

# STATE OF NEW YORK

1442

2021-2022 Regular Sessions

## IN SENATE

January 12, 2021

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

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

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

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1 entity intended to slaughter such race horse or race horse breeding  
2 stock.

3 3. For the purposes of this section:

4 (a) "race horse" shall mean:

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

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

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

15 (c) "slaughter" shall mean the possession, importation into or expor-  
16 tation from the state, or the sale, purchase, donation, holding, or  
17 acceptance of any race horse or race horse breeding stock with the  
18 intent of killing, or having another kill, that race horse or race horse  
19 breeding stock, if that person knows or should have known that any part  
20 of that race horse or race horse breeding stock will be used for human  
21 or animal consumption.

22 4. (a) A violation of this section is a misdemeanor punishable by a  
23 fine of not more than five thousand dollars per each race horse or race  
24 horse breeding stock for an individual person and up to ten thousand  
25 dollars per each race horse or race horse breeding stock for a corpo-  
26 ration, association or other entity, for the first violation. Any subse-  
27 quent violation shall be punishable by a civil penalty of up to ten  
28 thousand dollars per each race horse or race horse breeding stock for an  
29 individual person and up to twenty thousand dollars per each race horse  
30 or race horse breeding stock for a corporation, association, or other  
31 entity.

32 (b) A violation of this section will result in the immediate and  
33 permanent revocation of any New York state gaming commission license, as  
34 well as the violator being permanently ineligible to receive any awards  
35 pursuant to section two hundred fifty-four or three hundred thirty-four  
36 of the racing, pari-mutuel wagering and breeding law.

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

46 (b) Any and all civil penalties collected pursuant to a violation  
47 involving a standardbred horse or race horse breeding stock shall be  
48 remitted to the agriculture and New York state horse breeding develop-  
49 ment fund established pursuant to section three hundred thirty of the  
50 racing, pari-mutuel wagering and breeding law, and shall be deposited by  
51 that fund into a dedicated account, to be spent by the fund solely for  
52 the purpose of the care of retired race horses, consistent with para-  
53 graph j of subdivision one of section three hundred thirty-two of the  
54 racing, pari-mutuel wagering and breeding law.

55 6. Notwithstanding any other provision of law, each and every owner of  
56 a race horse that has competed in New York state on or after January

1 first, two thousand twenty-two, or any other horse used for breeding  
2 purposes in New York state on or after January first, two thousand twen-  
3 ty-two, shall be liable for any violation of this section, unless there  
4 is proper documentation of a transfer of ownership, and that transfer  
5 must be to a party with no financial or familial relationship to the  
6 owner.

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

10 § 225. Registration of race horses. The true name, sex and age, and  
11 also the pedigree, unless such pedigree is unknown, of every horse,  
12 mare, gelding, colt or filly shall be registered with the jockey club,  
13 United States trotting association, American quarter horse association,  
14 the national steeplechase and hunt association or such other entity as  
15 the commission may designate before it shall be eligible to compete in  
16 any race conducted under a license or franchise of the commission and  
17 such name shall continue to be its true name unless and until the same  
18 shall be changed according to the rules and regulations of such organ-  
19 ization. The class to which any such animal belongs for the purpose of  
20 the entry or competition in any race shall be determined by the public  
21 performance thereof in former contests or trials of speed, as prescribed  
22 by the printed rules of the person, association or corporation sponsor-  
23 ing such race. No horse, mare, gelding, colt or filly shall be eligible  
24 to compete in any race, unless it is first microchipped and registered  
25 with the jockey club, United States trotting association, American  
26 quarter horse association, the national steeplechase and hunt associ-  
27 ation or such other entity, as applicable and as the commission may  
28 designate. All microchip information shall be provided and available to  
29 the public in digital format accessible from the internet.

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

33 3. "New York-bred." A thoroughbred which is registered in the registry  
34 designated and administered by such fund in accordance with such rules  
35 concerning domicile and registration requirements as may be established  
36 by the fund, including that each mare, stallion, and foal be micro-  
37 chipped and registered pursuant to section two hundred twenty-five of  
38 this article, and: was on or before December thirty-first, nineteen  
39 hundred eighty, foaled in this state; or is on or after January first,  
40 nineteen hundred eighty-one, either: (i) sired by a New York stallion  
41 and foaled from a mare domiciled in this state; (ii) foaled from a mare  
42 domiciled in this state which mare has been serviced back exclusively by  
43 a New York stallion in the year of such foaling; or (iii) on or after  
44 January first, nineteen hundred ninety-five foaled from a mare domiciled  
45 in New York. [~~The fund shall report to the governor and the legislature~~  
46 ~~on or before December fifteenth, nineteen hundred ninety-nine effects of~~  
47 ~~paragraph (iii) of this subdivision on the New York state breeding~~  
48 ~~industry.]~~

