STATE OF NEW YORK

7616

2021-2022 Regular Sessions

IN SENATE

December 17, 2021

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the agriculture and markets law, in relation to prohibiting the importation or sale of animal products produced in a manner that violates New York's animal cruelty laws

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 article 5-E to read as follows:

ARTICLE 5-E

PROTECTION OF NEW YORK'S FARMERS AND ANIMALS ACT

Section 97. Definitions.
98. Prohibitions.
99. Enforcement.

§ 97. Definitions. As used in this article, unless otherwise expressly stated, or unless the content or subject matter otherwise requires:

1. "Person" means any person, firm, corporation, or association;

2. "Farm animal" means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

3. "Farm animal product" means any product made from, containing, or derived from any part of any farm animal or anything produced by any farm animal, including but not limited to meat, fur, eggs and dairy products.

4. "Dairy product" means all milk and milk products defined by the definitions and standards of identity promulgated pursuant to section forty-six-a of this chapter and such other food products derived from milk as the commissioner shall designate by regulation.

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

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5. "Animal cruelty" means conduct in violation of section three hundred fifty-three, three hundred fifty-three-a, three hundred fifty-three-c, three hundred fifty-six, three hundred fifty-nine, three hundred fifty-nine-a, or three hundred sixty of this chapter.

§ 98. Prohibitions. No person shall knowingly sell, offer for sale, or advertise for sale any farm animal product where the farm animal from which the product was produced had been subject to animal cruelty as defined in section ninety-seven of this article, or where any producer of such farm animal product engages in animal cruelty as part of their business practices. Any person who sells, offers for sale, or advertises for sale a farm animal product where the farm animal from which the product was produced had been subject to animal cruelty as defined in section ninety-seven of this article, or where any producer of such farm animal product engages in animal cruelty as part of their business practices, after having purchased such a product in or from a jurisdiction in which such animal cruelty is legal and routine shall be deemed to have knowledge of such animal cruelty. Such a presumption shall be rebuttable with evidence that the person made reasonable efforts to ensure that the farm animal product in question did not come from a farm animal which had been subjected to animal cruelty as defined in section ninety-seven of this article or where the producer of such farm animal product did not engage in animal cruelty as part of their business practices.

§ 99. Enforcement. 1. The commissioner may institute such action at law or in equity as may appear necessary to enforce compliance with any provisions of this article and any rules and regulations promulgated by the commissioner to carry out the provisions of this article and in addition may apply for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist. Such application may be made to the supreme court in any district or county as provided in the civil practice law and rules, or to the supreme court in the third judicial district. If the commissioner shall determine that a person has knowingly sold, knowingly offered for sale, or knowingly advertised for sale a farm animal product in violation of this article, the commissioner shall seek statutory damages of one hundred dollars per unit of product. Such statutory damages shall not in aggregate exceed ten thousand dollars for the first violation; however subsequent violations shall have no maximum aggregate fine.

2. Whenever the commissioner or his duly authorized representative shall find any farm animal product which the commissioner has probable cause to believe was or is being sold, offered for sale, or advertised for sale in violation of this article or the rules and regulations promulgated pursuant thereto, the commissioner may seize or quarantine such product. Following such seizure or quarantine the commissioner shall hold a hearing in accordance with the provisions of section two hundred two-b of this chapter. The determination of the commissioner following such hearing shall be subject to judicial review in the manner and within the time limits set forth therein.

§ 2. This act shall take effect January 1, 2022.