

STATE OF NEW YORK

4154--B

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. PRETLOW, LUPARDO, ZINERMAN, KELLES, STIRPE -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

2. Notwithstanding any other provision of law, it shall be unlawful for any person, corporation, association, or other entity who owns or is in the process of taking ownership of a race horse or race horse breeding stock to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, or receive, or direct another person to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, or receive a horse that such person, corporation, association or other entity knows to be a race

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

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1 horse or race horse breeding stock with the intent of slaughtering or
2 having another person, corporation, association, or other entity slaugh-
3 ter such race horse or race horse breeding stock.

4 3. For the purposes of this section:

5 (a) "race horse" shall mean:

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

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

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

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

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

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

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

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

ty-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 concerning domicile and registration requirements as may be established by the fund, including that each mare, stallion, and foal be microchipped and registered pursuant to section two hundred twenty-five of this article, and: was on or before December thirty-first, nineteen

1 hundred eighty, foaled in this state; or is on or after January first,
2 nineteen hundred eighty-one, either: (i) sired by a New York stallion
3 and foaled from a mare domiciled in this state; (ii) foaled from a mare
4 domiciled in this state which mare has been serviced back exclusively by
5 a New York stallion in the year of such foaling; or (iii) on or after
6 January first, nineteen hundred ninety-five foaled from a mare domiciled
7 in New York. [~~The fund shall report to the governor and the legislature
8 on or before December fifteenth, nineteen hundred ninety-nine effects of
9 paragraph (iii) of this subdivision on the New York state breeding
10 industry.~~]

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

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

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

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

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

43 The fund is further authorized and directed to conduct each year, at
44 the New York state exposition, with the approval of the director of the
45 exposition, or at any licensed pari-mutuel track in New York state, with
46 a preference given to any available licensed pari-mutuel track that is
47 five-eighths of a mile long or larger, colt, stake and overnight events
48 for standardbred horses to provide contests for two year old and three
49 year old colts and fillies at each gait of trotting and pacing. The
50 colt, stake and overnight events so conducted for two year old and three
51 year old colts and fillies at each gait of trotting and pacing hereunder
52 shall be conditioned to admit only those colts and fillies dropped from
53 a mare bred in this state and sired by a stallion owned or leased and
54 permanently standing for service at and within this state at the time of
55 the said foal's conception, provided, however, that such mare, stallion,
56 and foal shall be microchipped with such microchip information which the

1 commission may request be provided and made available pursuant to
2 section two hundred twenty-five of this chapter. Such colt, stake and
3 overnight events shall be opened for nomination not earlier than the
4 first day of January in the year the event is to be held and only colts
5 and fillies and horses complying with the following standards shall be
6 eligible for such nomination:

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

9 § 209-N. Retired and rescued thoroughbred race horse aftercare.
10 Effective for any tax year commencing on or after the effective date of
11 this section, a taxpayer in any taxable year may elect to contribute to
12 the New York state thoroughbred breeding and development fund estab-
13 lished pursuant to section two hundred fifty-two of the racing, pari-mu-
14 tuel wagering and breeding law, for the purpose of funding the operation
15 of retired race horse aftercare facilities. Any contributions made to
16 the thoroughbred breeding and development fund pursuant to this section
17 shall be deposited into a dedicated account managed by the fund, which
18 shall solely be used for funding the operation of retired race horse
19 aftercare facilities, with a preference for those organizations that are
20 accredited horse retirement and rescue programs. Such contribution shall
21 be in any whole dollar amount and shall not reduce the amount of the
22 state tax owed by such taxpayer. The commissioner shall include space on
23 the corporate income tax return to enable a taxpayer to make such
24 contribution. Notwithstanding any other provision of law, all revenues
25 collected pursuant to this section shall be credited to the New York
26 state thoroughbred retirement race horse and aftercare fund and shall be
27 used only for those purposes set forth in paragraph h of subdivision two
28 of section two hundred fifty-four of the racing, pari-mutuel wagering
29 and breeding law.

30 § 209-O. Retired and rescued standardbred race horse aftercare. Effec-
31 tive for any tax year commencing on or after the effective date of this
32 section, a taxpayer in any taxable year may elect to contribute to the
33 agriculture and New York horse breeding and development fund established
34 pursuant to section three hundred thirty of the racing, pari-mutuel
35 wagering and breeding law, for the purpose of funding the operation of
36 retired race horse aftercare facilities. Any contributions made to the
37 agriculture and New York state horse breeding development fund pursuant
38 to this section shall be deposited into a dedicated account managed by
39 the fund, which shall solely be used for funding the operation of
40 retired race horse aftercare facilities, with a preference for those
41 organizations that are accredited horse retirement and rescue programs.
42 Such contribution shall be in any whole dollar amount and shall not
43 reduce the amount of the state tax owed by such taxpayer. The commis-
44 sioner shall include space on the corporate income tax return to enable
45 a taxpayer to make such contribution. Notwithstanding any other
46 provision of law, all revenues collected pursuant to this section shall
47 be credited to the New York state standardbred retirement race horse and
48 aftercare fund and shall be used only for those purposes enumerated in
49 paragraph j of subdivision one of section three hundred thirty-two of
50 the racing, pari-mutuel wagering and breeding law.

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

53 § 630-i. Gifts for thoroughbred aftercare. Effective for any tax year
54 commencing on or after the effective date of this section, a taxpayer in
55 any taxable year may elect to contribute to the New York state thorough-
56 bred breeding and development fund established pursuant to section two

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

17 § 630-j. Gifts for standardbred aftercare. Effective for any tax year
18 commencing on or after the effective date of this section, a taxpayer in
19 any taxable year may elect to contribute to the agriculture and New York
20 horse breeding and development fund established pursuant to section
21 three hundred thirty of the racing, pari-mutuel wagering and breeding
22 law, for the purpose of funding the operation of retired race horse
23 aftercare facilities. Any contributions made to the agriculture and New
24 York horse breeding and development fund pursuant to this section shall
25 be deposited into a dedicated account managed by the fund, which shall
26 be solely used for funding the operation of retired race horse aftercare
27 facilities, with preference for those organizations that are accredited
28 horse retirement and rescue programs. Such contribution shall be in any
29 whole dollar amount and shall not reduce the amount of the state tax
30 owed by such taxpayer. The commissioner shall include space on the
31 personal income tax return to enable a taxpayer to make such contrib-
32 ution. Notwithstanding any other provision of law, all revenues
33 collected pursuant to this section shall be credited to the New York
34 state standardbred retirement race horse and aftercare fund and shall be
35 used only for those purposes enumerated in paragraph j of subdivision
36 one of section three hundred thirty-two of the racing, pari-mutuel
37 wagering and breeding law.

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

43 § 10. This act shall take effect immediately; provided that sections
44 two, three, six, seven and eight of this act shall take effect January
45 1, 2022, and shall apply to all fiscal years commencing on and after
46 such date.