

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

5 § 98. Prohibitions. No person shall knowingly sell, offer for sale, or  
6 advertise for sale any farm animal product where the farm animal from  
7 which the product was produced had been subject to animal cruelty as  
8 defined in section ninety-seven of this article, or where any producer  
9 of such farm animal product engages in animal cruelty as part of their  
10 business practices. Any person who sells, offers for sale, or advertises  
11 for sale a farm animal product where the farm animal from which the  
12 product was produced had been subject to animal cruelty as defined in  
13 section ninety-seven of this article, or where any producer of such farm  
14 animal product engages in animal cruelty as part of their business prac-  
15 tices, after having purchased such a product in or from a jurisdiction  
16 in which such animal cruelty is legal and routine shall be deemed to  
17 have knowledge of such animal cruelty. Such a presumption shall be  
18 rebuttable with evidence that the person made reasonable efforts to  
19 ensure that the farm animal product in question did not come from a farm  
20 animal which had been subjected to animal cruelty as defined in section  
21 ninety-seven of this article or where the producer of such farm animal  
22 product did not engage in animal cruelty as part of their business prac-  
23 tices.

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

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

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