

STATE OF NEW YORK

1442--B

Cal. No. 87

2021-2022 Regular Sessions

IN SENATE

January 12, 2021

Introduced by Sens. ADDABBO, BORRELLO, BROUK, GAUGHRAN, JACKSON, JORDAN, MANNION, MAY, PALUMBO, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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 and standardbred race horse 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 horse for a commercial purpose that such person,
8 corporation, association or other entity knows to have been a race horse
9 or race horse breeding stock.

10 2. Notwithstanding any other provision of law, it shall be unlawful
11 for any person, corporation, association, or other entity who owns or is
12 in the process of taking ownership of a race horse or race horse breed-
13 ing stock to import, export, sell, offer to sell or barter, transfer,
14 purchase, possess, transport, deliver, or receive, or direct another

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

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1 person to import, export, sell, offer to sell or barter, transfer,
2 purchase, possess, transport, deliver, or receive a horse that such
3 person, corporation, association or other entity knows to be a race
4 horse or race horse breeding stock with the intent of slaughtering or
5 having another person, corporation, association, or other entity slaugh-
6 ter such race horse or race horse breeding stock.

7 3. For the purposes of this section:

8 (a) "race horse" shall mean:

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

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

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

19 (c) "slaughter" shall mean the intentional killing, or having another
20 kill, a race horse or race horse breeding stock, if that person knows
21 that the purpose of such killing is using any part of such race horse or
22 race horse breeding stock for human or animal consumption. Nothing
23 herein shall prohibit a person from lawful disposition of a deceased
24 race horse or race horse breeding stock or any part of such horse or
25 stock.

26 4. (a) A violation of this section is a misdemeanor punishable by a
27 fine of not more than one thousand dollars per each race horse or race
28 horse breeding stock for an individual person and up to two thousand
29 five hundred dollars per each race horse or race horse breeding stock
30 for a corporation, association or other entity, for the first violation.
31 Any subsequent violation shall be punishable by a fine of up to two
32 thousand dollars per each race horse or race horse breeding stock for an
33 individual person and up to five thousand dollars per each race horse or
34 race horse breeding stock for a corporation, association, or other enti-
35 ty.

36 (b) A violation of this section will subject any New York state gaming
37 commission license to the provisions of section two hundred twenty or
38 three hundred nine of the racing, pari-mutuel wagering and breeding law.

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

47 (b) Any and all fines collected pursuant to a violation involving a
48 standardbred horse or race horse breeding stock shall be remitted to the
49 agriculture and New York state horse breeding development fund estab-
50 lished pursuant to section three hundred thirty of the racing, pari-mu-
51 tuel wagering and breeding law, and shall be deposited by that fund into
52 a dedicated account, to be spent by the fund solely for the purpose of
53 the care of retired race horses, consistent with paragraph j of subdivi-
54 sion one of section three hundred thirty-two of the racing, pari-mutuel
55 wagering and breeding law.

6. Notwithstanding any other provision of law, each and every owner of a race horse that has competed in New York state on or after January first, two thousand twenty-two, or any other horse used for breeding purposes in New York state on or after January first, two thousand twenty-two, shall be liable for any violation of this section, unless there is proper documentation of a transfer of ownership, and that transfer must be to a party with no financial or familial relationship to the owner.

7. Legal liability under this section for any race horse shall be limited to the last individual or corporation in the chain of ownership of said horse, as determined by notice to the breed registry as referenced in section two hundred twenty-five of the racing, pari-mutuel wagering and breeding law for that breed or other documentation of ownership. Further, the purchaser or seller of any registered race horse sold by a New York state resident or corporation who is a member of such registry shall be required to provide notification of said sale to the relevant breed registry in order to document ownership and protect previous owners from liability under this section.

8. The commissioner shall develop a program, in cooperation with the gaming commission, New York state thoroughbred breeding and development fund, and the agriculture and New York state horse breeding development fund to disseminate information about the provisions of this section to horse owners, sellers, buyers and transporters including, but not limited to farmers, recreational horse businesses, livestock and horse dealers, horse rescue and aftercare organizations, renderers, animal food producers, and any other organizations or businesses potentially impacted by this section.

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

§ 225. Registration of race horses. The true name, sex and age, and also the pedigree, unless such pedigree is unknown, of every horse, mare, gelding, colt or filly shall be registered with the jockey club, United States trotting association, American quarter horse association, the national steeplechase and hunt association or such other entity as the commission may designate before it shall be eligible to compete in any race conducted under a license or franchise of the commission and such name shall continue to be its true name unless and until the same shall be changed according to the rules and regulations of such organization. The class to which any such animal belongs for the purpose of the entry or competition in any race shall be determined by the public performance thereof in former contests or trials of speed, as prescribed by the printed rules of the person, association or corporation sponsoring such race. No horse, mare, gelding, colt or filly shall be eligible to compete in any race, unless it is first microchipped and registered with the jockey club, United States trotting association, American quarter horse association, the national steeplechase and hunt association or such other entity, as applicable and as the commission may designate. The commission may request that all microchip information be provided and available to the commission as necessary pursuant to this chapter.

