STATE OF NEW YORK

2163--A

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sens. ADDABBO, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- 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 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:

Section 1. The agriculture and markets law is amended by adding a new section 385 to read as follows:

§ 385. Prohibition of slaughtering horses for human or animal consumption. 1. Notwithstanding any other provision of law, it shall be unlawful for any person to slaughter or have another person slaughter a horse if such person knows or should know that any part of such horse will be used for human or animal consumption.

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

3. Notwithstanding any other provision of law, it shall be unlawful for any person who owns or is in the process of taking ownership of horseflesh to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, receive, give away, hold, or accept, or direct another person to import, export, sell, offer to sell or barter, transfer, purchase, possess, transport, deliver, receive, give away, hold, or accept horseflesh, if such person knows or should

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

LBD06575-03-3

have known that such horseflesh will be used for human or animal consumption.

4. For the purposes of this section:

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

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

(c) The term "person" shall mean an individual, corporation, partnership, trust, association or other legal entity; and

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

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

6. 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 horse or any part of such horse.

7. 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.

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