

STATE OF NEW YORK

5711--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 14, 2019

Introduced by M. of A. ENGLEBRIGHT, L. ROSENTHAL -- Multi-Sponsored by -- M. of A. GLICK, HEVESI, McDONOUGH -- 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 nonambulatory animals

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 357-a to read as follows:

3 § 357-a. Nonambulatory animals. 1. Definitions. For the purposes of
4 this section, the following terms shall have the following meanings:

5 (a) "Person" means any individual, corporation, partnership, associ-
6 ation, municipality, or other legal entity;

7 (b) "Nonambulatory animal" means any domestic sheep, cattle or swine
8 that is raised for commercial or subsistence purposes and that is unable
9 to stand and walk without assistance;

10 (c) "Humanely euthanize" means to kill an animal by a single blow of a
11 penetrating captive bolt or gun shot, or by chemical means, restricted
12 to an injectable drug or drugs, that will render the animal unconscious,
13 with complete unconsciousness remaining until death;

14 (d) "Undue delay" means any delay beyond that which is reasonably
15 necessary to carry out prompt, humane euthanasia or to administer
16 prompt, appropriate and necessary veterinary treatment, or to carry out
17 prompt, humane handling and transport of the nonambulatory animal pursu-
18 ant to this subdivision and subdivision three of this section;

19 (e) "Humane handling" means that a nonambulatory animal shall only be
20 moved with full body support. Use of a sling, stoneboat, or other sled-
21 like or wheeled conveyances should be used to move a nonambulatory
22 animal wherever possible. In no event shall a nonambulatory animal be
23 dragged, pushed with a tractor, forklift, or other equipment, lifted,

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

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1 unless with full body support, or otherwise moved inhumanely for
2 purposes of convenience. In the limited circumstances where, in the
3 course of veterinary treatment, the veterinarian makes a reasonable and
4 good faith determination that the safest and most humane way to move the
5 animal is with a tractor or other equipment, this is permissible. Hip
6 clamps shall not be used to move a nonambulatory animal. Where an animal
7 must be lifted to a standing position and not moved, the use of a hip
8 clamp or other equipment is allowed after consulting with a veterinari-
9 an. Where the veterinarian makes a reasonable and good faith determi-
10 nation that the safest and most humane way to lift the animal is with a
11 hip clamp or other equipment, this is permissible; and

12 (f) "Veterinary treatment" means that a licensed veterinarian shall
13 determine whether a nonambulatory animal requires medical attention or
14 rehabilitation, or humane euthanasia. A veterinarian with an established
15 veterinary client patient relationship with a farm shall provide a
16 protocol for use by a farmer to assist in determining whether a nonambu-
17 latory animal requires medical attention or rehabilitation, or humane
18 euthanasia. A person shall follow the protocol provided by a veterinari-
19 an when the veterinarian cannot provide veterinary treatment without
20 undue delay.

21 2. No person shall transport or hold, except as provided in subdivi-
22 sion three of this section, buy, sell, give, receive, or market a nonam-
23 bulatory animal for human or animal consumption.

24 3. (a) A nonambulatory animal may be transported, provided such trans-
25 port is in compliance with paragraph (e) of subdivision one of this
26 section, where the animal becomes nonambulatory on the property of a
27 farmer who has bred or raised the animal, without undue delay from the
28 time the animal becomes nonambulatory, to another location on that same
29 property, solely for the purpose of administering to the animal appro-
30 priate and necessary veterinary treatment.

31 (b) A nonambulatory animal may be held on the property of a farmer who
32 has bred or raised the animal for a brief period of time which is
33 reasonably necessary to obtain veterinary treatment of the nonambulatory
34 animal pursuant to this subdivision. Such veterinary treatment shall be
35 administered without undue delay from the time the animal becomes nonam-
36 bulatory.

37 4. Under no circumstances shall a nonambulatory animal be transported
38 or held for any purpose other than that permitted in this section.

39 5. Any person who violates any provision of this section shall be
40 guilty of a misdemeanor, punishable by imprisonment of not more than one
41 year, or by a fine of not more than two thousand five hundred dollars,
42 or by both such fine and imprisonment. Each day on which a violation of
43 this section occurs and each instance of a prohibited action under this
44 section shall constitute a separate offense.

45 6. The commissioner shall promulgate rules and regulations to carry
46 out the provisions of this section.

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