



NEW YORK  
CITY BAR

**REPORT ON LEGISLATION BY THE  
ANIMAL LAW COMMITTEE**

**A.5109  
S. 2163-B**

**M. of A. D. Glick  
Sen. J. Addabbo**

AN ACT to amend the agriculture and markets law, in relation to prohibiting the slaughtering of horses for human or animal consumption.<sup>1</sup>

**THIS LEGISLATION IS APPROVED**

The Animal Law Committee congratulates the Senate and the Assembly on the passage of this bill and urges Governor Hochul to sign this legislation into law now. This legislation places New York at the forefront of other states and as the leader in banning horse slaughter for food in that it closes transportation routes and addresses both human and animal consumption of horsemeat.

**I. SUMMARY OF THE PROPOSED LEGISLATION**

Assembly Bill No. 5109 and Senate Bill No. 2163<sup>2</sup> adds section 385 to the New York State Agriculture and Markets Law to prohibit persons from slaughtering a horse (or having another person slaughter a horse) if the person knows or should know that any part of the horse will be used for human or animal consumption. Any person who owns or is in the process of taking ownership of a horse is prohibited from importing, exporting, selling, offering to sell or barter, purchasing, possessing, transporting, delivering, receiving, giving away, accepting, or directing another person to do so, if the person knows or should know that any part of such horse will be used for human or animal consumption. Further, any person who owns or is in the process of taking ownership of horseflesh is prohibited from taking these actions, or directing another person to do

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<sup>1</sup> In the Animal Law Committee's 2019 comment on A11022/S1497, *available at* [https://s3.amazonaws.com/documents.nycbar.org/files/20072932-HorseSlaughterBan\\_Animal\\_Report\\_FINAL\\_12.1.16.pdf](https://s3.amazonaws.com/documents.nycbar.org/files/20072932-HorseSlaughterBan_Animal_Report_FINAL_12.1.16.pdf), (All websites last accessed on July 5, 2023). we noted that the bill did not address the slaughter of horses for purposes other than human consumption (e.g., horsemeat for animal consumption, rendering for byproducts, etc.). We commend the State legislature for including the ban of horsemeat for animal consumption.

<sup>2</sup> The full text of the legislation is available at [https://legiscan.com/NY/text/S02163/id/2721299/New\\_York-2023-S02163-Amended.html](https://legiscan.com/NY/text/S02163/id/2721299/New_York-2023-S02163-Amended.html) and [https://legiscan.com/NY/text/A05109/id/2724648/New\\_York-2023-A05109-Introduced.html](https://legiscan.com/NY/text/A05109/id/2724648/New_York-2023-A05109-Introduced.html).

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has approximately 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*



Prior to 2007, when U.S. horse slaughterhouses still operated legally, horse slaughter for human consumption took place largely in this country; only a relatively small number of horses were shipped for slaughter to neighboring countries.<sup>10</sup> Horsemeat was primarily shipped overseas for foreign markets; most Americans will not consume horsemeat. The slaughter of horses in the U.S. for human consumption was effectively banned in 2007.<sup>11</sup> Since then, thousands of American horses have been transported to slaughterhouses in Mexico and Canada.<sup>12</sup> In 2018 the United States Department of Agriculture (USDA) estimated over 70,000 horses were exported from the United States to Mexico for slaughter,<sup>13</sup> and between 2016 and 2021 the United States exported 74,866 horses to Canada for slaughter.<sup>14</sup> A number of these horses are sourced from New York State or are transported via the New York State thruway to slaughter.<sup>15</sup>

### III. JUSTIFICATION

New York and Canada share a 445-mile border that includes four of the most used border crossings between the U.S. and Canada.<sup>16</sup> By banning the sale, transport, and possession within New York State of horses intended for human and animal consumption (and related prohibited

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<sup>10</sup> From 2002 to 2006, the annual exports to Mexico and Canada averaged approximately 26,000. From 2008 to 2015, exports ranged from 98,503 to 166,572 each year. *See* Animal Welfare Institute, *Compilation of USDA Horse Slaughter Statistics, 1989-2022*, <https://awionline.org/content/horse-slaughter-statistics>.

