

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals # 22

May 24, 2018

S. 5846-A
A. 4012-A

By: Senator Tedisco
By: M. of A. Glick
Senate Committee: Agriculture
Assembly Committee: Agriculture
Effective Date: 120th day after it shall have
become a law

AN ACT to amend the agriculture and markets law, in relation to prohibiting the slaughtering of horses for human consumption.

LAW & SECTION REFERRED TO: New section 381 of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill would amend the Agriculture and Markets Law by adding a new Section 381 to prohibit the slaughter of horses for human consumption. The bill would also prohibit selling, bartering, giving away, purchasing, possessing, transporting, delivering or receiving any live horse intended for slaughter for human consumption. The bill would make it unlawful for any person to import into the state, or export from the state, any horse intended for slaughter for human consumption if the person importing or exporting knows or should know that the horse is intended for slaughter for human consumption.

The bill would enact the same prohibitions on a person selling, bartering, giving away, purchasing, possessing, transporting, delivering, receiving, importing or exporting any horseflesh intended for human consumption, if the person knows or should know that the horseflesh is intended for human consumption.

The bill would define “horse” to include all members of the equine family, including horses, ponies, donkeys, mules, asses and burros. It defines “horseflesh” to mean the flesh of a dead horse, including viscera, skin, hair, hide, hooves and bones.

Violation of the prohibitions in the bill would be a misdemeanor punishable by imprisonment for not more than one year, or a fine of not more than one thousand dollars,

or both. In lieu of criminal prosecution, the bill would provide for the assessment of a civil penalty of up to one thousand dollars for an individual and up to five thousand dollars for a corporation, for a first offense, and up to twenty-five thousand dollars for subsequent offenses. Civil penalties collected under this provision would be required to be paid into the Animal Population Control Fund already in existence under Section 97-xx of the NY State Finance Law.

The bill states that its provisions shall be interpreted as being in addition to, and not in place of, any other provisions of law or regulation on animal welfare, and shall not limit any other state law or regulation protecting animals. The bill would also provide that it shall not preempt any local law relating to animal welfare.

Horses hold a special place in the history of civilization and the history of our country. They have carried populations over long distances and hauled people's worldly goods, provided the transportation needed for soldiers fighting in wars. Indeed, without them, it is unlikely that humans would have attained their current point of development in many societies. While these roles are forgotten in the modern world of fast cars and space flights, in many ways they are not. The horse continues to be cherished and admired in cowboy legends and pioneer history, and continues today as a beloved companion as well as a partner in various equine competitions. This very special nature of horses and their vital place in history causes great opposition to horse slaughter and the sale of horsemeat in the United States. In many ways, horses are companions akin to dogs or cats. Just as the idea of selling dogs, if their meat is intended for human consumption, is abhorrent, so to should be the idea of doing so with horses. They should not be treated as sources of meat.

The United States eradicated the practice of slaughtering horses for human consumption within its borders many years ago in response to public opposition. Nevertheless, the United States presently allows thousands of horses, intended for human consumption, to be trucked over long distances, often under stressful and adverse conditions, to slaughter facilities in Canada and Mexico. This practice should be stopped, and New York State should take the lead.

Horse slaughter should also be opposed on humane grounds. As is typically the case, transportation of horses across U.S. borders for slaughter crowds unrelated and socially unknown horses together in a truck for extended times, and under physically and mentally stressful conditions. Horses are herd animals with very social lives whose very survival in wild herds depends on this characteristic. Forced contact with other unknown horses in confined quarters leads to conflict and injury.

There is also a significant health concern: whether horses raised in this country are fit for human consumption. Since horses in the United States are not raised for human consumption, there are no rules or regulations regarding drugs or food additives that are applicable to them. Drugs and food additives are routinely used on horses, for therapeutic or performance enhancing reasons, particularly in horses used in racing. Those drugs may remain in a horse's system for long periods of time, and would remain

in the meat of horses slaughtered for consumption. Since the history of animals shipped outside the United States for slaughter is unknown, it is questionable whether short holding periods are adequate to eliminate all drugs before slaughter. While horses may seem like a cheap source of meat, horse meat may in fact be harmful to humans that consume it.

Additionally, there is no reliable procedure to ensure that horses shipped for slaughter were obtained through appropriate channels, or that animals with a positive mode of identification, such as a microchip, will be detected and returned to their owners. Horses can disappear from their pasture, be shipped to the next state and sold at auction, then be shipped to a foreign country for slaughter long before law enforcement and a grieving owner can catch up with them. Allowing the sale and shipment of horses for slaughter within our state allows the slaughter of horses to continue just outside the borders of the United States.

The bill would provide that any civil penalties collected under this act be paid into the animal population control fund, established to provide funding for low-cost spaying and neutering services for dogs and cats adopted from a pound, shelter, SPCA, humane society or dog and cat protective association; and for dogs and cats owned by New York State residents meeting certain income criteria. While the Animal Population Control Program is a worthy one, it has no relation to horses. There are, however, bills currently under consideration by the legislature that would create dedicated funds for horse retirement and rescue programs, where it may be more appropriate to deposit fines arising out of violations of the bill. Thus, the sponsors of this bill may wish to consider such a fund, if it is established, which would benefit the rescue, rehabilitation and rehoming of horses, as the better destination for funds collected pursuant to the provisions of this bill.

This bill would be a powerful tool to prevent animal suffering, to help to ensure that no contaminated meat from New York State is consumed by humans, and to help to prevent illicit trafficking of horses. In addition, if funds are collected in enforcement of this law, the revenue could be used to benefit horses saved from slaughter or neglect.

For all the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.