

STATE OF NEW YORK

7841

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023

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

AN ACT to amend the agriculture and market law, in relation to prohibiting the confinement of farm animals in a cruel manner

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 353-g to read as follows:

3 § 353-g. Farm animal cruelty. 1. For the purposes of this section, the
4 following terms shall have the following meanings:

5 (a) "breeding pig" means any female pig of the porcine species kept
6 for the purpose of commercial breeding who is six months or older or
7 pregnant;

8 (b) "business owner or operator" means any person who owns or controls
9 the operations of a business;

10 (c) "cage-free housing system" means an indoor or outdoor controlled
11 environment for egg-laying hens within which hens are free to roam unre-
12 stricted; are provided enrichments that allow them to exhibit natural
13 behaviors, including, at a minimum, scratch areas, perches, nest boxes,
14 and dust bathing areas; and within which farm employees can provide care
15 while standing within the hens' usable floorspace. Cage-free housing
16 systems include, to the extent they comply with the requirements of this
17 section, the following:

18 (i) multitiered aviaries, in which hens have access to multiple
19 elevated platforms that provide hens with usable floorspace both on top
20 of and underneath the platforms;

21 (ii) partially slatted systems, in which hens have access to elevated
22 flat platforms under which manure drops through the flooring to a pit or
23 litter removal belt below;

24 (iii) single-level all-litter floor systems bedded with litter, in
25 which hens have limited or no access to elevated flat platforms; and

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

LBD11479-01-3

1 (iv) any future systems that comply with the requirements of this
2 section;

3 (d) "calf raised for veal" means any calf of the bovine species kept
4 for the purpose of producing the food product described as veal;

5 (e) "confined in a cruel manner" means any one of the following acts:

6 (i) confining a covered animal in a manner that prevents the animal
7 from lying down, standing up, fully extending the animal's limbs, or
8 turning around freely;

9 (ii) after December thirty-first, two thousand twenty-four, confining
10 a calf raised for veal with less than forty-three square feet of usable
11 floor space per calf;

12 (iii) after December thirty-first, two thousand twenty-four, confining
13 a breeding pig with less than twenty-four square feet of usable floor-
14 space per pig; and

15 (iv) after December thirty-first, two thousand twenty-four, confining
16 an egg-laying hen with less than the amount of usable floor space per hen
17 required by the 2017 edition of the United Egg Producers' Animal Husban-
18 dry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free
19 Housing or in an enclosure other than a cage-free housing system;

20 (f) "covered animal" means any calf raised for veal, breeding pig, or
21 egg-laying hen who is kept on a farm;

22 (g) "egg-laying hen" means any female domesticated chicken, turkey,
23 duck, goose, or guineafowl kept for the purpose of egg production;

24 (h) "enclosure" means a structure used to confine a covered animal or
25 animals;

26 (i) "farm" means the land, building, support facilities, and other
27 equipment that are wholly or partially used for the commercial
28 production of animals or animal products used for food or fiber; and
29 does not include live animal markets, establishments at which mandatory
30 inspection is provided under the Federal Meat Inspection Act (21 U.S.C.
31 Sec. 601 et seq.), or official plants at which mandatory inspection is
32 maintained under the federal Egg Products Inspection Act (21 U.S.C. Sec.
33 1031 et seq.);

34 (j) "farm owner or operator" means any person who owns or controls the
35 operations of a farm;

36 (k) "fully extending the animal's limbs" means fully extending all
37 limbs without touching the side of an enclosure, or another animal;

38 (l) "liquid eggs" means eggs of an egg-laying hen broken from the
39 shells, intended for human food, with the yolks and whites in their
40 natural proportions, or with the yolks and whites separated, mixed, or
41 mixed and strained. Liquid eggs do not include combination food
42 products, including pancake mixes, cake mixes, cookies, pizzas, cookie
43 dough, ice cream, or similar processed or prepared food products, that
44 are comprised of more than liquid eggs, sugar, salt, water, seasoning,
45 coloring, flavoring, preservatives, stabilizers, and similar food addi-
46 tives;

47 (m) "person" means any individual, firm, partnership, joint venture,
48 association, limited liability company, corporation, estate, trust,
49 receiver, or syndicate;

50 (n) "pork meat" means meat of a pig of the porcine species, intended
51 for use as human food;

52 (o) "sale" means a commercial sale by a business that sells any item
53 covered by this section, but does not include any sale undertaken at an
54 establishment at which mandatory inspection is provided under the Feder-
55 al Meat Inspection Act (21 U.S.C. Sec. 601 et seq.), or any sale under-
56 taken at an official plant at which mandatory inspection is maintained

1 under the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et
2 seq.). For purposes of this section, a sale shall be deemed to occur at
3 the location where the buyer takes physical possession of an item
4 covered by subdivision two of this section;