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

52 h. An amount as shall be determined by the fund for the care of  
53 retired horses, provided, however, such amounts shall be allocated from  
54 a dedicated account maintained by the fund supported by the collection  
55 of fines assessed pursuant to section three hundred eighty-two of the  
56 agriculture and markets law and contributions made pursuant to sections

1 two hundred nine-N and six hundred thirty-i of the tax law, and the fund  
2 shall not be required to make any allocations for such purposes that are  
3 in excess of the amount collected pursuant to those sections during the  
4 preceding year. In making such allocations, the fund shall consider  
5 whether the potential recipient organization is an accredited horse  
6 retirement and rescue program.

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

10 j. An amount as shall be determined by the fund for the care of  
11 retired horses, provided, however, such amounts shall be allocated from  
12 a dedicated account to be funded by the collection of fines assessed  
13 pursuant to section three hundred eighty-two of the agriculture and  
14 markets law.

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

18 The fund is further authorized and directed to conduct each year, at  
19 the New York state exposition, with the approval of the director of the  
20 exposition, or at any licensed pari-mutuel track in New York state, with  
21 a preference given to any available licensed pari-mutuel track that is  
22 five-eighths of a mile long or larger, colt, stake and overnight events  
23 for standardbred horses to provide contests for two year old and three  
24 year old colts and fillies at each gait of trotting and pacing. The  
25 colt, stake and overnight events so conducted for two year old and three  
26 year old colts and fillies at each gait of trotting and pacing hereunder  
27 shall be conditioned to admit only those colts and fillies dropped from  
28 a mare bred in this state and sired by a stallion owned or leased and  
29 permanently standing for service at and within this state at the time of  
30 the said foal's conception, provided, however, that such mare, stallion,  
31 and foal shall be microchipped with such microchip information available  
32 in a publicly available database pursuant to section two hundred twen-  
33 ty-five of this chapter. Such colt, stake and overnight events shall be  
34 opened for nomination not earlier than the first day of January in the  
35 year the event is to be held and only colts and fillies and horses  
36 complying with the following standards shall be eligible for such nomi-  
37 nation:

38 § 7. The tax law is amended by adding a new section 209-N to read as  
39 follows:

40 § 209-N. Prohibition of the slaughter of race horses and race horse  
41 breeding stock. Effective for any tax year commencing on or after the  
42 effective date of this section, a taxpayer in any taxable year may elect  
43 to contribute to the New York state thoroughbred breeding and develop-  
44 ment fund established pursuant to section two hundred fifty-two of the  
45 racing, pari-mutuel wagering and breeding law, for the purpose of fund-  
46 ing the operation of retired race horse aftercare facilities. Any  
47 contributions made to the thoroughbred breeding and development fund  
48 pursuant to this section shall be deposited into a dedicated account  
49 managed by the fund, which shall solely be used for funding the opera-  
50 tion of retired race horse aftercare facilities, with a preference for  
51 those organizations that are accredited horse retirement and rescue  
52 programs. Such contribution shall be in any whole dollar amount and  
53 shall not reduce the amount of the state tax owed by such taxpayer. The  
54 commissioner shall include space on the corporate income tax return to  
55 enable a taxpayer to make such contribution. Notwithstanding any other  
56 provision of law, all revenues collected pursuant to this section shall

1 be credited to the New York state retirement race horse and aftercare  
2 fund and shall be used only for those purposes set forth in paragraph h  
3 of subdivision two of section two hundred fifty-four of the racing,  
4 pari-mutuel wagering and breeding law.

5 § 8. The tax law is amended by adding a new section 630-i to read as  
6 follows:

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

27 § 9. The New York state thoroughbred breeding and development fund and  
28 the agriculture and New York state horse breeding development fund  
29 shall, during calendar year 2021, expend appropriate resources to ensure  
30 that the public is made aware of the prohibitions, penalties, and  
31 contribution opportunities established by this act.

32 § 10. This act shall take immediately; provided that sections two,  
33 three, six, seven and eight of this act shall take effect January 1,  
34 2022, and shall apply to all fiscal years commencing on and after such  
35 date.