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:

Section 1. The agriculture and markets law is amended by adding a new section 353-g to read as follows:

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

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

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

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

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

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

(iii) single-level all-litter floor systems bedded with litter, in 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. In addition to other applicable provisions of law:

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

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

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

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

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

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

3. This section shall not apply:

(a) during medical research;

(b) during examination, testing, individual treatment, or operation for veterinary purposes;

(c) during transportation;

(d) during rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions;

(e) during the slaughter of a covered animal in accordance with the provisions of this chapter, and other applicable law and regulations;

(f) to a breeding pig during the five-day period prior to the breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets; and

(g) during temporary periods for animal husbandry purposes for no more than six hours in any twenty-four hour period, and no more than twenty-four hours total in any thirty day period.

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

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

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

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

6. The provisions of this section are 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 regulations protecting the welfare of animals, nor shall anything in this section prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

§ 2. This act shall take effect immediately.