



REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

A.2124

M. of A. L. Rosenthal

An Act to amend the agriculture and markets law, in relation to the prohibition of certain acts in rodeos; imposes penalties for the violation of such acts.

THIS LEGISLATION IS SUPPORTED WITH RECOMMENDATIONS

I. SUMMARY OF THE PROPOSED LEGISLATION

The proposed legislation¹ would add a new section to the Agriculture and Markets Law to prohibit certain acts in rodeos — specifically, calf-roping, and the use of electric prods, flank straps (also called bucking straps), and spurs with a fixed or sharpened rowel on horses, bulls, cattle or other livestock. Engaging in any of these prohibited acts in a rodeo would be punishable by a civil penalty up to \$10,000. Each violation, and each day during which a violation continues, would constitute a separate violation. Any person found in violation would have any permit or license to operate as a rodeo revoked, while any venue hosting a rodeo and found in violation would lose its eligibility for state tax abatements.

II. REASONS FOR SUPPORT

A. Animals used in rodeos suffer physical and psychological harm — as do humans.

The animals used in rodeos — including horses, calves, steers, and bulls² — suffer physical and psychological harm, during both rodeo events and practice sessions.³ Particularly inhumane though are the acts and objects targeted by this bill:

¹ A.2124, 244th Leg., Reg. Sess. (N.Y. 2021), https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A02124&term=2021&Summary=Y&Memo=Y&Text=Y. (All websites cited in this report were last visited on April 15, 2021.)

² Professional Rodeo Cowboys Association, Rodeo 101, <https://www.prorodeo.com/prorodeo/rodeo/rodeo101>.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 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.

- **Calf-roping** is a rodeo event in which a rider chases and ropes a calf, dismounts, and then “flanks” the calf — throwing it to the ground — finally tying three of the animal’s legs with a short rope.⁴
- An **electric prod**, also known as a “hot-shot,”⁵ is a handheld device used to make cattle or other livestock move by shocking the animal with a high voltage, low current electric shock.⁶
- A **flank strap** or **bucking strap** is a strap or rope tightly cinched around the abdomen of a horse or bull, causing the animal to buck.⁷
- A **spur with a fixed or sharpened rowel** is a sharp prod fixed to the heel of the rider of an animal, used to enhance or increase the intensity of the animal’s bucking.⁸

Studies have been conducted on the psychological and physical harm that animals suffer when these rodeo tools and techniques are used. For instance, one 2020 study of rodeo calves concluded that calves suffered stress and negative emotions when roped in rodeo events.⁹ A 2015 study of 20 rodeo calves similarly found that the calves experienced an acute increase of stress hormone levels in their blood both during the roping and lassoing of their legs and when they were marshalled on horseback across the rodeo arena.¹⁰ And one veterinarian describes seeing rodeo cattle with “six to eight ribs broken from the spine and at times puncturing the lungs” and “as much as two and three gallons of free blood accumulated under the detached skin.”¹¹

³ Madison Steffey, *Detailed Discussion of Rodeos*, Animal Legal & Historical Center § IV (2018), <https://www.animallaw.info/article/detailed-discussion-rodeos>.

⁴ A.2124, 244th Leg., Reg. Sess. (N.Y. 2021); Bryan Breakfast Lions Club International, What is Calf Roping / Tie Down Roping?, <https://bryanrodeo.com/featured-events/calf-roping-tie-down-roping/>.

⁵ CBC News, *Humane Society Alleges Cattle Shocked by Electric Prods at B.C. Rodeo* (Jul. 31, 2019), <https://www.cbc.ca/news/canada/british-columbia/humane-society-alleges-cattle-shocked-by-electric-prods-at-b-c-rodeo-1.5224092>.

⁶ A.2124, 244th Leg., Reg. Sess. (N.Y. 2021).

⁷ A.2124, 244th Leg., Reg. Sess. (N.Y. 2021); *see also* PETA, Rodeo: Cruelty for a Buck, <https://www.peta.org/issues/animals-in-entertainment/animals-used-entertainment-factsheets/rodeo-cruelty-buck/>.

⁸ A.2124, 244th Leg., Reg. Sess. (N.Y. 2021).

⁹ Sally Rizzuto, Di Evans, et al., Exploring the Use of a Qualitative Behavioural Assessment Approach to Assess Emotional State of Calves in Rodeos, 10 *Animals* 1, 16 (2020), <https://www.mdpi.com/2076-2615/10/1/113/pdf>.

¹⁰ Michelle Sinclair, Tamara Kelley, et al., *Behavioral and Physiological Responses of Calves to Marshalling and Roping in a Simulated Roping Event*, 6 *Animals* 1, 10 (2016), <https://www.mdpi.com/2076-2615/6/5/30/pdf>.

¹¹ Peggy W. Larson, Rodeos: Inherent Cruelty to Animals, Humane Society Veterinary Medical Association (Jan. 15, 2015), https://www.hsvma.org/rodeos_inherent_cruelty_to_animals (quoting The Humane Society of the United States, Interview with C.G. Haber (1979)); *see also* Humane Society Institute for Science and Policy, Animal Studies Repository, Special Report on Rodeo (1974), https://animalstudiesrepository.org/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1013&context=sp_reps.

