENCY, OR DEALER, A DOWNED ANIMAL SHALL NOT BE DRAGGED
16 AT ANY TIME, OR PUSHED WITH EQUIPMENT AT ANY TIME, BUT SHALL BE MOVED
17 WITH A SLING OR ON A STONEBOAT OR BY OTHER SLED-LIKE OR WHEELED CONVEY-
18 ANCE.

19 4. AS USED IN THIS SECTION (A) "HUMANELY EUTHANIZED" MEANS TO KILL BY
20 CHEMICAL METHOD OR A PENETRATING CAPTIVE BOLT TO THE FRONTAL PART OF THE
21 BRAIN THAT RAPIDLY AND EFFECTIVELY RENDERS THE ANIMAL INSENSITIVE TO
22 PAIN. CHEMICAL METHODS ARE TO BE RESTRICTED SOLELY TO THE USE OF A
23 PENTOBARBITAL SOLUTION IN A CONCENTRATION DESIGNED TO ACHIEVE AN IMMEDI-

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

LBD02342-03-3

1 ATE AND PAINLESS DEATH; AND (B) "HUMANELY REMOVE" MEANS MOVING A DOWNED
2 ANIMAL WITH A SLING OR ON A STONEBOAT OR BY OTHER SLED-LIKE OR WHEELED
3 CONVEYANCE.

4 5. A VIOLATION OF THIS SECTION SHALL BE A MISDEMEANOR AS DEFINED IN
5 SUBDIVISION FOUR OF SECTION 10.00 OF THE PENAL LAW.

6 S 3. This act shall take effect on the ninetieth day after it shall
7 have become a law.