<sup>11</sup> U.S. Government Accountability Office, *Animal Welfare: Information on the U.S. Horse Population* (July 17, 2017), <https://www.gao.gov/assets/690/685897.pdf> (“In the United States, such slaughter has been effectively prohibited by language Congress included in annual appropriations acts for fiscal years 2006 to 2011 and beginning again in fiscal year 2014.”). The Final Omnibus Spending Bill for 2018 continues the ban on federal funding for USDA horse slaughter inspections, without which horse slaughter plants cannot operate in the U.S. *See* Public Law No: 115-141 (Mar. 23, 2018) § 782; *see also* Kitty Block and Sara Amundson, *Bipartisan Bill Introduced in Congress to End Slaughter of American Equines*, *A Humane World* (Jan. 30, 2019), [https://blog.humanesociety.org/2019/01/bipartisan-bill-introduced-in-congress-to-end-slaughter-of-american-equines.html?credit=blog\\_post\\_013019\\_id10367](https://blog.humanesociety.org/2019/01/bipartisan-bill-introduced-in-congress-to-end-slaughter-of-american-equines.html?credit=blog_post_013019_id10367).

<sup>12</sup> Animal Welfare Institute, *Compilation of USDA Horse Slaughter Statistics, 1989-2022*, note 9 above.

<sup>13</sup> United States Department of Agriculture, *US to Mexico Weekly Livestock Export Summary* (Dec. 27, 2018), [https://downloads.usda.library.cornell.edu/usda-esmis/files/7d278t04p/765375498/mk61rm729/AL\\_LS635.TXT](https://downloads.usda.library.cornell.edu/usda-esmis/files/7d278t04p/765375498/mk61rm729/AL_LS635.TXT).

<sup>14</sup> Klaus Weber, DVM, Michael E. Kearley, DVM, et al., *A review of horses sent to slaughter for human consumption: impact of horsemeat consumption, residual banned drugs, and public health risks*, *American Veterinary Medical Associates* (Jan. 26, 2023), Vol 84 Iss. 3, available at <https://avmajournals.avma.org/view/journals/ajvr/84/3/ajvr.22.10.0185.xml>; *See also*, Animals’ Angels Investigations and Advocacy, “Canada Import Statistics From United States Annual Series 2012-2016,” <http://www.animalsangels.org/sites/animalsangels.org/files/images/2017%20Final%20Canada%20and%20Mexico%20slaughter%20horse%20shipments%20PDF.pdf>

<sup>15</sup> Stewart M. Powell, *Pet or Livestock, Upstate New York Plays Role in Issue of Horse Slaughter*, *TIMES UNION* (April 15, 2014), <http://www.timesunion.com/news/article/Pet-or-livestock-upstate-New-York-plays-role-in-5405530.php> (noting investigations of eight facilities in New York state, including auction operations in Watertown, Unadilla, Coventryville and Canandaigua, NY); *see also* New York State Humane Association, *Facts about Horse Slaughter and Support of NYS A3905/S4615*, [http://www.nyshumane.org/wp-content/uploads/2014/12/NYSHA\\_HorseSlaughterFactSheet.pdf](http://www.nyshumane.org/wp-content/uploads/2014/12/NYSHA_HorseSlaughterFactSheet.pdf) (noting that New York State’s Interstate 87 is “a direct pipeline for horses being trucked to Canada for the cruel act of slaughter”).

<sup>16</sup> U.S. States That Border Canada, available at <https://www.worldatlas.com/articles/us-states-that-border-canada.html>.

acts), the proposed legislation would (i) protect horses from inhumane transport and slaughter; and (ii) address a potential public health risk.

### **A. The Proposed Legislation Would Protect Horses from Inhumane Transport and Slaughter.**

In order to reach slaughterhouses in Canada and Mexico, horses are often shipped farther than if they were slaughtered domestically, increasing the likelihood of accident and inhumane treatment.<sup>17</sup> The horses are frequently shipped for long periods and hundreds of miles in crowded trailers without food, water or rest.<sup>18</sup> Once transported across U.S. borders, federal and state law standards for regulating the methods of transport<sup>19</sup> and slaughter<sup>20</sup> cease to apply to those horses. Many horses arrive sick and injured,<sup>21</sup> others dead.<sup>22</sup> Those horses still alive to be slaughtered may in some cases be killed without anesthesia.<sup>23</sup> For instance, some Mexican slaughterhouses stun

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<sup>17</sup> U.S. Department of Agriculture, Office of Inspector General, Audit Report 33601-2-KC, *Animal and Plant Health Inspection Service Administration of the Horse Protection Program and the Slaughter Horse Transport Program*, September 2010, at 8, <http://www.usda.gov/oig/webdocs/33601-02-KC.pdf>.

