

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #3-A

January 17, 2020

S. 1974-A
A. 3535-A

By: Senator Addabbo

By: M. of A. Pretlow

Senate Committee: Racing, Gaming and Wagering

Assembly Committee: Ways and Means

Effective Date: April 1, 2020

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to establishing the commission on retired racehorses.

LAW & SECTION REFERRED TO: A new Article 7-A is added to the Racing, Pari-Mutuel Wagering and Breeding Law.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

This bill would amend the Racing, Pari-Mutuel Wagering and Breeding Law (PML) by adding a new Article 7-A to establish a Commission on Retired Racehorses.

Proposed Section 710 would provide for the commission to consist of seven members, three of whom shall be appointed by the Governor, two of whom shall be appointed by the Temporary President of the Senate and two of whom shall be appointed by the Speaker of the Assembly. Subdivision one provides that: a) one member shall be representative of persons with expertise in training horses for recreational, non-racing uses such as riding schools, dressage, and steeplechase; b) one member shall be representative of persons with experience in the potential farm or other rural economic business applications for horses; and c) one member shall be representative of persons familiar with the use of horses for recreational or therapeutic uses. Additionally, one member shall represent owners/breeders of thoroughbred horses and one member shall represent owners/breeders of standardbred horses. Subdivision two provides for members of the commission to serve for four years. Subdivision three provides that vacancies will be filled in the same manner as the original appointments. Subdivision four provides that members will not be compensated but will be reimbursed for actual and necessary expenses.

Proposed Section 711 would provide that the commission shall be responsible for oversight and tracking of retired racehorses in New York State and would provide for cooperation with the New York State Gaming Commission. Subdivision one provides that retired racehorses conform with the definitions as set forth in PML Section 251(3) (for thoroughbreds) and PML Section 334 (for standardbreds). Subdivision two would provide for the commission to create, maintain

and update a registry to track retired racehorses and also access any relevant information in the registries designated and administered by the New York State Thoroughbred Breeding and Development Fund to facilitate implementation of this article. Subdivision three would provide for biannual reporting, recommendations and utilization of data to address the well being and employment of retired racehorses to address the abandonment of retired racehorses and prevent their slaughter. Subdivision four would provide for the quarterly reporting and publication on the gaming commission website of aggregate data, including the number of retired racehorses and information on reporting violations.

Proposed Section 712 would provide for the reporting of change of ownership of any retired racehorse within 72 hours, including the name, address, telephone numbers, and licensure of old and new owners, the horse's tattoo number, and would further provide for promulgation of other informational requirements. In the event of multiple owners, one owner may report on behalf of all owners. Subdivision two would provide for a 72-hour death reporting requirement, including a death certificate signed by a licensed veterinarian. Subdivision three would provide for a civil penalty not to exceed two hundred fifty dollars for each violation of the reporting requirement.

In recent years, concerns over the fate of racehorses who have reached the end of their racing career have grown. In order to address issues related to the abandonment, slaughter or inappropriate treatment of retired racehorses, it is necessary to determine what happens to horses after they are retired from racing. Racehorses are tattooed at their first race and thus it is easy to track that racehorse while it is racing (see PML Section 225, Registration of race horses). However, the absence of any registry to track racehorses after their racing career has ended means that racehorses can simply disappear when they are no longer entered in competition. Presently, there is no way to track horses that are not racing or used for breeding. Similarly, there is no mechanism for tracking racehorse statistics in furtherance of equine research. And there is no way to track the number that are sold at auctions to be transported to slaughterhouses in Canada or Mexico.

Many of the horses sent to slaughterhouses are still young but no longer profitable or affordable for their owners. Horses are costly to feed, insure, board and train; when they cannot race and they lack the bloodlines or track record to justify a breeding career, pragmatic owners want to move on. The horse can wind up at a slaughterhouse, typically in Canada or Mexico, to be inhumanely slaughtered for human consumption abroad. Not only is this horrific from a humanitarian standpoint, but a racehorse that has been regularly vaccinated, wormed, and routinely given painkillers and other pharmaceuticals dangerous to humans, should not be placed in a chain of sale that may foreseeably lead to consumption by people outside the United States who may consider it a delicacy, but are unaware of the dangers of such consumption.

This bill would create a Commission on Retired Racehorses which is intended to exercise oversight of retired racehorses, with the intention of ensuring the proper treatment of horses following the end of their racing career, the employment and utilization of retired racehorses, and preventing the abandonment of racehorses and their sale to slaughterhouses. The commission would cooperate and share information with the New York State Gaming Commission to accomplish these objectives.

The Commission on Retired Racehorses created by this bill, working with the Gaming Commission, would be directed to create a registry to track retired racehorses. Owners of retired racehorses must report information on the horse and the owner to the commission, and any change in ownership must be reported within 72 hours. Within 72 hours of the death of a retired racehorse, the death and a death certificate completed by a licensed veterinarian must also be filed. All this information, reflected in the registry of retired racehorses and published on the gaming commission's website, will for the first time track New York's retired racehorses and provide oversight, transparency, and data concerning the fate of racehorses once they leave the racing arena. The information in the registry would enable the commission to determine how best to protect retired racehorses and provide for their well-being.

The registry would also facilitate the sharing of aggregate data generated by the tracking of the various bloodlines, retirement ages, injuries and deaths, which may be useful in equine breeding research. New York has an enormous investment in its breeding and racing industry. The New York State Thoroughbred Breeding and Development Fund allocates up to 5% of its budget, pursuant to PML Section 254(2)(e) "to advance and promote breeding and raising of thoroughbreds in this state by the publication and dissemination of information relating thereto, and the encouragement of interest, including among youth, in the breeding and raising of New York-breds." The registry will be valuable in helping the Thoroughbred Breeding and Development Fund accomplish these objectives.

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