5 (p) "shell egg" means a whole egg of an egg-laying hen in its shell
6 form, intended for use as human food;

7 (q) "turning around freely" means turning in a complete circle without
8 any impediment, including a tether, and without touching the side of an
9 enclosure or another animal;

10 (r) "uncooked" means requiring cooking prior to human consumption;

11 (s) "usable floorspace" means the total square footage of floorspace
12 provided to each covered animal, as calculated by dividing the total
13 square footage of floorspace provided to the animals in an enclosure by
14 the number of animals in that enclosure. In the case of egg-laying hens,
15 usable floorspace shall include both groundspace and elevated level flat
16 platforms upon which hens can roost, but shall not include perches or
17 ramps;

18 (t) "veal meat" means meat of a calf raised for veal intended for use
19 as human food;

20 (u) "whole pork meat" means any uncooked cut of pork, including bacon,
21 ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak,
22 sirloin, or cutlet, that is comprised entirely of pork meat, except for
23 seasoning, curing agents, coloring, flavoring, preservatives, and simi-
24 lar meat additives. Whole pork meat does not include combination food
25 products, including soups, sandwiches, pizzas, hot dogs, or similar
26 processed or prepared food products, that are comprised of more than
27 pork meat, seasoning, curing agents, coloring, flavoring, preservatives,
28 and similar meat additives; and

29 (v) "whole veal meat" means any uncooked cut of veal, including chop,
30 ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin, or
31 cutlet, that is comprised entirely of veal meat, except for seasoning,
32 curing agents, coloring, flavoring, preservatives, and similar meat
33 additives. Whole veal meat does not include combination food products,
34 including soups, sandwiches, pizzas, hot dogs, or similar processed or
35 prepared food products, that are comprised of more than veal meat,
36 seasoning, curing agents, coloring, flavoring, preservatives, and simi-
37 lar meat additives.

38 2. In addition to other applicable provisions of law:

39 (a) a farm owner or operator within the state shall not knowingly
40 cause any covered animal to be confined in a cruel manner; and

41 (b) a business owner or operator shall not knowingly engage in the
42 sale within the state of any of the following:

43 (i) whole veal meat that the business owner or operator knows or
44 should know is the meat of a covered animal who was confined in a cruel
45 manner;

46 (ii) whole pork meat that the business owner or operator knows or
47 should know is the meat of a covered animal who was confined in a cruel
48 manner, or is the meat of immediate offspring of a covered animal who
49 was confined in a cruel manner;

50 (iii) shell egg that the business owner or operator knows or should
51 know is the product of a covered animal who was confined in a cruel
52 manner; and

53 (iv) liquid eggs that the business owner or operator knows or should
54 know are the product of a covered animal who was confined in a cruel
55 manner.

56 3. This section shall not apply:

1 (a) during medical research;
2 (b) during examination, testing, individual treatment, or operation
3 for veterinary purposes;
4 (c) during transportation;
5 (d) during rodeo exhibitions, state or county fair exhibitions, 4-H
6 programs, and similar exhibitions;
7 (e) during the slaughter of a covered animal in accordance with the
8 provisions of this chapter, and other applicable law and regulations;
9 (f) to a breeding pig during the five-day period prior to the breeding
10 pig's expected date of giving birth, and any day that the breeding pig
11 is nursing piglets; and
12 (g) during temporary periods for animal husbandry purposes for no more
13 than six hours in any twenty-four hour period, and no more than twenty-
14 four hours total in any thirty day period.

15 4. (a) The department shall promulgate rules and regulations for the
16 implementation of this section by September first, two thousand twenty-
17 four.

18 (b) Any person who violates any of the provisions of this section is
19 guilty of a misdemeanor, and upon conviction thereof shall be punished
20 by a fine not to exceed one thousand dollars or by imprisonment for a
21 period not to exceed one hundred eighty days or by both such fine and
22 imprisonment. In addition, a violation of paragraph (b) of subdivision
23 two of this section constitutes unfair competition.

24 (c) The provisions of this section relating to cruel confinement of
25 covered animals and sale of products shall supersede any conflicting
26 regulations.

27 5. It shall be a defense to any action to enforce paragraph (b) of
28 subdivision two of this section that a business owner or operator relied
29 in good faith upon a written certification by the supplier that the
30 whole veal meat, whole pork meat, shell egg, or liquid eggs at issue was
31 not derived from a covered animal who was confined in a cruel manner, or
32 from the immediate offspring of a breeding pig who was confined in a
33 cruel manner.

34 6. The provisions of this section are in addition to, and not in lieu
35 of, any other laws protecting animal welfare. This section shall not be
36 construed to limit any state law or regulations protecting the welfare
37 of animals, nor shall anything in this section prevent a local governing
38 body from adopting and enforcing its own animal welfare laws and regu-
39 lations.

40 § 2. This act shall take effect immediately.