

STATE OF NEW YORK

5983

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

AN ACT to amend the agriculture and markets law, in relation to prohibiting the slaughtering of horses for human consumption

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 381 to read as follows:

3 § 381. Prohibition of slaughtering horses for human consumption. 1.
4 Notwithstanding any other provision of law, it shall be unlawful for any
5 person to slaughter or have another person slaughter a horse where such
6 person knows or should know that any part of such horse will be used for
7 human consumption.

8 2. Notwithstanding any other provision of law, it shall be unlawful
9 for any person to possess, to import into or export from the state, to
10 sell, buy, give away, hold, or accept any horse with the intent of kill-
11 ing, or having another kill, such horse, if such person knows or should
12 have known that any part of such horse will be used for human consump-
13 tion.

14 3. Notwithstanding any other provision of law, it shall be unlawful
15 for any person to sell at retail, barter, offer to sell at retail or
16 barter, give away, or purchase at retail, if such person knows or should
17 know that any of the horseflesh will be used for human consumption.

18 4. It shall be unlawful for any person to possess horseflesh with the
19 intent to sell such horseflesh at retail for the purpose of human
20 consumption.

21 5. Notwithstanding any other provision of law, it shall be unlawful
22 for any person to import into or export from this state, live horses
23 where such person knows or should know that such horse is intended for
24 slaughter for human consumption.

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

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1 6. Notwithstanding any other provision of law, it shall be unlawful
2 for any person to import into or export from this state, horseflesh
3 where such person knows or should know that such horseflesh is intended
4 for human consumption.

5 7. As used in this section, the term "horse" includes all members of
6 the equine family, including horses, ponies, donkeys, mules, asses and
7 burros; and the term "horseflesh" means the flesh of a dead horse,
8 including the animal's viscera, skin, hair, hide, hooves, and bones; the
9 term "person" means an individual, corporation, partnership, trust,
10 association or other legal entity.

11 8. A violation of this section is a misdemeanor punishable by impri-
12 sonment for not more than one year, or by a fine of not more than one
13 thousand dollars, or by both. In lieu of criminal prosecution, a
14 violation of this section shall be subject to a civil penalty of up to
15 one thousand dollars for an individual and up to five thousand dollars
16 for a corporation for the first violation. Any subsequent violation
17 shall be punishable by a civil penalty of up to twenty-five thousand
18 dollars.

19 9. Any civil penalties collected pursuant to this section of law shall
20 be payable to the animal population control fund established pursuant to
21 section ninety-seven-xx of the state finance law.

22 10. The provisions of this section are in addition to, and not in lieu
23 of, any other laws protecting animal welfare. This section may not be
24 construed to limit any state law or rules protecting the welfare of
25 animals or to prevent a local governing body from adopting and enforcing
26 its own animal welfare laws and regulations.

27 11. If any provision of this section, or the application thereof to
28 any person or circumstances, is held invalid or unconstitutional, that
29 invalidity or unconstitutionality shall not affect other provisions or
30 applications of this section that can be given effect without the inval-
31 id or unconstitutional provision or application, and to this end the
32 provisions of this section are severable.

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