

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #23

July 6, 2020

S. 7719

By: Senator Addabbo

A. 9989

By: M. of A. Pretlow

Senate Committee: Racing, Gaming and Wagering

Assembly Committee: Agriculture

Effective Date: Immediately

AN ACT to amend the agriculture and markets law, in relation to the prohibition of the slaughter of race horses and race horse breeding stock; the racing, pari-mutuel wagering and breeding law, in relation to requiring race horses to be microchipped; and to amend the tax law, in relation to gifts for thoroughbred aftercare.

LAWS & SECTIONS REFERRED TO: New Section 382 of the Agriculture and Markets Law; Amended Sections 225, 251, 254, 332, 334 of the Racing, Pari-Mutuel Wagering and Breeding Law; New Sections 209-N and 630-h of the Tax 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 382 to prohibit the slaughter of race horses and race horse breeding stock for human or animal consumption. The bill would amend the Racing, Pari-Mutuel Wagering and Breeding Law ("PML") §225 to require all horses racing in New York, or breeding in New York, first be microchipped. This microchipping information would be given to the Gaming Commission and made available to the public. The bill would amend the PML to create dedicated accounts for thoroughbred and standardbred race horse aftercare programs funded by the bill's civil penalties. Contributions can also be made by taxpayers on individual or corporate tax returns to the aftercare account administered by the thoroughbred breeding development fund.

The bill would prohibit the import, export, sale, possession, and transport, delivery or receipt of a race horse, or race horse breeding stock, when the transfer is made with the intent of slaughtering. The bill imputes constructive knowledge of the intention to slaughter a horse if, through reasonable diligence, the person or entity should have known the horse risked slaughter.

New PML section 383(4)(a) provides that a first violation of the bill's prohibitions would be a misdemeanor punishable by a fine for an individual of not more than five thousand dollars per horse; and for a corporation, association, or other entity, of up to ten thousand dollars, with higher penalties assessed on subsequent violations. To strengthen the severity of the penalties in

the bill, section 382(4)(b) provides that violators will face immediate and permanent revocation of any New York State gaming commission licenses and become permanently ineligible to receive any awards authorized by PML sections 254 and 334. These penalties are an important addition to previous bills proposed to prohibit horse slaughter, and will have a greater impact than a financial penalty alone.

Horses are an invaluable asset for New York, and support the thriving equine industries that are important to the state's economy. Racing is responsible for an economic impact of over \$3.08 billion¹ in the state; equine competition other than racing contributed \$1.08 billion to New York in 2018, with over 6,000 sanctioned competitions; horses used for recreation benefited the New York economy by \$765 million. The horse industry is integral for the preservation of New York's green space, with approximately 1.3 million acres² currently used for horse-related purposes. The equine industry is active in every one of New York's 62 counties.

Horse slaughter should not be a part of our equine industry; this bill seeks to ensure that slaughter will not be part of the future for retired race horses and racing breeding stock in New York.

Increasingly, New Yorkers – and all Americans -- view horses as companions, akin to dogs or cats. As the Committee on Animals and the Law has previously argued, the special nature of horses and their vital place in history ground our strong opposition to horse slaughter and the sale of horsemeat in the United States. Just as the idea of selling dogs for human consumption is abhorrent to most Americans, so too is the idea of eating our horses.

The United States eradicated slaughtering horses within its borders many years ago. Nevertheless, the US currently allows tens of thousands of horses, intended for human consumption, to be trucked long distances under stressful and adverse conditions to slaughterhouses in Canada and Mexico. New York, with its interstate corridors to slaughterhouses near the border in Quebec and Ontario, is in a unique position to stop the transportation of horses through the state that makes this abhorrent practice possible, and to serve as a model for the nation. Violations of the anti-slaughter provisions in the bill, such as selling or transferring a horse for slaughter, or transporting or delivering a horse to slaughter, are punishable by fines and other penalties, which serve as a key deterrent.

Enforcement of the prohibition on slaughter, which extends to the selling or transporting of a horse to slaughter, depends on the ability to track the status and location of race horses after they stop racing. The ability to track horses that are no longer racing depends on microchipping. In recognition of its importance, this bill requires that a horse must be microchipped in order to be eligible to compete in any race in this state. Microchipping would promote racing integrity at New York's eleven racetracks by making a race horse's breeding, racing, and travel history easier to track. Microchipping would help facilitate compliance with and enforcement of this bill's prohibition on slaughtering. The Gaming Commission in 2015 undertook to track missing thoroughbreds who had raced from 2010 to 2012, and were only able to locate records for about 48% of the horses. Had this bill's microchipping provisions been in place during 2010-2012,

¹ See "Economic Impact of the Horse Industry in New York, American Horse Council, 2018

² Ibid

many more horses might have been accounted for, fewer might have been slaughtered, and more might have received the benefits of aftercare.

Microchipping serves other purposes. If an infectious outbreak occurs, the ability to trace race horses resident in and travelling through New York, and advise owners of any health risk, will help protect the health of all those horses and other horses that may have been in contact with them.

Funds collected from the fines and penalties assessed by the bill will serve as the financial foundation for the bill's set-aside funding for race horse aftercare. Under the provisions of the bill, additional funds can be accumulated through voluntary contributions by taxpayers on their annual tax returns. The bill's amendment to the Tax Law to provide for individual and corporation contributions to aftercare funds will expand aftercare and its positive economic impacts in New York without any cost to the state.

The economic and environmental value of racehorse aftercare cannot be overstated. Aftercare provides retirement and the opportunity for second careers while at the same time preserving agricultural jobs and green space. This bill's funding for aftercare would create additional opportunity to rehabilitate and retrain retired race horses for a second career in the competition and recreation sectors. According to the American Horse Council, there are thirty-seven equine rescues and sanctuaries in New York, with total operating expenses and capital investment estimated at \$3.8 million in 2016. Eight of these organizations are accredited by the Thoroughbred Aftercare Alliance. The New York State Task Force on Retired Racehorses published a comprehensive report in 2011 that provides additional information and analysis of the economic impacts of aftercare as well as exploring additional ways every stakeholder in the racing and breeding industry could help support the horses who support them.

The bill sponsors' Memorandum in Support states, with justification, that every stakeholder in the horseracing industry shares the responsibility of ensuring safe and healthy lives for race horses after they retire. The horse racing industry has taken steps to provide for retired racehorses; this bill is an important step forward in achieving that goal. New York State has an opportunity with this bill to enhance funding for the aftercare of retired thoroughbreds and standardbreds.

It goes without saying that horse slaughter should be opposed on ethical and humane grounds. Race horses and race horse breeding stock are an important part of the New York economy. These horses deserve no less than to be treated as our companions and our economic partners.

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