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

3. "New York-bred." A thoroughbred which is registered in the registry designated and administered by such fund in accordance with such rules

1 concerning domicile and registration requirements as may be established
2 by the fund, including that each mare, stallion, and foal be micro-
3 chipped and registered pursuant to section two hundred twenty-five of
4 this article, and: was on or before December thirty-first, nineteen
5 hundred eighty, foaled in this state; or is on or after January first,
6 nineteen hundred eighty-one, either: (i) sired by a New York stallion
7 and foaled from a mare domiciled in this state; (ii) foaled from a mare
8 domiciled in this state which mare has been serviced back exclusively by
9 a New York stallion in the year of such foaling; or (iii) on or after
10 January first, nineteen hundred ninety-five foaled from a mare domiciled
11 in New York. [~~The fund shall report to the governor and the legislature~~
12 ~~on or before December fifteenth, nineteen hundred ninety nine effects of~~
13 ~~paragraph (iii) of this subdivision on the New York state breeding~~
14 ~~industry.~~]

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

18 h. An amount as shall be determined by the fund for the care of
19 retired horses, provided, however, such amounts shall be allocated from
20 a dedicated account maintained by the fund supported by the collection
21 of fines assessed pursuant to section three hundred eighty-two of the
22 agriculture and markets law and contributions made pursuant to sections
23 two hundred nine-N and six hundred thirty-i of the tax law, and the fund
24 shall not be required to make any allocations for such purposes that are
25 in excess of the amount collected pursuant to those sections during the
26 preceding year. In making such allocations, the fund shall consider
27 whether the potential recipient organization is an accredited horse
28 retirement and rescue program. The gaming commission shall establish an
29 advisory board to consult the fund when making such allocations with
30 representatives of thoroughbred and standardbred owners and breeders,
31 and animal protection organizations with expertise in the care of
32 retired and rescued horses.

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

36 j. An amount as shall be determined by the fund for the care of
37 retired horses, provided, however, such amounts shall be allocated from
38 a dedicated account to be funded by the collection of fines assessed
39 pursuant to section three hundred eighty-two of the agriculture and
40 markets law. The gaming commission shall establish an advisory board to
41 consult the fund when making such allocations with representatives of
42 thoroughbred and standardbred owners and breeders, and animal protection
43 organizations with expertise in the care of retired and rescued horses.

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

47 The fund is further authorized and directed to conduct each year, at
48 the New York state exposition, with the approval of the director of the
49 exposition, or at any licensed pari-mutuel track in New York state, with
50 a preference given to any available licensed pari-mutuel track that is
51 five-eighths of a mile long or larger, colt, stake and overnight events
52 for standardbred horses to provide contests for two year old and three
53 year old colts and fillies at each gait of trotting and pacing. The
54 colt, stake and overnight events so conducted for two year old and three
55 year old colts and fillies at each gait of trotting and pacing hereunder
56 shall be conditioned to admit only those colts and fillies dropped from

1 a mare bred in this state and sired by a stallion owned or leased and
2 permanently standing for service at and within this state at the time of
3 the said foal's conception, provided, however, that such mare, stallion,
4 and foal shall be microchipped with such microchip information which the
5 commission may request be provided and made available pursuant to
6 section two hundred twenty-five of this chapter. Such colt, stake and
7 overnight events shall be opened for nomination not earlier than the
8 first day of January in the year the event is to be held and only colts
9 and fillies and horses complying with the following standards shall be
10 eligible for such nomination:

11 § 7. The tax law is amended by adding two new sections 209-N and 209-O
12 to read as follows:

13 § 209-N. Retired and rescued thoroughbred race horse aftercare.
14 Effective for any tax year commencing on or after the effective date of
15 this section, a taxpayer in any taxable year may elect to contribute to
16 the New York state thoroughbred breeding and development fund estab-
17 lished pursuant to section two hundred fifty-two of the racing, pari-mu-
18 tuel wagering and breeding law, for the purpose of funding the operation
19 of retired race horse aftercare facilities. Any contributions made to
20 the thoroughbred breeding and development fund pursuant to this section
21 shall be deposited into a dedicated account managed by the fund, which
22 shall solely be used for funding the operation of retired race horse
23 aftercare facilities, with a preference for those organizations that are
24 accredited horse retirement and rescue programs. Such contribution shall
25 be in any whole dollar amount and shall not reduce the amount of the
26 state tax owed by such taxpayer. The commissioner shall include space on
27 the corporate income tax return to enable a taxpayer to make such
28 contribution. Notwithstanding any other provision of law, all revenues
29 collected pursuant to this section shall be credited to the New York
30 state thoroughbred retirement race horse and aftercare fund and shall be
31 used only for those purposes set forth in paragraph h of subdivision two
32 of section two hundred fifty-four of the racing, pari-mutuel wagering
33 and breeding law.

