

Alert | Equine Industry Group



December 2021

NY Enacts Legislation Combating Racehorse and Breeding Stock Slaughter, Expanding Aftercare

On Dec. 1, 2021, New York Gov. Kathy Hochul signed into law legislation amending the state's Agriculture and Markets Law, to prohibit the slaughter of racehorses and racehorse breeding stock. (See [Chapter 645 of the Laws of 2021](#).) In further support of industry attempts to ensure the health and safety of retired racehorses (both Thoroughbred and Standardbred) and retired breeding stock, the law will establish criminal penalties for those that send a horse to slaughter in violation of the provisions of this new law. The law took effect immediately, with certain sections taking effect Jan. 1, 2022.

In addition to the criminal sanctions, financial penalties of \$1,000 per horse for an individual owner and \$2,500 for a corporate owner for a first violation and up to \$2,000 per individual and \$5,000 per corporation for subsequent violations. The responsibility and legal liability for violations will be limited to the last individual or corporation in the chain of ownership of the horse as reflected in the respective breed registries.¹ Violations also could have implications for those licensed by the New York State Gaming Commission.

All fines for violations involving Thoroughbreds will be deposited in a dedicated new fund to be managed by the New York Thoroughbred Breeding and Development Fund, and fines for violations involving Standardbreds will be deposited in a dedicated account of the Agriculture and New York State Horse

¹ In recognition of the increasing use of fractional interest and partnerships in the ownership of racehorses, the governor stated in her approval memorandum that "(t)he strict liability imposition of a criminal penalty upon a partial owner who did not participate in the decision to send the horse to slaughter is unfair and potentially unconstitutional. Therefore I have reached an agreement with the legislature to address this oversight during the next legislative session."

Breeding Development Fund. All of these dollars will be restricted and may solely be applied to the care of retired racehorses in the respective breed. The commissioner of agriculture is directed to develop a program, in conjunction with the Gaming Commission and the Thoroughbred and Standardbred breeding funds, to disseminate information about the provisions of this new law to horse owners, sellers, buyers, livestock and horse dealers, horse rescue and aftercare organizations, and other industry participants. The Gaming Commission also will be required to establish an advisory board that will aid in making determinations regarding the distribution of funds for aftercare purposes. The board will include representatives of Thoroughbred and Standardbred owners, as well as animal welfare organizations with experience in caring for retired horses.

In further support of the goals of the bill, other provisions provide for a ban of any horse from competing in New York racing unless it carries a microchip and is registered with the Jockey Club, the United States Trotting Association, the American Quarter Horse Association, the national steeplechase and hunt association or other such entity that the Gaming Commission may designate. The ownership information contained in the chip will be accessible by the Gaming Commission. The new bill also provides for a voluntary check-off provision in annual tax returns for taxpayer contributions to the newly established aftercare fund.

The bill was supported by a broad coalition of industry stakeholders, including the New York Racing Association, the New York Thoroughbred Breeders Association, and the New York Thoroughbred Horsemen's Association, as well as animal rights advocacy groups. As stated by the sponsors of the bill, Sen. Joseph P. Addabbo, Jr. and Assemblyman Gary Pretlow: "Every stakeholder in the horseracing industry shares the responsibility of ensuring safe and healthy lives for racehorses after they have retired."

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