STATE OF NEW YORK

9249

IN SENATE

May 7, 2024

Introduced by Sen. HINCHEY -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to domestic animal health permits

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

Section 1. Section 90-a of the agriculture and markets law, as added by chapter 852 of the laws of 1960, is amended to read as follows:

§ 90-a. Declaration of policy and purposes. Infectious and communicable disease affecting domestic animals continues to exist in this state, and the existence thereof endangers the health and welfare of the people of the state. Despite the moneys spent to control, suppress and eradicate such infection and disease its incidence is the concern of the legislature. The powers of quarantine and condemnation held and exercised by the department of agriculture and markets tend to suppress but do not constitute an adequate control. It is hereby declared to be a matter of legislative determination that a more exacting supervision of those who**,** as a business**, whether for profit or not-for-profit,** deal in, handle [~~and~~]**,** transport**, and rescue** domestic animals is needed in the public interest and that in the exercise of the police power such persons be required to hold a permit before engaging in such activities.

§ 2. Section 90-b of the agriculture and markets law, as amended by chapter 91 of the laws of 1996, subdivisions 16, 17, 18 and 19 as added by chapter 328 of the laws of 1998 and subdivisions 20, 21, 22 and 23 as added by chapter 271 of the laws of 2001, is amended to read as follows:

§ 90-b. Definitions. As used in this article unless otherwise expressly stated:

1. [~~The term "wholesale cattle dealer" means any person who buys or sells cattle as a business enterprise. The term shall not include a person who buys or sells cattle as part of his or her own bona fide breeding, feeding or dairy operation, nor to a person who receives cattle exclusively for slaughter on his or her own premises.~~

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

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[~~2.~~] The term "auctioneer" means a person who sells, or makes a business of selling cattle, swine~~, sheep, goats, camelids~~ or horses, at auction.

[~~3.~~] 2. The term "auction" means a public sale of cattle, swine~~, sheep, goats, camelids~~ or horses [~~to the highest bidder~~].

[~~4. The term "horse" means the entire family of equidae.~~

~~5. The term "horse dealer" means any person who buys or sells horses as a business enterprise. This term shall not include a person who buys or sells horses as part of a bona fide breeding, farming or racing operation or for personal use by his or her own family nor to a person who receives horses exclusively for slaughter on his or her own premises.~~

~~6. The term "swine dealer" means any person who buys or sells swine as a business enterprise. The term shall not include a person who buys or sells swine as part of a bona fide breeding, feeding or farming operation, nor to a person who receives swine exclusively for slaughter on his or her own premises.~~

~~7. The term "swine" means the entire super family of suidoidae, both feral and domestic.~~

[~~8.~~] 3. The term "cattle" means the entire family of bovidae.

[~~9. The term "deer" means any member of the family of cervidae.~~

~~10. The term "deer dealer" means any person who buys and sells deer as a business enterprise. The term shall not include a person who buys and sells deer as part of a bona fide breeding, feeding or farming operation, nor to a person who receives deer exclusively for slaughter on his or her own premises.~~

[~~11.~~] 4. The term "camelid" means the entire family of camelidae.

[~~12.~~] 5. The term "cervid" means any member of the family of cervidae.

6. The term "[~~camelid~~] dealer" means any person who buys and sells cattle, horses, swine, cervids, camelids~~, poultry, goats, or sheep~~ as a business enterprise. The term shall not include [~~a person~~] persons who [~~buys~~] buy and [~~sells camelids~~] sell such animals as part of a bona fide breeding, feeding or farming operation, [~~nor to a person who receives camelids~~] or receive such animals exclusively for slaughter on [~~his or her~~] their own premises~~, or purchase or sell horses either as part of a bona fide riding or racing operation or for their own personal use~~.

[~~13. The term "ear tag" means a unique, tamper-resistant device which, when affixed to the ears of cattle, deer, swine or camelid, identifies and distinguishes such animals.~~

~~14. The term "registration number" means the number assigned to and that identifies a particular domestic animal, which number and the identifying characteristics of such domestic animal are set forth in a registry maintained by a breed association recognized by the department.~~

[~~15.~~] 7. The term "goat" means any member of the genus capra.

8. The term "horse" means the entire family of equidae.

9. The term "live poultry market" means any premises where poultry are assembled and held for sale and slaughter. It does not include livestock auction buildings.

10. The term "official backtag" means a unique [~~device~~]~~, tamper-resistant device approved by the United States department of agriculture,~~ which, when affixed to cattle, [~~deer,~~] cervid, swine or camelid, identifies and distinguishes [~~such~~] animals that shall be moved directly to slaughter.

[~~16.~~] 11. The term "official ear tag" means a unique, tamper-resistant device approved by the United States department of agriculture, which, when affixed to the ears of cattle, cervid, swine, sheep, goat, or camelid, identifies and distinguishes such animals.

12. The term "poultry" means a domesticated fowl including chickens, turkeys, waterfowl, guinea fowl and game birds commonly used for the production of meat and eggs. It does not include pigeons.

[~~17. The term "poultry dealer" means any person who buys or sells poultry as a business enterprise. The term shall not include a person who buys or sells poultry as part of a bona fide breeding, feeding or farming operation, or a person who receives poultry exclusively for slaughter on his or her own premises.~~

~~18.~~] 13. The term "poultry transporter" or "transporter of poultry" means any person who transports poultry [~~as a business enterprise. The term shall not include a person who transports poultry as part of a bona fide breeding, feeding or farming operation, or a person who receives poultry exclusively for slaughter on his or her own premises, provided, however, that the term shall include any person who transports poultry to a live poultry market~~] or otherwise moves poultry to a live market.