34 § 209-O. Retired and rescued standardbred race horse aftercare. Effec-
35 tive for any tax year commencing on or after the effective date of this
36 section, a taxpayer in any taxable year may elect to contribute to the
37 agriculture and New York horse breeding and development fund established
38 pursuant to section three hundred thirty of the racing, pari-mutuel
39 wagering and breeding law, for the purpose of funding the operation of
40 retired race horse aftercare facilities. Any contributions made to the
41 agriculture and New York state horse breeding development fund pursuant
42 to this section shall be deposited into a dedicated account managed by
43 the fund, which shall solely be used for funding the operation of
44 retired race horse aftercare facilities, with a preference for those
45 organizations that are accredited horse retirement and rescue programs.
46 Such contribution shall be in any whole dollar amount and shall not
47 reduce the amount of the state tax owed by such taxpayer. The commis-
48 sioner shall include space on the corporate income tax return to enable
49 a taxpayer to make such contribution. Notwithstanding any other
50 provision of law, all revenues collected pursuant to this section shall
51 be credited to the New York state standardbred retirement race horse and
52 aftercare fund and shall be used only for those purposes enumerated in
53 paragraph j of subdivision one of section three hundred thirty-two of
54 the racing, pari-mutuel wagering and breeding law.

55 § 8. The tax law is amended by adding two new sections 630-i and 630-j
56 to read as follows:

1 § 630-i. Gifts for thoroughbred aftercare. Effective for any tax year
2 commencing on or after the effective date of this section, a taxpayer in
3 any taxable year may elect to contribute to the New York state thorough-
4 bred breeding and development fund established pursuant to section two
5 hundred fifty-two of the racing, pari-mutuel wagering and breeding law,
6 for the purpose of funding the operation of retired race horse aftercare
7 facilities. Any contributions made to the thoroughbred breeding and
8 development fund pursuant to this section shall be deposited into a
9 dedicated account managed by the fund, which shall solely be used for
10 funding the operation of retired race horse aftercare facilities, with a
11 preference for those organizations that are accredited horse retirement
12 and rescue programs. Such contribution shall be in any whole dollar
13 amount and shall not reduce the amount of the state tax owed by such
14 taxpayer. The commissioner shall include space on the personal income
15 tax return to enable a taxpayer to make such contribution. Notwithstand-
16 ing any other provision of law, all revenues collected pursuant to this
17 section shall be credited to the New York state thoroughbred retirement
18 race horse and aftercare fund and shall be used only for those purposes
19 enumerated in paragraph h of subdivision two of section two hundred
20 fifty-four of the racing, pari-mutuel wagering and breeding law.

21 § 630-j. Gifts for standardbred aftercare. Effective for any tax year
22 commencing on or after the effective date of this section, a taxpayer in
23 any taxable year may elect to contribute to the agriculture and New York
24 horse breeding and development fund established pursuant to section
25 three hundred thirty of the racing, pari-mutuel wagering and breeding
26 law, for the purpose of funding the operation of retired race horse
27 aftercare facilities. Any contributions made to the agriculture and New
28 York horse breeding and development fund pursuant to this section shall
29 be deposited into a dedicated account managed by the fund, which shall
30 be solely used for funding the operation of retired race horse aftercare
31 facilities, with preference for those organizations that are accredited
32 horse retirement and rescue programs. Such contribution shall be in any
33 whole dollar amount and shall not reduce the amount of the state tax
34 owed by such taxpayer. The commissioner shall include space on the
35 personal income tax return to enable a taxpayer to make such contrib-
36 ution. Notwithstanding any other provision of law, all revenues
37 collected pursuant to this section shall be credited to the New York
38 state standardbred retirement race horse and aftercare fund and shall be
39 used only for those purposes enumerated in paragraph j of subdivision
40 one of section three hundred thirty-two of the racing, pari-mutuel
41 wagering and breeding law.

42 § 9. The New York state thoroughbred breeding and development fund and
43 the agriculture and New York state horse breeding development fund shall
44 expend appropriate resources to ensure that the public is made aware of
45 the prohibitions, penalties, and contribution opportunities established
46 by this act.

47 § 10. This act shall take effect immediately; provided that sections
48 two, three, six, seven and eight of this act shall take effect January
49 1, 2022, and shall apply to all fiscal years commencing on and after
50 such date.