

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:

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 race horse or race horse breeding stock for a commer-
8 cial purpose.

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

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

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

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

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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.