STATE OF NEW YORK

7840--A

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023

Introduced by M. of A. L. ROSENTHAL, SHIMSKY, SIMON, EPSTEIN, COLTON, BORES -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to prohibiting the importing, possession, or sale of any part or product of the skin or body of a kangaroo for commercial purposes

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 section 387 to read as follows:

§ 387. Prohibition of importing, possessing or selling any kangaroo product for commercial purposes. 1. Notwithstanding any other provision of law, it shall be unlawful for any person to knowingly import any part or product of the skin or body of a kangaroo, knowingly possess any part or product of the skin or body of a kangaroo with intent to sell, or knowingly sell any part or product of the skin or body of a kangaroo, for commercial purposes, or knowingly attempt to import, possess, or sell any part or product of the skin or body of a kangaroo, for commercial purposes.

2. Notwithstanding any other provision of law, it shall be unlawful for any person to direct another person to knowingly import any part or product of the skin or body of a kangaroo, knowingly possess any part or product of the skin or body of a kangaroo with intent to sell, or knowingly sell any part or product of the skin or body of a kangaroo, for commercial purposes, or direct another person to attempt to knowingly import, possess, or sell any part or product of the skin or body of a kangaroo, for commercial purposes.

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

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3. A violation of this section shall be punishable by a civil penalty of up to one thousand dollars for the first offense and five thousand dollars for any subsequent violation.

4. The provisions of this section shall be in addition to, and not in lieu of, any other laws protecting animal welfare. This section shall not be construed to limit any state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations. Nothing in this section shall prohibit a person from otherwise lawful disposition of a deceased kangaroo or any part or product of the skin or body of such kangaroo.

5. If any provision of this section, or the application thereof to any person or circumstances, is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this section that can be given effect without the invalid or unconstitutional provision or application, and to such end the provisions of this section shall be severable.

6. For purposes of this section:

(a) The term "any part or product of the skin or body of a kangaroo" shall include, but not be limited to, the animal's viscera, skin, hide, meat, or bones;

(b) The term "person" shall mean an individual, corporation, partnership, trust, association, or other legal activity;

(c) The term "commercial purposes" shall mean the advancement of a person's economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services, or enabling or effecting, directly or indirectly, a transaction or other undertaking intended for profit; and

(d) The term "kangaroo" shall include any of the following:

(i) an osphranter rufus, commonly known as a red kangaroo;

(ii) a macropus giganteus, commonly known as an eastern grey kangaroo;

(iii) a macropus fuliginosus, commonly known as a western grey kangaroo; or

(iv) an osphranter robustus, commonly known as the common wallaroo.

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