<sup>18</sup> Under federal regulations, horses may be transported for up to 28 consecutive hours before being allowed a 6-hour rest. 9 C.F.R. § 88.4(b)(3); *see also* R.C. Roy & M. Cockram, *Patterns and Durations of Journeys by Horses Transported from the USA to Canada for Slaughter*, 56 CAN. VET. 581 (Jun. 2015) (a significant number of horses may have been transported for longer periods than allowed by law; long journeys increase horses risk of injury, dehydration, and fatigue), [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4431154/pdf/cvj\\_06\\_581.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4431154/pdf/cvj_06_581.pdf); J. Daniel Ross, *Failed Prosecution in US Underscores Uphill Battle to End Horse Slaughter*, THE GUARDIAN (Mar. 30, 2016), <https://www.theguardian.com/us-news/2016/mar/30/horse-slaughter-case-california-law-proposition-6> (“Frequently on long journeys to slaughter, horses were crammed tightly without food and water into trucks ill-equipped to haul horses great distances. Many were found fallen and trampled during transit, often resulting in terrible injuries including broken bones. Some died even before they reached the slaughter plants.”).

<sup>19</sup> *See* Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 (Pub. L. 104-127)), *available at* <https://www.govinfo.gov/content/pkg/PLAW-104publ127/html/PLAW-104publ127.htm>; N.Y. Agric. & Mkts. L. § 359-a (addressing transportation of horses within New York State).

<sup>20</sup> Humane Methods of Slaughter Act (7 U.S.C. §§ 1901-1906).

<sup>21</sup> *E.g.*, ANIMALS’ ANGELS, SAVAGE PASSAGE: DOWN THE HORSE SLAUGHTER GAUNTLET, ANIMALS’ ANGELS HORSE SLAUGHTER INVESTIGATIONS 2007-2015 SHORT PAPER, <http://www.animalsangels.org/files/images/stories/pdf/Animals%27%20Angels%20horse%20slaughter%20compilation%20report%20-%20short%20paper-edited.pdf>.

<sup>22</sup> *E.g.*, *id.*; Sasha von Oldershausen, *The Business of Burying Horses*, TEXAS OBSERVER (May 9, 2016), <https://www.texasobserver.org/business-burying-horses-presidio> (In 2015, at least 300 horses died on route to Presidio, Mexico, or arrived so sick or injured that they had to be killed.).

<sup>23</sup> *E.g.*, EUROPEAN COMMISSION HEALTH AND CONSUMERS DIRECTORATE-GENERAL, FINAL REPORT OF AN AUDIT CARRIED OUT IN MEXICO FROM 24 JUNE TO 04 JULY 2014, at 21-22 (2014), [https://euocarne.com/daal/a1/informes/a2/2014-7223\\_FINAL.pdf](https://euocarne.com/daal/a1/informes/a2/2014-7223_FINAL.pdf); *Mexican Horse Meat Banned by EU*, J. OF THE AMER. VETERINARY MED. ASSOC. (Feb. 15, 2015), <https://www.avma.org/News/JAVMANews/Pages/150215r.aspx> (“[I]nsufficient control measures were in place [at Mexican horse slaughterhouses] to ensure that stunning was done in an effective manner.”).

horses using hammers or by jabbing small knives called *puntillas* into the horse's spine.<sup>24</sup> The *puntilla* merely paralyzes the horse, which may still be conscious and sensate as it bleeds to death.<sup>25</sup>

Some have argued that resuming horse slaughter in the United States serves horses best, because domestic slaughter could mitigate the inhumane conditions that horses experience while traveling long distances to be slaughtered and at foreign slaughter plants.<sup>26</sup> Proponents of domestic horse slaughter also contend that resuming domestic horse slaughter could provide an option to horse owners who can no longer afford to care for their horses,<sup>27</sup> and that allowing domestic slaughter of wild horses could reduce taxpayers' costs associated with managing wild herds.<sup>28</sup>

