

# 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 [~~racing and wagering 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 wagering 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.