[~~19. The term "live poultry market" means any premises where poultry are assembled and held for sale and slaughter. It does not include livestock auction buildings.~~

~~20. The term "goat" means any member of the genus capra.~~

~~21. The term "goat dealer" means any person who buys or sells goats as a business enterprise. The term shall not include a person who buys or sells goats as part of a bona fide breeding, feeding or farming operation, or a person who receives goats exclusively for slaughter on his or her own premises.~~

~~22.~~] 14. The term "registration number" means the number assigned to and that identifies a particular domestic animal, where such number and the identifying characteristics of such domestic animal are set forth in a registry maintained by a breed association recognized by the department.

15. The term "rescue" means the action by a person that accepts cattle, swine, horses, sheep, goats, cervids, or camelids from any source and attempts to find permanent homes through adoption, transfer, sale, lease, sponsorship, or gift of such livestock.

16. The term "sheep" means any member of the genus ovis.

[~~23. The term "sheep dealer" means any person who buys or sells sheep as a business enterprise. The term shall not include a person who buys or sells sheep as part of a bona fide breeding, feeding or farming operation, or a person who receives sheep exclusively for slaughter on his or her own premises~~]

17. The term "swine" means the entire super family of suidoidae.

§ 3. Section 90-c of the agriculture and markets law, as amended by chapter 91 of the laws of 1996, subdivisions 1 and 2 as amended by chapter 271 of the laws of 2001, is amended to read as follows:

§ 90-c. Prohibitions. 1. It shall be unlawful for any person to purchase, [~~or~~] deal in, [~~or~~] sell, or rescue cattle, swine, horses, [~~deer~~] cervids, camelids, sheep, goats or poultry [~~at wholesale, or for any person~~]; to operate or conduct an auction where cattle, swine, horses, [~~deer~~] cervids, camelids, sheep, goats or poultry are sold[~~,~~]; or [~~for any person~~] to transport poultry, unless such [~~wholesale cattle, swine, horse, deer, camelids, sheep, goats or poultry~~] dealer [~~or~~], auctioneer [~~or~~], poultry transporter, or rescue holds a domestic animal health permit granted by the commissioner.

2. No person who holds or is required to hold a domestic animal health permit shall purchase, sell, rescue, or otherwise deal in cattle, [~~deer~~] cervids, swine, camelids, sheep or goats unless and until an ear tag is securely affixed to the ear of such animal [~~or~~], unless such animal is

otherwise identified by a registration number, distinctive tattoo, electronic identification device or **some** other unique permanent mark or, for an animal that is moved directly to slaughter, an official backtag.

3. No person shall deface, obliterate or remove an **official** ear tag or other identification mark affixed to an animal under [~~his or her~~] **their** control, or shall affix an **official** ear tag to the ear of an animal that has previously been affixed to the ear of another animal.

§ 4. Section 90-d of the agriculture and markets law, as amended by chapter 104 of the laws of 1989, is amended to read as follows:

§ 90-d. Application and permit fees. Application for an animal health permit shall be made to the commissioner. The application shall be on a form prescribed by the commissioner and shall be accompanied by an animal health permit fee of fifty dollars. The applicant shall satisfy the commissioner of [~~his~~] **their** character and responsibility and shall set forth such information as the commissioner shall require regarding the past record of infection or contagion among domestic animals dealt in, or handled, or sold**, or rescued** by [~~him~~] **the applicant** during the past five years. A permit shall be issued for a two year period and a renewal application shall be submitted to the commissioner on or before the thirtieth day prior to the expiration of the permit.

§ 5. Section 90-e of the agriculture and markets law, as amended by chapter 91 of the laws of 1996, subdivisions 1, 2, 3 and 4 as amended by chapter 271 of the laws of 2001, is amended to read as follows:

§ 90-e. Refusing and revoking permits. The commissioner**,** after due notice and opportunity of hearing to the applicant or permittee**,** may deny an application for or revoke or refuse to renew a permit when [~~he or she~~] **the commissioner** is satisfied that the applicant or permittee has:

1. violated the statutes of the state of New York or of the United States or the official regulations of the commissioner governing the interstate or intrastate movement, shipment or transportation of cattle or horses, swine, camelids, [~~deer~~] **cervids**, sheep, goats or poultry;

2. made false or misleading statements in [~~his or her~~] **their** application for an animal health permit or has made false or misleading statements as to the health or physical condition of cattle, horses, swine, camelids, [~~deer~~] **cervids**, sheep, goats or poultry; regarding official tests;

3. knowingly sold for purposes other than slaughter cattle, horses, swine, camelids, [~~deer~~] **cervids**, sheep, goats or poultry which were affected with a communicable disease;

4. failed to observe sanitary measures in barning, stabling premises or vehicles used for the stabling, holding or transportation of cattle, horses, swine, camelids, [~~deer~~] **cervids**, sheep, goats or poultry;

5. engaged in a course of dealing of such a nature as to satisfy the commissioner of [~~his or her~~] **their** inability or unwillingness properly to conduct the business for which an animal health permit has been issued;

6. been convicted of a felony;

7. had [~~his or her~~] **their** animal health permit terminated or revoked;

8. ceased to operate the business for which the animal health permit was issued; or

9. failed to comply with any of the provisions of this chapter or the rules and regulations promulgated pursuant thereto.

§ 6. This act shall take effect immediately.