



September 18, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, NY 12224

RE: NYSBA Committee on Animals and the Law Supports S1677A/A3552A

Dear Governor Hochul:

The New York State Bar Association Committee on Animals and the Law supports S1677A(Addabbo)/A3552A(Pretlow), which amends Agriculture and Markets Law Section 358 to increase fines for selling a debilitated, diseased, or lame equid by a licensed auctioneer and to widen applicability of this prohibition to include other equine species such as mules and donkeys.

The bill is a simple amendment to a law which has not been updated since 1965. Section 358 as it exists makes it unlawful for a licensed auctioneer to knowingly receive or offer for sale horses that are debilitated, diseased, lame, or for any other cause could not be worked without violating the law against cruelty to animals.

The bill's updates are two-fold: First, the bill raises the ceiling on fines for violating Section 358 from \$100 to \$1000. The penalty of not more than six months imprisonment remains the same. A violation of the statute is now a misdemeanor. Second, the bill expands the section's reach to include the entire taxonomic family Equidae – members of which include equids such as horses, donkeys, mules, and zebras as well as other equine species. The section's widened scope will particularly protect mules and donkeys who are regularly offered at auction in New York State alongside horses. The bill will eliminate any confusion as to whether the law applies to ponies and miniature horses.

Both healthy and debilitated equids are sold at livestock auctions into the pipeline to equine slaughter that runs through our state. Donkeys sold at auction are particularly at risk of slaughter since their skin is prized in formulating a gelatin known as *ejiao*, an ingredient used in many traditional Chinese medicines.

Equids in diseased, aged, or other poor condition are often the ones to be found at livestock auctions. The increased fine will help deter licensed auctioneers from accepting for sale diseased and debilitated equids. One thousand dollars per animal outweighs what a meat buyer would likely pay. Auctions should not be dumping grounds for equids in poor health or condition who are then loaded sardine-can-style onto tractor trailers for shipping to Quebec and Ontario for slaughter. As you know, we share a long border with these provinces with several interstates and other highways

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that run to that border. Deterring the sale of equids for slaughter benefits equids already in New York and helps prevent equids being brought to New York just to be sold for slaughter.

By deterring the sale at auction of diseased equids this bill will improve health conditions for other equids and for humans. Due to proximity and frequent lack of bio-security measures, auctions can be a breeding ground for communicable diseases. Equids can carry diseases such as strangles (*streptococcus equi*) and Equine Herpes Virus (EHV) as well as dangerous zoonotic diseases such as Eastern Equine Encephalitis (EEE). In September 2023, a horse died from EEE in Schuyler Falls, New York. EEE can be fatal for humans. There is no specific treatment or human vaccine for EEE.

Healthy equids infected at auctions may die, suffer severe illnesses, or lose valued pregnancies. This bill prevents the spread of diseases which adversely affect equine herd health, increase the cost of equine operations, and lower New York's equine agricultural productivity.

This bill accords with recent bills such as S2163B/A5109A (awaiting your signature) which seeks to prohibit the slaughter of equids for human or animal consumption, and the bill you signed into law in 2021 to prohibit the slaughter of horses bred to race (Chapter 645 of the Laws of 2021). This bill has the potential to solve many of the systemic problems caused by the sale of unhealthy equids at auctions in New York. New York stands to be a better place for animals if this bill is enacted.

Based on the foregoing, the Committee on Animals and the Law supports the enactment of this legislation and urges you to sign S1677A/A3552A. If you have any questions or seek further information, please contact NYSBA's General Counsel, David Miranda, at dmiranda@nysba.org or 518-487-5524.

Respectfully,

Committee on Animals and the Law