

# STATE OF NEW YORK

5875

2021-2022 Regular Sessions

## IN SENATE

March 19, 2021

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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 382 to read as follows:

3 § 382. 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 horseflesh, if such person  
17 knows or should know that any of the horseflesh will be used for human  
18 consumption.

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

22 5. Notwithstanding any other provision of law, it shall be unlawful  
23 for any person to import into or export from this state, live horses  
24 where such person knows or should know that such horse is intended for  
25 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. Any owner or trainer stabled at a New York racing association  
23 track found to have knowingly sold a horse for slaughter will have his  
24 or her stalls permanently revoked from all New York racing association  
25 tracks.

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

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

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