NEW YORK STATE BAR ASSOCIATION

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COMMITTEE ON ANIMALS AND THE LAW

Memorandum in Support

Animals # 36 June 27, 2026

S. 7421-B By: Senator Martinez
A. 8043-C By: M. of A. Simone
Senate Committee: Passed
Assembly Committee: Passed
Effective Date: 60 days after becoming law

AN ACT to amend the environmental conservation law, in relation to octopus farming

LAW AND SECTIONS REFERRED TO: A new Subdivision 3 is added to Section 13-0316 of the Environmental Conservation Law; a new Subdivision 7-d is added to Section 71-0925 of the Environmental Conservation Law.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill adds a new Subdivision 3 to Section 13-0316 of the Environmental Conservation prohibiting the operation of a marine hatchery or the off-bottom or on-bottom culture of any species of octopus for human consumption; the operation of a hatchery or culture of octopus for scientific or educational purposes is not prohibited. The prohibition in the bill will essentially prohibit the farming of octopus for human consumption.

A new Subdivision 7-d is added to Section 71-0925 of the Environmental Conservation Law to provide for a penalty not to exceed one thousand dollars for each day when any activity prohibited by the new Section 13-0316(3) takes place.

Octopus are behaviorally sophisticated, with large brains capable of problem-solving, discriminating among individual humans, and engaging in playful behavior.[1] To raise them in captive breeding environments such as marine hatcheries or other culturing environments with no cognitive stimulation, and denying them the freedom to carry out natural behaviors is morally misguided, especially since octopus are carnivores and solitary by nature. The high stocking densities necessary to amplify production in hatcheries to ensure profitability can result in aggression, cannibalism, and social stress.[2]

Octopus exhibit cognitive and behavioral complexity. They have nine brains and as many neurons as a dog.[3] They have the knowledge, acumen, and bodies to escape confinement easily[4] and to open a screw-top jar.[5]

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[1] *See*, James B. Wood, PhD: http://www.thecephalopodpage.org/smarts.php (last accessed June 17, 2026).
[2] *See*, Aquatic Life Institute, *Why Cephalopod Farming Must be Rejected Before it Starts*, Feb. 2023 https://drive.google.com/file/d/13CKkJJzmGA7bN8DtK9Nc_sF4XbBPMYs5/view (last accessed June 17, 2026).
[3] *See*, *Octopuses Keep Surprising Us-Here Are Eight Examples How*, The Natural History Museum, London, U.K. https://www.nhm.ac.uk/discover/octopuses-keep-surprising-us-here-are-eight-examples-how.html (last accessed June 17, 2026).
[4] *See,* https://www.scientificamerican.com/article/are-octopuses-smart/ (last accessed June 17, 2026).
[5] *See*, https://youtube/dKWssIQplw8 (last accessed June 17, 2026).

Octopus are capable of experiencing pain and suffering, retain long-term memories,[6] and will guard their unhatched eggs for months, or even years.[7]

Farming octopus is counterproductive from an environmental sustainability standpoint. Because octopus are carnivores and cannot survive on plants and algae alone, they hunt in response to cooperative signals sent by fish. Octopus are "picky eaters" and will not thrive on discarded bycatch of commercial fisheries. With these dietary needs, octopus farming puts increased pressure on wild fish stocks in order to feed farmed octopus.[8] In other words, farming of octopus in hatcheries will compete with human demand for crabs, squid and hake, which results in both price hikes and overfishing.

There are unknown health risks associated with octopus farming because their immune system is poorly known.[9] Cephalopods, which include octopus, do not have acquired immunity and immunological memory, therefore vaccination cannot be used to protect them against infectious diseases. They rely only on their innate immunity.[10] Octopus are known to escape confinement easily.[11] Thus, this relatively new entry into large-scale factory farming, when so little is known, poses both a public health risk and a risk of environmental contamination. Specifically, the spread of disease, and the use of antibiotics to control as yet unknown pathogens, could result in increased antimicrobial resistance in other marine life and could have an adverse impact on surrounding ecosystems, as noted in the sponsors' memorandum in support.

Notably, this cephalopod has been around for hundreds of millions of years. As CUNY biology professor Peter Godfrey-Smith has characterized octopus, "It's probably the closest we'll get to meeting an intelligent alien."[12] In 2024, California passed legislation to ban octopus farming and prohibit the sale of farmed octopus, and that bill is now in effect. Washington state has enacted a ban on octopus farming; Massachusetts is considering a ban on aquaculture of octopus for human consumption and the sale of any octopus produced by aquaculture; and similar legislation is under consideration in Connecticut, New Jersey and Hawaii. Federal legislation to ban octopus farming has been introduced by Senators Sheldon Whitehouse (D-RI) and Lisa Murkowski (R-AK), and Spain, Chile and Mexico are considering bans on octopus farming. These bans are supported by scientists, veterinarians and marine conservationists.

Now is the time for New York, long renowned for its commitment to protecting against animal abuse, safeguarding public health, as well as its careful management of precious natural resources, to join those other states and countries, and provide leadership on this important issue.

For all the reasons cited herein, the Committee on Animals and the Law **SUPPORTS** this bill and urges the Governor to sign it into law.

