

STATE OF NEW YORK

9989

IN ASSEMBLY

March 4, 2020

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

AN ACT to amend the agriculture and markets law, in relation to the prohibition of the slaughter of race horses and race horse breeding stock; the racing, pari-mutuel wagering and breeding law, in relation to requiring race horses to be microchipped; and to amend the tax law, in relation to gifts for thoroughbred aftercare

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 382 to read as follows:

3 § 382. Prohibition of the slaughter of race horses and race horse
4 breeding stock. 1. Notwithstanding any other provision of law, it shall
5 be unlawful for any person, corporation, association, or other entity to
6 slaughter or have another person, corporation, association, or other
7 entity slaughter a race horse or race horse breeding stock for a commer-
8 cial purpose.

9 2. Notwithstanding any other provision of law, it shall be unlawful
10 for any person, corporation, association, or other entity to:

11 (a) import, export, sell, offer to sell or barter, transfer, purchase,
12 possess, transport, deliver, or receive a race horse or race horse
13 breeding stock with the intent of slaughtering or having another person,
14 corporation, association, or other entity slaughter such race horse or
15 race horse breeding stock; or

16 (b) import, export, sell, offer to sell or barter, transfer, purchase,
17 possess, transport, deliver, or receive a race horse or race horse
18 breeding stock, where such person, corporation, association, or other
19 entity knows, or through the exercise of reasonable diligence, should
20 have known, that another person, corporation, association, or other
21 entity intended to slaughter such race horse or race horse breeding
22 stock.

23 3. For the purposes of this section:

24 (a) "race horse" shall mean:

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

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1 (i) a thoroughbred horse which meets or ever met the standards to be
2 eligible to race at any track licensed to operate pursuant to article
3 two of the racing, pari-mutuel wagering and breeding law; or

4 (ii) a standardbred horse which meets or ever met the standards to be
5 eligible to race at any track licensed to operate pursuant to article
6 three of the racing, pari-mutuel wagering and breeding law;

7 (b) "race horse breeding stock" shall mean: any mare or stallion used,
8 or intended to ever be used, to produce a foal that is intended to be
9 used as a race horse as defined in this subdivision, as well as the foal
10 bred by such a mare or stallion.

11 (c) "slaughter" shall mean the possession, importation into or expor-
12 tation from the state, or the sale, purchase, donation, holding, or
13 acceptance of any race horse or race horse breeding stock with the
14 intent of killing, or having another kill, that race horse or race horse
15 breeding stock, if that person knows or should have known that any part
16 of that race horse or race horse breeding stock will be used for human
17 or animal consumption.

18 4. (a) A violation of this section is a misdemeanor punishable by a
19 fine of not more than five thousand dollars per each race horse or race
20 horse breeding stock for an individual person and up to ten thousand
21 dollars per each race horse or race horse breeding stock for a corpo-
22 ration, association or other entity, for the first violation. Any subse-
23 quent violation shall be punishable by a civil penalty of up to ten
24 thousand dollars per each race horse or race horse breeding stock for an
25 individual person and up to twenty thousand dollars per each race horse
26 or race horse breeding stock for a corporation, association, or other
27 entity.

28 (b) A violation of this section will result in the immediate and
29 permanent revocation of any New York state gaming commission license, as
30 well as the violator being permanently ineligible to receive any awards
31 pursuant to section two hundred fifty-four or three hundred thirty-four
32 of the racing, pari-mutuel wagering and breeding law.

33 5.(a) Any and all civil penalties collected pursuant to a violation
34 involving a thoroughbred horse shall be remitted to the New York state
35 thoroughbred breeding and development fund established pursuant to
36 section two hundred fifty-two of the racing, pari-mutuel wagering and
37 breeding law, and shall be deposited by that fund into a dedicated
38 account to be spent by the fund solely for the purpose of the care of
39 retired race horses, consistent with paragraph h of subdivision two of
40 section two hundred fifty-four of the racing, pari-mutuel wagering and
41 breeding law.

42 (b) Any and all civil penalties collected pursuant to a violation
43 involving a standardbred horse or race horse breeding stock shall be
44 remitted to the agriculture and New York state horse breeding develop-
45 ment fund established pursuant to section three hundred thirty of the
46 racing, pari-mutuel wagering and breeding law, and shall be deposited by
47 that fund into a dedicated account, to be spent by the fund solely for
48 the purpose of the care of retired race horses, consistent with para-
49 graph j of subdivision one of section three hundred thirty-two of the
50 racing, pari-mutuel wagering and breeding law.