Domestic slaughter, however, will not protect horses from inhumane treatment at auction or the inhumane treatment of transport and slaughter, considering the historically inhumane conditions suffered by livestock in slaughter plants in the United States,<sup>29</sup> as well as in their transport to these slaughterhouse facilities.<sup>30</sup> Further, the lack of meaningful oversight of slaughterhouses by the USDA,<sup>31</sup> demonstrates that the only realistic way to guarantee that horses are protected from the inhumane conditions in slaughterhouses and in transport to slaughterhouses is to ban their slaughter altogether. As for the contention that domestic horse slaughter for horsemeat would be an option for those who can no longer afford to care for their horses, horse

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<sup>24</sup> Megan Wilde, *Horses to the Slaughter*, SALON (June 30, 2009), [https://www.salon.com/2009/06/30/horse\\_slaughter/](https://www.salon.com/2009/06/30/horse_slaughter/).

<sup>25</sup> *Id.*

<sup>26</sup> E.g., Natalie Anderson, *Protecting Equine Welfare and International Consumers of Horse Meat: A Proposal for the Renewal of Horse Slaughter in the United States*, SAN DIEGO INT' L. J. 125 (Fall 2015), <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1000&context=ilj>.

<sup>27</sup> *Id.* at 133.

<sup>28</sup> Dan Ross, *Critics Say "Whoa" to Federal Moves to Rein in Wild Horses*, WILD HORSE EDUCATION (Sept. 6, 2018), <https://wildhorseeducation.org/2018/09/07/critics-say-whoa-to-federal-moves-to-rein-in-wild-horses/>.

<sup>29</sup> See, e.g., Joby Warrick, *They Die Piece by Piece*, WASHINGTON POST (Apr. 10, 2001), available at <http://www.abolitionistapproach.com/wp-content/uploads/2014/06/Warrick-They-Die-Piece-by-Piece-2001.pdf> (alleging widespread repeated violations of the Humane Slaughter Act, including that "the government took no action against a Texas beef company that was cited 22 times in 1998 for violations that include chopping hooves off live cattle"); see also Statement of Senator Robert Byrd, 147 Cong. Rec. S7310 (daily ed. July 9, 2001), <https://www.gpo.gov/fdsys/pkg/CREC-2001-07-09/html/CREC-2001-07-09-pt1-PgS7310.htm> ("The law clearly requires that these poor creatures be stunned and rendered insensitive to pain before this process [i.e., by which they are cut, skinned and scalded] begins. Federal law is being ignored. Animal cruelty abounds. It is sickening. It is infuriating. Barbaric treatment of helpless, defenseless creatures must not be tolerated even if these animals are being raised for food – and even more so, more so.").

<sup>30</sup> E.g., Humane Society of the United States, *An HSUS Report: Human Health Implications of Long-Distance Live Farm Animal Transport 1*, [http://www.humanesociety.org/assets/pdfs/farm/pubhealth\\_transport.pdf](http://www.humanesociety.org/assets/pdfs/farm/pubhealth_transport.pdf) (Farmed animals in the United States are transported an average of 1,000 miles prior to slaughter.). See also United States Government Accountability Office, *Report to Congressional Committees, Horse Welfare: Action Needed to Address Unintended Consequences from Cessation of Domestic Slaughter*, GAO 11-228, at 59-60 (June 2011), <http://www.gao.gov/new.items/d11228.pdf>.

<sup>31</sup> See, e.g., Bruce Friedrich, *Ritual Slaughter, Federal Preemption, and Protection for Poultry: What Legislative History Tells Us about USDA Enforcement of the Humane Slaughter Act*, 24 *Animal Law Journal* Volume 137, <https://law.lclark.edu/live/files/32156-24-1-friedrichpdf>; Baylen J. Linnekin, *America's Slaughterhouse Mess*, NEW FOOD ECONOMY (May 2, 2017), <https://newfoodeconomy.org/americas-slaughterhouse-mess>.

slaughter is driven by demand for horsemeat and not by the number of available horses. When economic times are difficult, demand for horsemeat decreases while there is an increase in the number of low-price horses. Therefore, horse slaughter is not an effective means of controlling the horse population.<sup>32</sup> A survey by the American Veterinary Medical Association (AVMA) showed that between 2006 and 2012 there was a 16.7% decline in private horse ownership. Yet, the total number of horses slaughtered did not really change during this period, showing that domestic horse slaughter is unrelated to domestic horse ownership.<sup>33</sup>