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[6] *See*, "The Case Against Octopus Farming," Jacquet *et al*., 35 Issues in Sci. & Tech. 2, 2019, Nat'l Acad. Sci., Ariz. State Univ. https://issues.org/the-case-against-octopus-farming/ (last accessed June 17, 2026).

[7] *See*, Wash. Post, July 31, 2014 https://www.washingtonpost.com/news/morning-mix/wp/2014/07/31/dedication-the-octopus-that-spent-nearly-4-12-years-sitting-on-her-eggs-a-record-for-any-species/ (last accessed June 17, 2026).

[8] 385 SCIENCE Mag. 6710, Aug. 16, 2024, Letter in Support of US Octopus Act to Keep Octopuses Wild, https://www.science.org/doi/10.1126/science.adr3813 (last accessed June 17, 2026).

[9] *See,* Frontiers in Physiology, 2016 Sept. 28, 2016, 7:434. doi: 10.3389/fphys.2016.00434, *Neuroendocrine–Immune Systems Response to Environmental Stressors in the Cephalopod Octopus vulgaris*, https://pmc.ncbi.nlm.nih.gov/articles/PMC5039199/

[10] J. Experi. Marine Biology & Ecology, Sept. 2013, *Pathogens and immune response of cephalopods*, 447:14-22; DOI:10.1016 https://www.researchgate.net/publication/273819454_Pathogens_and_immune_response_of_cephalopods (last accessed June 17, 2026).

[11] https://www.npr.org/2016/04/16/474412283/inky-the-octopuss-great-escape ((last accessed June 17, 2026).

[12] *See, Why Not Eat Octopus?*, by Sylvia Killingsworth, The New Yorker, Oct. 3, 2014 ("It is impossible for us to fully know the inner lives of octopuses, but the more we continue to study them . . . the closer we can come to a working definition of "intelligence." https://www.newyorker.com/tech/annals-of-technology/eating-octopus (last accessed June 17, 2026).

STATE OF NEW YORK

7421--B

Cal. No. 1307

2025-2026 Regular Sessions

IN SENATE

April 15, 2025

Introduced by Sens. MARTINEZ, BOTTCHER, BRISPORT, CANZONERI-FITZPATRICK, GIANARIS, GONZALEZ, MURRAY, RAMOS, RHOADS, SALAZAR, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to octopus farming

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 13-0316 of environmental conservation law is amended by adding a new subdivision 3 to read as follows:

3. Prohibition. Notwithstanding any provision of law to the contrary, no person shall engage in the operation of a marine hatchery or in the off-bottom or on-bottom culture of any species belonging to the order Octopoda unless for scientific or educational purposes, as authorized pursuant to section 11-0515 of this chapter, and unrelated to the cultivation of the species for human consumption.

§ 2. Section 71-0925 of the environmental conservation law is amended by adding a new subdivision 7-d to read as follows:

7-d. If the violation was an act prohibited by subdivision three of section 13-0316 of this chapter, or any rule or regulation promulgated thereunder, not to exceed one thousand dollars for each day in violation thereof.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09910-08-6

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S7421B

SPONSOR: MARTINEZ

TITLE OF BILL:

An act to amend the environmental conservation law, in relation to octopus farming

PURPOSE OF THE BILL:

The purpose of this bill is to ban octopus farming.

SUMMARY OF PROVISIONS:

Section 1. Adds new subdivision 3 to section 13-0316-a of the environmental conservation law to prohibit the operation of a marine hatchery, or the on bottom or off bottom culture, of any species of octopus for the purpose of human consumption.

Section 2. Adds subdivision 7-d to section 71-0925 of the environmental conservation law to instate a penalty of one-thousand dollars for each day in violation.

Section 3. Provides the effective date.

JUSTIFICATION:

The farming of octopus is a highly concerning practice quickly gaining global momentum. Numerous environmental organizations, scientists, and policymakers have expressed grave concern over the practice, as it poses severe animal welfare, environmental, public health, and economic risks. Currently there are no businesses engaged in octopus farming in New York and this bill, modeled after the ones passed in Washington and California, aims to ban the practice to ensure no one can in the future.

Octopus farming raises significant environmental concerns due to new effluents being produced and subsequently discharged into surrounding ecosystems. Octopus are carnivores and must consume three times their weight in other fish to survive; meaning they produce a lot of waste. Intensive farming of other carnivorous species has led to significant declines in related wild populations due to disease transmission, competition, genetic pollution, and other ecological factors. There is profound concern octopus farms would cause similar impacts on already vulnerable and declining wild populations. Octopus are also notorious for escaping their enclosed containers. Octopus farm escapes pose a serious risk to local habitats and animal populations with a high potential of transferring any on-farm diseases and antibiotics.

Furthermore, octopus farms could have negative effects on the livelihoods of the surrounding communities. Industrial octopus farming operations could threaten traditional scale artisanal fisheries, as well as the communities dependent on them by disrupting ecosystems and competing

for resources. This legislation will protect New York's environment, coastal communities, animals, and public health. New York State must act to prohibit the factory farming of octopus.

LEGISLATIVE HISTORY:

This is a new bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:
This act shall take effect immediately.