

# STATE OF NEW YORK

6047

2021-2022 Regular Sessions

## IN SENATE

March 31, 2021

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting certain wildlife and fish from being imported into the state; and to amend the agriculture and markets law, in relation to live animal markets

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 11-1710 to read as follows:

3 § 11-1710. Prohibited import of wildlife and fish.

4 1. (a) The department shall promulgate a list by rule or regulation,  
5 no later than December thirty-first, two thousand twenty-two, of wild-  
6 life and fish that shall not be imported or transported into this state.  
7 The list established pursuant to this subdivision shall include all bat,  
8 rodent and primate species, unless and until a finding is made pursuant  
9 to paragraph (c) of this subdivision that the importation restriction on  
10 a species is not necessary.

11 (b) The department shall add a wildlife animal or fish to the list  
12 created pursuant to paragraph (a) of this subdivision if it determines  
13 that prohibiting the importation or transportation of such wildlife or  
14 fish into the state is necessary to protect public health and safety,  
15 native wildlife or fish, or agricultural interests of the state.

16 (c) The department shall remove a wildlife animal or fish from the  
17 list created pursuant to paragraph (a) of this subdivision if it deter-  
18 mines that prohibiting the importation or transportation of such wild-  
19 life or fish into the state is not necessary to protect public health  
20 and safety, native wildlife or fish, or agricultural interests of the  
21 state.

22 (d) The department shall publish the list created pursuant to para-  
23 graph (a) of this subdivision on its website.

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

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1     2. (a) The department shall immediately suspend any existing license  
2     or authorization, and shall not issue any new license or authorization,  
3     for the import of a species of wildlife or fish into the state if any  
4     state agency makes a written finding that scientific evidence suggests  
5     that zoonotic transmission from such species, or a closely related  
6     species within the same family, could be responsible for a novel, or not  
7     previously reported, readily transmissible human disease.

8     (b) The department shall take any additional measures pursuant to its  
9     authority under this chapter related to wildlife and fish it shall deem  
10    necessary to protect the public health from the transmission of a  
11    zoonotic disease that has the potential to cause a human disease  
12    outbreak or epidemic.

13    (c) The department shall not authorize the importation of any individ-  
14    ual wildlife or fish species that could be responsible for zoonotic  
15    transmission of a readily transmissible human disease until a protocol  
16    for robust testing, effective treatment, or quarantine, as appropriate  
17    and subject to paragraph (d) of this subdivision, is implemented to  
18    ensure that all individual animal species subject to a license or  
19    authorization are not carriers.

20    (d) In implementing this section, the department shall consult with  
21    the department of health and the department of agriculture and markets,  
22    and any other experts the department shall deem necessary, to ensure  
23    that such implementation is informed by the best available science.

24    3. (a) Any university, college, governmental research agency, or other  
25    bona fide scientific institution located in this state may submit a  
26    written application to the department for exemption from any prohibited  
27    import or transport of wildlife or fish under this section or from any  
28    rule or regulation promulgated pursuant to this section. The department  
29    shall review such applications and may grant such exemptions in its  
30    discretion on a case-by-case basis. For any wildlife or fish that could  
31    be responsible for zoonotic transmission of a readily transmissible  
32    human disease, as determined pursuant to subdivision two of this  
33    section, the department shall require the applicant to demonstrate  
34    biosafety equipment and protocols necessary to safely handle such wild-  
35    life or fish.

36    (b) Any zoo or other facility located in this state may submit a writ-  
37    ten application to the department for exemption from any prohibited  
38    import or transport of wildlife or fish under this section or from any  
39    rule or regulation promulgated pursuant to this section. The department  
40    shall review such applications and may grant such exemptions in its  
41    discretion on a case-by-case basis. For any wildlife or fish that could  
42    be responsible for zoonotic transmission of a readily transmissible  
43    human disease, as determined pursuant to subdivision two of this  
44    section, the department shall require the applicant to demonstrate  
45    biosafety equipment and protocols necessary to safely handle such wild-  
46    life or fish.

47    (c) The department shall create and make available on its website  
48    application forms to be used for submission by applicants consistent  
49    with paragraphs (a) and (b) of this subdivision.

50    (d) The department shall be permitted to require any further informa-  
51    tion to be submitted by applicants under this subdivision that it shall  
52    deem necessary to fulfill the purposes of this section. The department  
53    shall be permitted to conduct any inspections as part of the application  
54    process that it shall deem necessary to fulfill the purposes of this  
55    section.

1 (e) The department shall be permitted to establish fees for the  
2 acceptance and processing of applications pursuant to this subdivision.

3 § 2. The agriculture and markets law is amended by adding a new arti-  
4 cle 22-A to read as follows:

5 ARTICLE 22-A  
6 LIVE ANIMAL MARKETS

7 Section 270. Definitions.

8 271. Regulations.

9 272. Operation of live animal markets.

10 § 270. Definitions. For the purposes of this section, the following  
11 terms shall have the following meanings:

12 1. "Animal" means any living creature except a human being;

13 2. "Live animal market" means a retail food market where, in the regu-  
14 lar course of business, animals are stored alive and sold to consumers  
15 for the purpose of human consumption.

16 3. "Taxon" means a taxonomic group, such as a species, family, or  
17 class.

18 § 271. Regulations. 1. The department shall promulgate regulations  
19 governing the storing and sale of animals for live animal markets.

20 2. Regulations promulgated pursuant to subdivision one of this section  
21 shall identify a list of prohibited animals known or likely to be an  
22 invasive species or of a taxon known or likely to be responsible for  
23 zoonotic transmission of disease.

24 § 272. Operation of live animal markets. 1. Every person or business  
25 that operates a live animal market shall ensure that:

26 (a) no animal shall be dismembered, flayed, cut open, or have its  
27 skin, scales, feathers, or shell removed while such animal is still  
28 alive;

29 (b) no live animal shall be confined, held, or displayed in a manner  
30 that results, or is likely to result, in injury, starvation, dehy-  
31 dration, or suffocation of such animal;

32 (c) no animal at such live animal market is an invasive species or of  
33 a taxon known or likely to be responsible for zoonotic transmission of a  
34 disease, as determined by the department of environmental conservation  
35 pursuant to section 11-1710 of the environmental conservation law;

36 (d) wildlife species shall not be caged, handled, or transported with  
37 livestock or domestic animals, and shall not be sold in spaces near  
38 livestock or domestic animals;

39 (e) wildlife species showing signs of illness shall not be permitted  
40 to be sold in live animal markets; and

41 (f) no bat, rodent or primate species shall be sold in live animal  
42 markets.

43 2. Any person who violates a provision of this section:

44 (a) for a first violation, shall be issued a written warning in a  
45 language that is understood by the person receiving such warning; and

46 (b) for any subsequent violation, such person shall be guilty of a  
47 class A misdemeanor, punishable by a fine of at least two hundred fifty  
48 dollars, but not exceeding one thousand dollars.

49 § 3. This act shall take effect on the ninetieth day after it shall  
50 have become a law. Effective immediately, the addition, amendment  
51 and/or repeal of any rule or regulation necessary for the implementation  
52 of this act on its effective date are authorized to be made and  
53 completed on or before such effective date.