## **B. The Proposed Legislation Would Address a Potential Public Health Risk.**

In addition to the animal welfare concerns associated with transporting and slaughtering horses for human consumption, horsemeat may present a public health risk. Unlike cows, pigs, or other domesticated animals, horses in the United States are not currently raised for human consumption.<sup>34</sup> Rather, most horses in the United States are raised as racing thoroughbreds, riding horses, work horses, carriage horses, and companion animals.<sup>35</sup> Many of these horses are treated with drugs not intended for animals used for food — particularly race horses, which are given drugs to increase speed and endurance and to suppress or mask their natural reactions to the severe strain of racing and other labor.<sup>36</sup> For instance, drugs administered to horses include phenylbutazone, acepromazine, boldenone undecylenate, omaprazole, ketoprofen, xylazine, hyaluronate, nitrofurazone, polysulfated glycosaminoglycan, clenbuterol, tolazoline, and ponazuril, all of which the U.S. Food and Drug Administration cautions should not be used in

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<sup>32</sup> Equine Welfare Alliance Research Paper, *Horse Slaughter Trends from 2006 to 2009*, Prepared by John Holland based on statistics provided by Darrell Charlton, Jr. (Feb. 2010) available at <https://nebula.wsimg.com/2d6c37489ce4b2ec0c62f8b6a235d00e?AccessKeyId=DAED3B28133304149D62&disposition=0&alloworigin=1>.

<sup>33</sup> John Holland, Laura Allen, *An Analysis of Factors Responsible for the Decline of the U.S. Horse Industry: Why Horse Slaughter is not the Solution*, *Kentucky Journal of Equine, Agriculture, and Natural Resources Law* (2013), Vol.5: Iss. 2, Art. 4, at 233 available at <https://uknowledge.uky.edu/kjeanrl/vol5/iss2/4>.

<sup>34</sup> Jessica Rose Sutcliffe, *Do Not Use in Horses Intended for Human Consumption: Horse Meat and Its Public Health Danger*, at 4-5, Law School Student Scholarship, Seton Hall University (2014), [https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1588&context=student\\_scholarship](https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1588&context=student_scholarship) (summarizing the history of horsemeat consumption in the United States and citing to various supporting sources); *A review of horses* Note 14 above; H.R. 961 (116th Congress), <https://www.congress.gov/116/bills/hr961/BILLS-116hr961ih.pdf>.

<sup>35</sup> Nat'l Research Council, *Workforce Needs in Veterinary Medicine* 46 (2011), <https://www.nap.edu/read/13413/chapter/7>. In addition to horses raised by humans, there are roughly 82,000 wild horses and burros roaming lands under the jurisdiction of the Bureau of Land Management in the west. U.S. Bureau of Land Management, *Wild Horse and Burro On-Range Population Estimates*, <https://www.blm.gov/blog/2023-04-21/wild-horse-and-burro-herd-size-relatively-unchanged-last-year#:~:text=The%20BLM%20estimates%20there%20were,the%20land%20and%20the%20herds>.

<sup>36</sup> Bradley S. Friedman, *Oats, Water, Hay, and Everything Else: The Regulation of Anabolic Steroids in Thoroughbred Horse Racing*, 16 *ANIMAL LAW* 123, 126 (2009), [https://www.animallaw.info/sites/default/files/lralvol16\\_p123.PDF](https://www.animallaw.info/sites/default/files/lralvol16_p123.PDF); see also Christopher A. Barbarisi, *Illinois State Racing Board Rule Which Provides for Warrantless Searches of Racing Licensees Is Constitutional as Applied to the Search of a Jockey's Automobile* – *LeRoy v. Illinois Racing Board*, 39 F.3d 711 (7th Cir. 1994), 6 *SETON HALL J. SPORT L.* 223, 226-27 (1996) (listing four categories of commonly used drugs).

