

# STATE OF NEW YORK

4154

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

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; to amend 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:

Section 1. The agriculture and markets law is amended by adding a new section 382 to read as follows:

§ 382. Prohibition of the slaughter of race horses and race horse breeding stock. 1. Notwithstanding any other provision of law, it shall be unlawful for any person, corporation, association, or other entity to slaughter or have another person, corporation, association, or other entity slaughter a race horse or race horse breeding stock for a commercial purpose.

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

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

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

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

LBD05854-01-1

1     3. For the purposes of this section:

2     (a) "race horse" shall mean:

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

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

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

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

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

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

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

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

53     6. Notwithstanding any other provision of law, each and every owner of  
54 a race horse that has competed in New York state on or after January  
55 first, two thousand twenty-two, or any other horse used for breeding  
56 purposes in New York state on or after January first, two thousand twen-

1 ty-two, shall be liable for any violation of this section, unless there  
2 is proper documentation of a transfer of ownership, and that transfer  
3 must be to a party with no financial or familial relationship to the  
4 owner.

5 § 2. Section 225 of the racing, pari-mutuel wagering and breeding law,  
6 as amended by chapter 243 of the laws of 2020, is amended to read as  
7 follows:

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

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

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

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

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

1 in excess of the amount collected pursuant to those sections during the  
2 preceding year. In making such allocations, the fund shall consider  
3 whether the potential recipient organization is an accredited horse  
4 retirement and rescue program.

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

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

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

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

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

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

5 § 630-i. 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 2021, 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 2022, and shall apply to all fiscal years commencing on and after such  
33 date.