

STATE OF NEW YORK

9399

IN SENATE

March 9, 2026

Introduced by Sen. MARTINEZ -- 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 establishing the crime of endangering the welfare of a companion animal or farm animal

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 two
2 new sections 387 and 388 to read as follows:

3 § 387. Endangering the welfare of a companion animal or farm animal in
4 the second degree. 1. A person is guilty of endangering the welfare of a
5 companion animal or farm animal in the second degree when such person
6 recklessly engages in conduct which is likely to cause suffering or be
7 injurious to the physical welfare of such companion or farm animal. The
8 following shall not be considered a violation of this section:

9 (a) actions taken by the owners of farm animals or their agents to
10 slaughter such animals for commercial or subsistence purposes;

11 (b) routine care and maintenance actions taken by the owner of farm
12 animals or their agents which are reasonably considered standard prac-
13 tices in animal husbandry;

14 (c) procedures and operations performed on farm animals or companion
15 animals by a duly licensed veterinarian; and

16 (d) research or testing procedures performed within facilities on
17 animals used in food or fiber production, agriculture, research, test-
18 ing, or education, as defined under section three hundred seventy-eight
19 of this article.

20 2. Endangering the welfare of a companion animal or farm animal in the
21 second degree is a class A misdemeanor. A defendant convicted of this
22 offense shall be sentenced pursuant to paragraph (b) of subdivision two
23 of section 55.10 of the penal law, provided, however, that any term of
24 imprisonment imposed for violation of this section shall be a definite
25 sentence, which may not exceed one year.

26 § 388. Endangering the welfare of a companion animal or farm animal in
27 the first degree. 1. A person is guilty of endangering the welfare of a

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

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1 companion animal or farm animal in the first degree when, being the
2 owner, caretaker, or harborer of such companion or farm animal and
3 whether belonging to themselves or another, such person:

4 (a) with intent, engages in conduct which creates or causes physical
5 injury to a companion animal or farm animal;

6 (b) knowingly acts in a manner likely to cause suffering or be injuri-
7 ous to the physical welfare of a companion animal or farm animal;

8 (c) recklessly causes suffering, physical pain, or death to a compan-
9 ion animal or farm animal; or

10 (d) with criminal negligence, causes serious physical injury or death
11 to a companion animal or farm animal.

12 2. The following shall not be considered a violation of this section:

13 (a) actions taken by the owners of farm animals or their agents to
14 slaughter such animals for commercial or subsistence purposes;

15 (b) routine care and maintenance actions taken by the owner of farm
16 animals or their agents which are reasonably considered standard prac-
17 tices in animal husbandry;

18 (c) procedures and operations performed on farm animals or companion
19 animals by a duly licensed veterinarian; and

20 (d) research or testing procedures performed within facilities on
21 animals used in food or fiber production, agriculture, research, test-
22 ing, or education, as defined under section three hundred seventy-eight
23 of this article.

24 3. Endangering the welfare of a companion animal or farm animal in the
25 first degree is a class E felony. A defendant convicted of this offense
26 shall be sentenced pursuant to paragraph (b) of subdivision one of
27 section 55.10 of the penal law provided however, that any term of impri-
28 sonment imposed for violation of this section shall be a definite
29 sentence, which may not exceed two years.

30 § 2. This act shall take effect on the sixtieth day after it shall
31 have become a law.