horses intended for human or animal consumption.<sup>37</sup> While there is disagreement whether the amounts of such drugs in horsemeat pose a significant health risk,<sup>38</sup> the European Union sees enough risk to have banned the sale of U.S. horsemeat.<sup>39</sup> In a 2014 audit of the Mexican horsemeat industry, the European Commission found that the United States, where 87% of horses exported from Mexico to the European Union originated, lacked adequate records on drugs used in its horses. The Commission determined that without such records there was no way to assure consumers that such exports were safe to consume.<sup>40</sup>

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<sup>37</sup> 21 C.F.R. § 522.1720 (phenylbutazone); 21 C.F.R. § 522.23 (acepromazine); 21 C.F.R. § 522.204 (boldenone undecylenate); 21 C.F.R. § 520.1615 (omeprazole); 21 C.F.R. § 522.1225 (ketoprofen); 21 C.F.R. § 522.2662 (xylazine); 21 C.F.R. § 522.1145 (hyaluronate); 21 C.F.R. § 524.1580a (nitrofurazone); 21 C.F.R. § 522.1850 (polysulfated glycosaminoglycan); 21 C.F.R. § 520.452 (clenbuterol); 21 C.F.R. § 522.2474 (tolazoline); 21 C.F.R. § 520.1855 (ponazuril).

<sup>38</sup> *E.g.*, Robin McKie, *Horsemeat Does Carry a Health Risk, but It's Incredibly Small*, THE OBSERVER (Feb. 9, 2013), <https://www.theguardian.com/world/2013/feb/09/horsemeat-in-ready-meals-health-risk>; Vickery Eckhoff, *How Safe Is That Horsemeat?*, FORBES (Jun. 18, 2012), <https://www.forbes.com/sites/vickeryeckhoff/2012/06/18/how-safe-is-that-horse-meat/#226ceede1c77>; *see also* Canadian Food Inspection Agency, Safety of Horsemeat (indicating that tests of horsemeat have shown “a very high compliance rate for phenylbutazone residues”), <http://www.inspection.gc.ca/food/information-for-consumers/fact-sheets-and-infographics/products-and-risks/meat-and-poultry-products/horse-meat/eng/1331217628360/1331225704619>.

<sup>39</sup> *Mexican Horse Meat Banned by EU*, J. OF THE AMER. VETERINARY MED. ASSOC., note 23 above.

<sup>40</sup> European Commission Health and Consumers Directorate-General, Final Report of an Audit Carried Out in Mexico from 24 June to 04 July 2014, note 19 above, at 12. Because horses are not identified across their lifetime, it is difficult to trace a horse’s origin and whether the horse may have drug residues: Neither US and Mexican horses are identified for their entire lifetime, nor during the last 180 days before their dispatch for slaughter. The controls over the identification and registration system and movement of horses intended for EU slaughter are limited, do not cover the entire chain of supply and are unreliable. The central horse database is not fully operational and provides little support in the traceability of horses. This undermines the CA’s [competent authority’s] guarantees regarding the origin and veterinary drug residue status of horses to be slaughtered for export to the EU.

### C. Other States Have Enacted Similar Laws.

States, including California,<sup>41</sup> Illinois,<sup>42</sup> New Jersey,<sup>43</sup> and Texas,<sup>44</sup> have enacted laws similar to the proposed laws, and the Illinois law and the Texas law have withstood challenges on the Commerce Clause and other grounds.<sup>45</sup> In addition, while Mississippi does not prohibit the slaughter of horses for human food, the state deems horsemeat “food unfit for human consumption.”<sup>46</sup> This legislation sets a new standard for other states and will be an impetus for other states to enact such laws.

### D. Americans and New Yorkers Do Not Want Horses to be Slaughtered for Meat.

Horses are viewed in American culture as pets, companion animals, and therapeutic healers, and they are esteemed for their important roles in the building of this country, plowing fields, aiding in the military, delivering mail, etc.<sup>47</sup> A poll conducted by the Lake Research Partners showed that 83% of Americans oppose horses being slaughtered for meat.<sup>48</sup> A majority of horse owners are opposed to horses being sold for slaughter and public and Congressional opposition to

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<sup>41</sup> Cal. Penal Code § 598c (making it a felony to possess, import or export, sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, the horse, if the person knows or should have known that any part of that horse will be used for human consumption), <https://www.animallaw.info/statute/ca-horse-slaughter-%C2%A7-598c-horse-slaughter-human-consumption>.

