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:

Section 1. The agriculture and markets law is amended by adding two new sections 387 and 388 to read as follows:

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

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

(b) routine care and maintenance actions taken by the owner of farm animals or their agents which are reasonably considered standard practices in animal husbandry;

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

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

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

§ 388. Endangering the welfare of a companion animal or farm animal in 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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companion animal or farm animal in the first degree when, being the owner, caretaker, or harborer of such companion or farm animal and whether belonging to themselves or another, such person:

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

(b) knowingly acts in a manner likely to cause suffering or be injurious to the physical welfare of a companion animal or farm animal;

(c) recklessly causes suffering, physical pain, or death to a companion animal or farm animal; or

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

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

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

(b) routine care and maintenance actions taken by the owner of farm animals or their agents which are reasonably considered standard practices in animal husbandry;

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

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

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

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