



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #24

January 23, 2024

S.6796

By: Senator Addabbo

A.6947

By: M. of A. Pretlow

Senate Committee: Agriculture

Assembly Committee: Agriculture

Effective Date: Immediately

ANACT to amend the agriculture and markets law, in relation to strengthening enforcement efforts of the state's anti-slaughter of racehorses and race horse breeding stock law

LAW AND SECTIONS REFERRED TO: A new subdivision 9 is added to Agriculture and Markets Law Section 382; a new Section 385 (sic)¹ is added to the Agriculture and Markets Law

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

With this bill New York, once again, is on the leading edge of legislative policy by increasing protections for the welfare of horses in New York.

This bill strengthens the enforcement, awareness, and preventive aspects of Agriculture and Markets Law (AML) Section 382, the state's 2021 partial equine slaughter ban. The bill has two sections; one adds a new subdivision 9 to require signs at livestock auctions selling horses, and the other creates a new section in Article 26 of the AML that would require agents from the NYS Department of Agriculture and Markets (NYSDAM) to be present at certain livestock auctions.

Measures to strengthen the enforcement of AML Section 382 are needed since it appears not a single enforcement action has been commenced to enforce these provisions since the law was enacted in 2021.² Similarly, this bill complements the existing subdivision 8 of Section 382 which mandates an informational program on the partial equine slaughter ban.

The signs in proposed Section 382 (9) must:

¹ Agriculture and Markets Law had a new Section 385 added in December 2023 with the enactment of Chapter 726 of the Laws of 2023 (S.2163-B). Chapter 726 of 2023 bans the slaughter of all breeds of horses in New York.

² Section 382 (5)(a) and (5)(b) require monies received from fines and penalties to be sent to dedicated accounts to be maintained at the thoroughbred and standardbred breeding funds. Neither fund has received any fine or penalties monies under section 382.

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- be posted conspicuously,
- state that it is illegal to sell or transfer a thoroughbred or standardbred race horse or breeding stock for the purposes of slaughter, and
- explicitly state the penalties associated with violation of section 382.

Under the second section of the bill, NYSDAM agents would be required to be present at each livestock auction where horses are being sold. The agent at each auction would be required to review all health certificates for all thoroughbred and standardbred horses to be sold.

This bill squarely addresses the reality that livestock auctions at which horses are sold are one of the principal methods by which horses are sold for slaughter.

This bill takes two significant steps that strengthen the provisions of AML Section 382. The bill does not directly affect AML Section 385, which bans the transfer or transport for slaughter of all horses in New York. As introduced, the bill was designed to benefit standardbreds and thoroughbreds. Now that slaughter of all horses is banned in New York, this bill could be amended to have a greater beneficial effect on protecting all horses at livestock auctions.

This legislation creates conspicuous benefits for New York's horses such as raising awareness of New York's ban on slaughter of standardbreds and thoroughbreds among attendees at auctions so that fewer of these horses will be sold at auction for slaughter. This awareness will deter individuals from bringing horses to livestock auctions to be sold for slaughter. It will also drive up the cost of acquiring horses for slaughter since the economies of scale of buying, selling, and transporting from an auction hub will be hampered by the increased awareness the signs will create.

The second section of the bill will have similar deterrent and protective effects. If each horse to be sold at a livestock auction must have a health certificate examined by a NYSDAM agent then sellers, buyers, and transporters will see their costs increase. If health certificates must be matched to specific horses, those offering horses for sale will no longer be as easily able to use one health certificate for several horses, or use forged health certificates. If horses are examined prior to travel to auctions and a licensed veterinarian must issue a health certificate for each horse, this requirement will stem the flow of debilitated horses to livestock auctions. The new requirement would complement the bill passed in December 2023 which increases the penalties and scope of New York's ban on selling debilitated horses or other Equidae at auction.³

The new subdivision 9 added to Section 382 does not address all breeds of horses or species of Equidae; however, it is an excellent start by addressing standardbreds and thoroughbreds. Those two breeds of horses account for thousands of horses in New York State.

³ Amends AML Section 358; Chapter 724 of the Laws of 2023.

Under New York Law, AML Section 301(2)(e), horses are defined as livestock; therefore, this bill would apply to thoroughbred yearling auctions held by Fasig-Tipton in Saratoga Springs in August and to standardbred auctions.

The committee anticipates that this bill may be amended to include all horses and species of Equidae, not just standardbreds and thoroughbreds. The committee supports this bill and would support this bill even more enthusiastically if those changes were made.

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

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