51 6. Notwithstanding any other provision of law, each and every owner of
52 a race horse that has competed in New York state on or after January
53 first, two thousand twenty-one, or any other horse used for breeding
54 purposes in New York state on or after January first, two thousand twen-
55 ty-one, shall be liable for any violation of this section, unless there
56 is proper documentation of a transfer of ownership, and that transfer

1 must be to a party with no financial or familial relationship to the
2 owner.

3 § 2. Section 225 of the racing, pari-mutuel wagering and breeding law,
4 as amended by chapter 18 of the laws of 2008, is amended to read as
5 follows:

6 § 225. Registration of race horses. The true name, sex and age, and
7 also the pedigree, unless such pedigree is unknown, of every horse,
8 mare, gelding, colt or filly shall be registered with the jockey club,
9 United States trotting association, American quarter horse association;
10 the national steeplechase and hunt association or such other entity as
11 the [~~rac~~ing and waging board] commission may designate before it shall
12 be eligible to compete in any race conducted under a license or fran-
13 chise of the [~~state racing and waging board~~] commission and such name
14 shall continue to be its true name unless and until the same shall be
15 changed according to the rules and regulations of such organization. The
16 class to which any such animal belongs for the purpose of the entry or
17 competition in any race shall be determined by the public performance
18 thereof in former contests or trials of speed, as prescribed by the
19 printed rules of the person, association or corporation sponsoring such
20 race. No horse, mare, gelding, colt or filly shall be eligible to
21 compete in any race, unless it is first microchipped and registered with
22 the jockey club, United States trotting association, American quarter
23 horse association, the national steeplechase and hunt association or
24 such other entity, as applicable and as the commission may designate.
25 All microchip information shall be provided and available to the public
26 in digital format accessible from the internet.

27 § 3. Subdivision 3 of section 251 of the racing, pari-mutuel wagering
28 and breeding law, as amended by chapter 18 of the laws of 2008, is
29 amended to read as follows:

30 3. "New York-bred." A thoroughbred which is registered in the registry
31 designated and administered by such fund in accordance with such rules
32 concerning domicile and registration requirements as may be established
33 by the fund, including that each mare, stallion, and foal be micro-
34 chipped and registered pursuant to section two hundred twenty-five of
35 this article, and: was on or before December thirty-first, nineteen
36 hundred eighty, foaled in this state; or is on or after January first,
37 nineteen hundred eighty-one, either: (i) sired by a New York stallion
38 and foaled from a mare domiciled in this state; (ii) foaled from a mare
39 domiciled in this state which mare has been serviced back exclusively by
40 a New York stallion in the year of such foaling; or (iii) on or after
41 January first, nineteen hundred ninety-five foaled from a mare domiciled
42 in New York. [~~The fund shall report to the governor and the legislature~~
43 ~~on or before December fifteenth, nineteen hundred ninety-nine effects of~~
44 ~~paragraph (iii) of this subdivision on the New York state breeding~~
45 ~~industry.]~~

46 § 4. Subdivision 2 of section 254 of the racing, pari-mutuel wagering
47 and breeding law is amended by adding a new paragraph h to read as
48 follows:

49 h. An amount as shall be determined by the fund for the care of
50 retired horses, provided, however, such amounts shall be allocated from
51 a dedicated account maintained by the fund supported by the collection
52 of fines assessed pursuant to section three hundred eighty-two of the
53 agriculture and markets law and contributions made pursuant to sections
54 two hundred nine-N and six hundred thirty-h of the tax law, and the fund
55 shall not be required to make any allocations for such purposes that are
56 in excess of the amount collected pursuant to those sections during the

1 preceding year. In making such allocations, the fund shall consider
2 whether the potential recipient organization is an accredited horse
3 retirement and rescue program.

4 § 5. Subdivision 1 of section 332 of the racing, pari-mutuel wagering
5 and breeding law is amended by adding a new paragraph j to read as
6 follows:

7 j. An amount as shall be determined by the fund for the care of
8 retired horses, provided, however, such amounts shall be allocated from
9 a dedicated account to be funded by the collection of fines assessed
10 pursuant to section three hundred eighty-two of the agriculture and
11 markets law.

