STATE OF NEW YORK

11144

IN ASSEMBLY

November 6, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simon, Magnarelli, McDonough, Taylor) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting certain wildlife and fish from being imported into the state; and to amend the agriculture and markets law, in relation to live animal markets

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

Section 1. The environmental conservation law is amended by adding a new section 11-1710 to read as follows:

§ 11-1710. Prohibited import of wildlife and fish.

1. (a) The department shall promulgate a list by rule or regulation, no later than December thirty-first, two thousand twenty-one, of wildlife and fish that shall not be imported or transported into this state. The list established pursuant to this subdivision shall include all bat, rodent and primate species, unless and until a finding is made pursuant to paragraph (c) of this subdivision that the importation restriction on a species is not necessary.

(b) The department shall add a wildlife animal or fish to the list created pursuant to paragraph (a) of this subdivision if it determines that prohibiting the importation or transportation of such wildlife or fish into the state is necessary to protect public health and safety, native wildlife or fish, or agricultural interests of the state.

(c) The department shall remove a wildlife animal or fish from the list created pursuant to paragraph (a) of this subdivision if it determines that prohibiting the importation or transportation of such wildlife or fish into the state is not necessary to protect public health and safety, native wildlife or fish, or agricultural interests of the state.

(d) The department shall publish the list created pursuant to paragraph (a) of this subdivision on its website.

2. (a) The department shall immediately suspend any existing license or authorization, and shall not issue any new license or authorization,

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

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for the import of a species of wildlife or fish into the state if any state agency makes a written finding that scientific evidence suggests that zoonotic transmission from such species, or a closely related species within the same family, could be responsible for a novel, or not previously reported, readily transmissible human disease.

(b) The department shall take any additional measures pursuant to its authority under this chapter related to wildlife and fish it shall deem necessary to protect the public health from the transmission of a zoonotic disease that has the potential to cause a human disease outbreak or epidemic.

(c) The department shall not authorize the importation of any individual wildlife or fish species that could be responsible for zoonotic transmission of a readily transmissible human disease until a protocol for robust testing, effective treatment, or quarantine, as appropriate and subject to paragraph (d) of this subdivision, is implemented to ensure that all individual animal species subject to a license or authorization are not carriers.

(d) In implementing this section, the department shall consult with the department of health and the department of agriculture and markets, and any other experts the department shall deem necessary, to ensure that such implementation is informed by the best available science.

3. (a) Any university, college, governmental research agency, or other bona fide scientific institution located in this state may submit a written application to the department for exemption from any prohibited import or transport of wildlife or fish under this section or from any rule or regulation promulgated pursuant to this section. The department shall review such applications and may grant such exemptions in its discretion on a case-by-case basis. For any wildlife or fish that could be responsible for zoonotic transmission of a readily transmissible human disease, as determined pursuant to subdivision two of this section, the department shall require the applicant to demonstrate biosafety equipment and protocols necessary to safely handle such wildlife or fish.

(b) Any zoo or other facility located in this state may submit a written application to the department for exemption from any prohibited import or transport of wildlife or fish under this section or from any rule or regulation promulgated pursuant to this section. The department shall review such applications and may grant such exemptions in its discretion on a case-by-case basis. For any wildlife or fish that could be responsible for zoonotic transmission of a readily transmissible human disease, as determined pursuant to subdivision two of this section, the department shall require the applicant to demonstrate biosafety equipment and protocols necessary to safely handle such wildlife or fish.

(c) The department shall create and make available on its website application forms to be used for submission by applicants consistent with paragraphs (a) and (b) of this subdivision.

(d) The department shall be permitted to require any further information to be submitted by applicants under this subdivision that it shall deem necessary to fulfill the purposes of this section. The department shall be permitted to conduct any inspections as part of the application process that it shall deem necessary to fulfill the purposes of this section.

(e) The department shall be permitted to establish fees for the acceptance and processing of applications pursuant to this subdivision.

§ 2. The agriculture and markets law is amended by adding a new article 22-A to read as follows:

ARTICLE 22-A
LIVE ANIMAL MARKETS

Section 270. Definitions.
271. Regulations.
272. Operation of live animal markets.

§ 270. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Animal" means any living creature except a human being;

2. "Live animal market" means a retail food market where, in the regular course of business, animals are stored alive and sold to consumers for the purpose of human consumption.

3. "Taxon" means a taxonomic group, such as a species, family, or class.

§ 271. Regulations. 1. The department shall promulgate regulations governing the storing and sale of animals for live animal markets.

2. Regulations promulgated pursuant to subdivision one of this section shall identify a list of prohibited animals known or likely to be an invasive species or of a taxon known or likely to be responsible for zoonotic transmission of disease.

§ 272. Operation of live animal markets. 1. Every person or business that operates a live animal market shall ensure that:

(a) no animal shall be dismembered, flayed, cut open, or have its skin, scales, feathers, or shell removed while such animal is still alive;

(b) no live animal shall be confined, held, or displayed in a manner that results, or is likely to result, in injury, starvation, dehydration, or suffocation of such animal;

(c) no animal at such live animal market is an invasive species or of a taxon known or likely to be responsible for zoonotic transmission of a disease, as determined by the department of environmental conservation pursuant to section 11-1710 of the environmental conservation law;

(d) wildlife species shall not be caged, handled, or transported with livestock or domestic animals, and shall not be sold in spaces near livestock or domestic animals;

(e) wildlife species showing signs of illness shall not be permitted to be sold in live animal markets; and

(f) no bat, rodent or primate species shall be sold in live animal markets.

2. Any person who violates a provision of this section:

(a) for a first violation, shall be issued a written warning in a language that is understood by the person receiving such warning; and

(b) for any subsequent violation, such person shall be guilty of a class A misdemeanor, punishable by a fine of at least two hundred fifty dollars, but not exceeding one thousand dollars.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.