

STATE OF NEW YORK

3535--B

Cal. No. 146

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. PRETLOW, WOERNER, PHEFFER AMATO -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to establishing the commission on retired racehorses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new article 7-A to read as follows:

ARTICLE 7-A

COMMISSION ON RETIRED RACEHORSES

Section 710. Commission on retired racehorses.

711. Powers and duties of commission.

712. Reports on retired racehorses.

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8 § 710. Commission on retired racehorses. 1. There is hereby estab-
9 lished a commission on retired racehorses. Such commission on retired
10 racehorses shall consist of seven members, three of whom shall be
11 appointed by the governor, two of whom shall be appointed by the tempo-
12 rary president of the senate and two of whom shall be appointed by the
13 speaker of the assembly. Of the three members appointed by the governor,
14 two shall be appointed upon the recommendation of the gaming commission.
15 One of the appointed members of the commission on retired racehorses
16 shall be representative of owners and breeders of standardbred horses
17 and one shall be representative of owners and breeders of thoroughbred
18 horses. Three of the appointed members of the commission on retired
19 racehorses shall be representative of: (a) persons with expertise in
20 training horses for uses other than racing, such as riding schools,
21 steeplechase competitions, show horse competitions (e.g., dressage,
22 hunter/jumper, English, Western, and costume competitions), and other

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

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1 recreational uses, (b) persons with experience in the potential farm or
2 other rural economic business applications for horses, and (c) persons
3 familiar with the use of horses for recreational or therapeutic uses.

4 2. The members of the commission on retired racehorses shall serve for
5 terms of four years each.

6 3. Every member of the commission on retired racehorses shall serve at
7 the pleasure of the official who appointed him or her. Vacancies in the
8 membership of such commission shall be filled in the manner provided for
9 original appointments.

10 4. The members of the commission on retired racehorses shall receive
11 no compensation for their services, but shall be allowed their actual
12 and necessary expenses incurred in the performance of their duties
13 pursuant to this section.

14 § 711. Powers and duties of commission. 1. The commission on retired
15 racehorses, in cooperation with the gaming commission, shall be respon-
16 sible for the oversight of retired racehorses, including the tracking of
17 such racehorses. For the purposes of this article, a retired racehorse
18 shall mean (a) a New York-bred thoroughbred as defined by subdivision
19 three of section two hundred fifty-one of this chapter which is no long-
20 er engaged in horseracing or (b) a standardbred which meets or ever met
21 the standards set forth in subdivision one of section three hundred
22 thirty-four of this chapter and which is no longer engaged in horse
23 racing.

24 2. The commission on retired racehorses, in cooperation with the
25 gaming commission, shall be responsible for the creation of a registry
26 which would track retired racehorses in New York state. Such registry
27 shall include information provided by each owner and subsequent owner of
28 a retired racehorse, as provided in section seven hundred twelve of this
29 article. Notwithstanding any other provision of law, the commission on
30 retired racehorses shall maintain and update this registry. The commis-
31 sion on retired racehorses may access any relevant information in the
32 registries designated and administered by the New York state thorough-
33 bred breeding and development fund and the agriculture and New York
34 state horse breeding development fund to facilitate the implementation
35 of this article.

36 3. The commission on retired racehorses shall work with the gaming
37 commission to identify methods by which the information in the retired
38 racehorse registry may be utilized to address the well-being and/or
39 employment of retired racehorses, including but not limited to strate-
40 gies to address the issue of abandoned racehorses and to prevent the
41 slaughter of retired racehorses. The commission on retired racehorses
42 shall also furnish related future recommendations regarding the funding,
43 care and treatment of retired racehorses. Such recommendations and rele-
44 vant data that support such recommendations shall be submitted to the
45 gaming commission for publication on their website.

46 4. The commission on retired racehorses shall work with the gaming
47 commission to publish on the gaming commission website at least quarter-
48 ly, in such forms as the gaming commission may deem proper, a report of
49 aggregate data from the retired racehorse registry including the number
50 of retired racehorses and any other information which the gaming commis-
51 sion may deem proper. Such report shall also include information on how
52 to report violations as provided in subdivision three of section seven
53 hundred twelve of this article to the commission on retired racehorses.

54 5. The commission on retired racehorses shall share with the gaming
55 commission any suspected violations as provided in subdivision three of
56 section seven hundred twelve of this article at a time and in a manner

1 to be determined and prescribed by the gaming commission for the purpose
2 of assessing civil penalties.

3 § 712. Reports on retired racehorses. 1. Within seventy-two hours
4 after any change in ownership regarding a retired racehorse, boarded in
5 New York state during any part of the calendar year, the new owner or
6 owners of the horse shall report to the commission on retired racehorses
7 that such ownership has changed and shall file a statement listing the
8 name or names of the previous owner or owners and the license number of
9 any license issued by the gaming commission to the previous owner or
10 owners, the name or names, telephone number or telephone numbers and
11 address or addresses of the new owner or owners, the license number of
12 any license issued by the gaming commission to the new owner or owners,
13 the tattoo number of such horse and any other information which the
14 commission on retired racehorses may require. In the event that there
15 are multiple owners of a retired racehorse, one designated owner may
16 register on behalf of all owners.

17 2. Within seventy-two hours after the death of a retired racehorse,
18 the owner or owners of the horse shall report such death to the commis-
19 sion on retired racehorses and shall file a statement including a death
20 certificate by a licensed veterinarian and any other information which
21 the commission on retired racehorses may require.

22 3. Any sole or joint owner of a retired racehorse who is a resident of
23 the state and who fails to file a statement required to be filed by this
24 section shall be subject to a civil penalty not to exceed two hundred
25 fifty dollars for each violation.

26 § 2. Severability. If any clause, sentence, subdivision, paragraph,
27 section or part of this act be adjudged by any court of competent juris-
28 diction to be invalid, such judgement shall not affect, impair or inval-
29 idate the remainder thereof, but shall be confined in its operation to
30 the clause, sentence, subdivision, paragraph, section or part thereof
31 directly involved in the controversy in which such judgement shall have
32 been rendered.

33 § 3. This act shall take effect on April 1, 2021.