

STATE OF NEW YORK

5109

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. GLICK, LUPARDO, SIMON -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting the slaughtering of horses for human or animal consumption

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 385 to read as follows:

3 § 385. Prohibition of slaughtering horses for human or animal consump-
4 tion. 1. Notwithstanding any other provision of law, it shall be unlaw-
5 ful for any person to slaughter or have another person slaughter a horse
6 if such person knows or should know that any part of such horse will be
7 used for human or animal consumption.

8 2. Notwithstanding any other provision of law, it shall be unlawful
9 for any person who owns or is in the process of taking ownership of a
10 horse to import, export, sell, offer to sell or barter, transfer,
11 purchase, possess, transport, deliver, receive, give away, hold, or
12 accept, or direct another person to import, export, sell, offer to sell
13 or barter, transfer, purchase, possess, transport, deliver, receive,
14 give away, hold, or accept a horse, if such person knows or should have
15 known that any part of such horse will be used for human or animal
16 consumption.

17 3. Notwithstanding any other provision of law, it shall be unlawful
18 for any person who owns or is in the process of taking ownership of
19 horseflesh to import, export, sell, offer to sell or barter, transfer,
20 purchase, possess, transport, deliver, receive, give away, hold, or
21 accept, or direct another person to import, export, sell, offer to sell
22 or barter, transfer, purchase, possess, transport, deliver, receive,
23 give away, hold, or accept horseflesh, if such person knows or should
24 have known that such horseflesh will be used for human or animal
25 consumption.

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

LBD06575-02-3

1 4. For the purposes of this section:

2 (a) The term "horse" shall include all members of the equine family,
3 including horses, ponies, donkeys, mules, asses and burros;

4 (b) The term "horseflesh" shall mean the flesh of a dead horse,
5 including the animal's viscera, skin, hide, hooves, and bones;

6 (c) The term "person" shall mean an individual, corporation, partner-
7 ship, trust, association or other legal entity; and

8 (d) The term "slaughter" shall mean the intentional killing, or having
9 another kill a horse if such person knows that the purpose of such kill-
10 ing is using any part of such horse for human or animal consumption.

11 5. A violation of this section is a misdemeanor punishable by a fine
12 of not more than one thousand dollars per each horse for an individual
13 person, and up to two thousand five hundred dollars per each horse for a
14 corporation, association, or other entity, for the first violation. Any
15 subsequent violation shall be punishable by a fine of up to two thousand
16 dollars per each horse for an individual person, and up to five thousand
17 dollars per each horse for a corporation, association, or other entity.

18 6. The provisions of this section shall be in addition to, and not in
19 lieu of, any other laws protecting animal welfare. This section shall
20 not be construed to limit any state law or rules protecting the welfare
21 of animals or to prevent a local governing body from adopting and
22 enforcing its own animal welfare laws and regulations. Nothing in this
23 section shall prohibit a person from otherwise lawful disposition of a
24 deceased horse or any part of such horse.

25 7. If any provision of this section, or the application thereof to any
26 person or circumstances, is held invalid or unconstitutional, such inva-
27 lidity or unconstitutionality shall not affect other provisions or
28 applications of this section that can be given effect without the inval-
29 id or unconstitutional provision or application, and to such end the
30 provisions of this section shall be severable.

31 § 2. This act shall take effect on the one hundred twentieth day after
32 it shall have become a law.