<sup>42</sup> 225 ILCS 635/1.5 (making it a misdemeanor to (i) slaughter a horse if the person knows or should know that the horse meat will be used for human consumption; or (ii) possess, import into or export from [Illinois], or sell, buy, give away, hold, or accept any horse meat if the person knows or should know that the horse meat will be used for human consumption), [https://www.animallaw.info/statute/il-horse-meat-act-chapter-225-professions-and-occupations#s1\\_5](https://www.animallaw.info/statute/il-horse-meat-act-chapter-225-professions-and-occupations#s1_5).

<sup>43</sup> N.J.S.A. 4:22-25.5 (subjecting to a fine up to \$100 and 30 days’ imprisonment any person who (i) knowingly slaughters a horse for human consumption; (ii) sells, barter, or offers for sale or barter, at wholesale or retail, for human consumption, horse flesh or any product made from horse flesh, if the person knew or reasonably should have known that the flesh was from a horse, or that the product was made from horse flesh; or (iii) knowingly transports a horse for the purpose of slaughter for human consumption, or who knowingly transports horsemeat, or any product made from horse flesh, for the purpose of human consumption), [https://www.animallaw.info/statute/nj-cruelty-consolidated-cruelty-statutes#s25\\_5](https://www.animallaw.info/statute/nj-cruelty-consolidated-cruelty-statutes#s25_5).

<sup>44</sup> V.T.C.A., Agriculture Code §§ 149.001 – 007 (prohibiting the sale and offering or exhibiting for sale horsemeat for human consumption; the possession of horsemeat with the intent to sell for human consumption; and the knowing transfer of horsemeat to a person who is violating the statute).

<sup>45</sup> *Cavel Intern., Inc. v. Madigan*, 500 F.3d 551, 559 (7th Cir. 2007), cert. denied, 554 U.S. 902 (2008); *Empacadora de Carnes de Fresnillo, S.A. v. Curry*, 476 F.3d 326, 337 (5th Cir. 2007), cert. denied, 127 S. Ct. 2443 (2007).

<sup>46</sup> Miss. Code Ann. § 75-33-3.

<sup>47</sup> Paula Parisi, *The Pros and Cons of Horse Slaughter*. The Equestrian News. August 1, 2009. <https://theequestriannews.com/2009/08/01/the-pros-and-cons-of-horse-slaughter/>.

<sup>48</sup> New Poll Confirms that Overwhelming Majority of Americans Oppose Horse Slaughter, ASPCA, Feb. 9, 2022, available at <https://www.aspc.org/news/new-poll-confirms-overwhelming-majority-americans-oppose-horse-slaughter>. See also, Investigation: *US Horses Awaiting Slaughter in Mexico*, June 5, 2023, Animal Equality Investigates available at <https://animalequality.org/news/animal-equality-finds-us-horses-awaiting-slaughter-in-mexico/#:~:text=Though%20the%20US%20does%20not,killed%20and%20sold%20as%20meat>.



horse slaughter appears to cut across party and gender lines.<sup>49</sup> In 2021, New York Governor Kathy Hochul signed into law a bill that prohibits the slaughter of racehorses and racehorse breeding stock.<sup>50</sup> That bill was supported by industry stakeholders such as the New York Thoroughbred Breeders.<sup>51</sup>

#### IV. CONCLUSION

For the reasons above, the New York City Bar Association's Animal Law Committee supports the legislation.

Rebecca Seltzer, Co-Chair  
Robyn Hederman, Co-Chair  
Animal Law Committee

Reissued July 2023\*

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<sup>49</sup> Vickery Eckhoff, *New York Lawmakers Press for Horse Slaughter Ban*, <https://www.forbes.com/sites/vickeryeckhoff/2013/06/06/days-before-belmont-lawmakers-press-for-horse-slaughter-ban/?sh=7eb36ffb284a>.

<sup>50</sup> <https://legislation.nysenate.gov/pdf/bills/2021/s1442b>; <https://legislation.nysenate.gov/pdf/bills/2021/a4154b>.

<sup>51</sup> Tom Precious, *NY Gov. Hochul Signs Into Law Horse Welfare Legislation*, <https://www.bloodhorse.com/horse-racing/articles/255315/ny-gov-hochul-signs-into-law-horse-welfare-legislation>.

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