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

4404--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. GLICK, JAFFEE, ROSENTHAL, TEDISCO, DINOWITZ, ENGLEBRIGHT, BROOK-KRASNY, BUCHWALD, McDONOUGH -- Multi-Sponsored by -- M. of A. CERETTO, COLTON, GARBARINO, GOTTFRIED, LUPARDO, McDONALD, McLAUGHLIN, PERRY -- 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 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:

Section 1. The agriculture and markets law is amended by adding a new section 380 to read as follows:

S 380. PROHIBITION OF SLAUGHTERING HORSES FOR HUMAN CONSUMPTION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL FOR ANY PERSON TO SLAUGHTER OR HAVE ANOTHER PERSON SLAUGHTER A HORSE WHERE SUCH PERSON KNOWS OR SHOULD KNOW THAT ANY PART OF SUCH HORSE WILL BE USED FOR HUMAN CONSUMPTION.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL FOR ANY PERSON TO SELL, OFFER TO SELL OR BARTER, GIVE AWAY, PURCHASE, POSSESS, TRANSPORT, DELIVER, OR RECEIVE ANY HORSE WITH THE INTENT OF SLAUGHTERING OR HAVING ANOTHER PERSON SLAUGHTER SUCH HORSE IF SUCH PERSON KNOWS OR SHOULD KNOW THAT ANY OF THE HORSEFLESH IS INTENDED FOR HUMAN CONSUMPTION.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL FOR ANY PERSON TO SELL AT RETAIL, BARTER, OFFER TO SELL AT RETAIL OR BARTER, GIVE AWAY, OR PURCHASE AT RETAIL, IF SUCH PERSON KNOWS OR SHOULD KNOW THAT ANY OF THE HORSEFLESH WILL BE USED FOR HUMAN CONSUMPTION.

4. IT SHALL BE UNLAWFUL FOR ANY PERSON TO POSSESS HORSEFLESH WITH THE INTENT TO SELL SUCH HORSEFLESH AT RETAIL FOR THE PURPOSE OF HUMAN CONSUMPTION.

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

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5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO OR EXPORT FROM THIS STATE, LIVE HORSES WHERE SUCH PERSON KNOWS OR SHOULD KNOW THAT SUCH HORSE IS INTENDED FOR SLAUGHTER FOR HUMAN CONSUMPTION.

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT SHALL BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO OR EXPORT FROM THIS STATE, HORSEFLESH WHERE SUCH PERSON KNOWS OR SHOULD KNOW THAT SUCH HORSEFLESH IS INTENDED FOR HUMAN CONSUMPTION.

7. AS USED IN THIS SECTION, THE TERM "HORSE" INCLUDES ALL MEMBERS OF THE EQUINE FAMILY, INCLUDING HORSES, PONIES, DONKEYS, MULES, ASSES AND BURROS; AND THE TERM "HORSEFLESH" MEANS THE FLESH OF A DEAD HORSE, INCLUDING THE ANIMAL'S VISCERA, SKIN, HAIR, HIDE, HOOVES, AND BONES; THE TERM "PERSON" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, TRUST, ASSOCIATION OR OTHER LEGAL ENTITY.

8. A VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH. IN LIEU OF CRIMINAL PROSECUTION, A VIOLATION OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS FOR AN INDIVIDUAL AND UP TO FIVE THOUSAND DOLLARS FOR A CORPORATION FOR THE FIRST VIOLATION. ANY SUBSEQUENT VIOLATION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO TWENTY-FIVE THOUSAND DOLLARS.

9. ANY CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION OF LAW SHALL BE PAYABLE TO THE ANIMAL POPULATION CONTROL FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

10. THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER LAWS PROTECTING ANIMAL WELFARE. THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ANY STATE LAW OR RULES PROTECTING THE WELFARE OF ANIMALS OR TO PREVENT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN ANIMAL WELFARE LAWS AND REGULATIONS.

11. IF ANY PROVISION OF THIS SECTION, OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES, IS HELD INVALID OR UNCONSTITUTIONAL, THAT INVALIDITY OR UNCONSTITUTIONALITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID OR UNCONSTITUTIONAL PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE SEVERABLE.

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