

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.

LBD07903-01-1

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.