12 § 6. The opening paragraph of subdivision 1 of section 334 of the
13 racing, pari-mutuel wagering and breeding law, as amended by chapter 90
14 of the laws of 2006, is amended to read as follows:

15 The fund is further authorized and directed to conduct each year, at
16 the New York state exposition, with the approval of the director of the
17 exposition, or at any licensed pari-mutuel track in New York state, with
18 a preference given to any available licensed pari-mutuel track that is
19 five-eighths of a mile long or larger, colt, stake and overnight events
20 for standardbred horses to provide contests for two year old and three
21 year old colts and fillies at each gait of trotting and pacing. The
22 colt, stake and overnight events so conducted for two year old and three
23 year old colts and fillies at each gait of trotting and pacing hereunder
24 shall be conditioned to admit only those colts and fillies dropped from
25 a mare bred in this state and sired by a stallion owned or leased and
26 permanently standing for service at and within this state at the time of
27 the said foal's conception, provided, however, that such mare, stallion,
28 and foal shall be microchipped with such microchip information available
29 in a publicly available database pursuant to section two hundred twen-
30 ty-five of this chapter. Such colt, stake and overnight events shall be
31 opened for nomination not earlier than the first day of January in the
32 year the event is to be held and only colts and fillies and horses
33 complying with the following standards shall be eligible for such nomi-
34 nation:

35 § 7. The tax law is amended by adding a new section 209-N to read as
36 follows:

37 § 209-N. Prohibition of the slaughter of race horses and race horse
38 breeding stock. Effective for any tax year commencing on or after the
39 effective date of this section, a taxpayer in any taxable year may elect
40 to contribute to the New York state thoroughbred breeding and develop-
41 ment fund established pursuant to section two hundred fifty-two of the
42 racing, pari-mutuel wagering and breeding law, for the purpose of fund-
43 ing the operation of retired race horse aftercare facilities. Any
44 contributions made to the thoroughbred breeding and development fund
45 pursuant to this section shall be deposited into a dedicated account
46 managed by the fund, which shall solely be used for funding the opera-
47 tion of retired race horse aftercare facilities, with a preference for
48 those organizations that are accredited horse retirement and rescue
49 programs. Such contribution shall be in any whole dollar amount and
50 shall not reduce the amount of the state tax owed by such taxpayer. The
51 commissioner shall include space on the corporate income tax return to
52 enable a taxpayer to make such contribution. Notwithstanding any other
53 provision of law, all revenues collected pursuant to this section shall
54 be credited to the New York state retirement race horse and aftercare
55 fund and shall be used only for those purposes set forth in paragraph h

1 of subdivision two of section two hundred fifty-four of the racing,
2 pari-mutuel wagering and breeding law.

3 § 8. The tax law is amended by adding a new section 630-h to read as
4 follows:

5 § 630-h. Gifts for thoroughbred aftercare. Effective for any tax year
6 commencing on or after the effective date of this section, a taxpayer in
7 any taxable year may elect to contribute to the New York state thorough-
8 bred breeding and development fund established pursuant to section two
9 hundred fifty-two of the racing, pari-mutuel wagering and breeding law,
10 for the purpose of funding the operation of retired race horse aftercare
11 facilities. Any contributions made to the thoroughbred breeding and
12 development fund pursuant to this section shall be deposited into a
13 dedicated account managed by the fund, which shall solely be used for
14 funding the operation of retired race horse aftercare facilities, with a
15 preference for those organizations that are accredited horse retirement
16 and rescue programs. Such contribution shall be in any whole dollar
17 amount and shall not reduce the amount of the state tax owed by such
18 taxpayer. The commissioner shall include space on the personal income
19 tax return to enable a taxpayer to make such contribution. Notwithstand-
20 ing any other provision of law, all revenues collected pursuant to this
21 section shall be credited to the New York state retirement race horse
22 and aftercare fund and shall be used only for those purposes enumerated
23 in paragraph h of subdivision two of section two hundred fifty-four of
24 the racing, pari-mutuel wagering and breeding law.

25 § 9. The New York state thoroughbred breeding and development fund and
26 the agriculture and New York state horse breeding development fund
27 shall, during calendar year 2020, expend appropriate resources to ensure
28 that the public is made aware of the prohibitions, penalties, and
29 contribution opportunities established by this act.

30 § 10. This act shall take immediately; provided that sections two,
31 three, six, seven and eight of this act shall take effect January 1,
32 2021, and shall apply to all fiscal years commencing on and after such
33 date.