Rodeos also take a physical toll on the humans who participate in them, and the degenerative brain disease chronic traumatic encephalopathy (CTE) is a topic of increased study and scrutiny for the industry.¹²

B. Other jurisdictions have restricted cruel rodeo practices, while organizations have spoken out against them.

Jurisdictions throughout the country and abroad have enacted their own laws limiting the use of these cruel practices and objects.¹³ In the United States, for instance, Ohio prohibits the use of unpadding flank or bucking straps as well as electric prods;¹⁴ California prohibits using electric prods once an animal is in a holding chute;¹⁵ and Rhode Island prohibits calf-roping and steer-roping.¹⁶ Several cities have already broken ground in outlawing or restricting rodeos, including Leesburg, Virginia;¹⁷ Pasadena, California;¹⁸ and Greenburgh, New York.¹⁹ St. Charles, Illinois generally prohibits using electric prods once an animal is in the holding chute,²⁰ while Los Angeles, California,²¹ Southampton, New York²² and Pittsburgh, Pennsylvania²³ both prohibit the use of electric prods or shocking devices, flank or bucking straps, wire tie-downs, and sharpened spurs. Other U.S. jurisdictions ban similar practices.²⁴

¹² See Joe Conger, *Getting Wrecked: Brain Injuries Impact Popular Rodeo Sport*, News 4 San Antonio (Feb. 6, 2019), <https://news4sanantonio.com/news/local/getting-wrecked-brain-injuries-impact-popular-rodeo-sport>; Scott Nulph, *Concussions a Major Issue in the Rodeo World*, WyomingNews.com (Jul. 29, 2017), https://www.wyomingnews.com/news/local_news/concussions-a-major-issue-in-the-rodeo-world/article_5d8c6ed8-7421-11e7-85c1-ab63c04ee4d4.html.

¹³ Animal Legal Defense Fund, Rodeo Facts: The Case Against Rodeos, <https://aldf.org/article/rodeo-facts-the-case-against-rodeos/>.

¹⁴ Ohio Rev. Code § 959.20.

¹⁵ Cal. Penal Code § 596.7(e).

¹⁶ R.I. Gen. Laws §§ 4-20-4, -7.

¹⁷ Town of Leesburg, Virginia, Town Code § 26-24(13).

¹⁸ City of Pasadena, California, Municipal Code § 6.40.040(B).

¹⁹ Town of Greenburgh, New York, Town Code and Zoning Ordinance § 345-2(B).

²⁰ City of St. Charles, Illinois, Municipal Code § 6.12.110(H).

²¹ KNX1070 NewsRadio, LA City Council Unanimously Votes to Ban Electric Prods, Shocking Devices from Rodeos (Feb. 23, 2021), <https://www.audacy.com/knx1070/news/state/la-city-council-votes-to-ban-prodding-devices-from-rodeos>.

²² Town of Southampton, New York, Code § 150-8(B).

²³ City of Pittsburgh, Pennsylvania, Code of Ordinances § 635.04.

²⁴ Madison Steffey, *Detailed Discussion of Rodeos*, note 3 above.

Internationally, the United Kingdom²⁵ and the Australian Capital Territory²⁶ prohibit rodeos. In addition, Brazil’s Supreme Court has banned a bull-tipping event similar to the rodeo.²⁷

Animal protection organizations have spoken out against rodeos too. PETA, the Animal Legal Defense Fund, and the ASPCA have consistently spoken out against the practices used at rodeos.²⁸ As recently as February 2020, animal activists, working with Assemblymember Linda Rosenthal, called on Madison Square Garden to cancel an upcoming rodeo show in New York. These groups include New Yorkers for Clean, Livable Streets, Showing Animals Respect and Kindness, Red Robin Song Animal Sanctuary, Horseracing Wrongs, and the Animal Cruelty Exposure Fund.²⁹

III. RECOMMENDATIONS

Under the proposed legislation, a person violating the law faces revocation of any permit or license to operate as a rodeo. While we believe that such a penalty is appropriate, it is unclear which permits or licenses the bill is referencing, and how any such revocation would be implemented. In particular, we are unaware of any New York State permit necessary to operate as a rodeo. And the federal Animal Welfare Act — under which the Animal and Plant Health Inspection Service of the United States Department of Agriculture licenses animal “exhibitors” — expressly exempts rodeos from that definition.³⁰ If the bill is instead addressing revocations of permits and licenses issued by other authorities,³¹ then we recommend that the bill be revised to more clearly describe how those revocations would be implemented.

In addition, we recommend that the proposed legislation prohibit not just calf roping but also steer roping (also known as steer tripping or steer busting), where steers are roped by the horns while running. Because of the animal’s speed and weight, this can cause severe stress to the neck and body, resulting in injury or death.³²

²⁵ United Kingdom, Protection of Animals Act 1934, § 1.

²⁶ Australian Capital Territory, Animal Welfare Act 1992, § 18.

²⁷ Paulo Trevisani and Marla Dickerson, *Brazil High Court Rules Against Cowboys Making Sport of Pulling Bulls’ Tails*, Wall Street Journal (Oct. 7, 2016), <https://www.wsj.com/articles/brazil-high-court-rules-against-cowboys-making-sport-of-pulling-bulls-tails-1475874436>.

²⁸ PETA, Rodeos, <https://www.peta.org/issues/animals-in-entertainment/cruel-sports/rodeos/>; Animal Legal Defense Fund, Rodeo Facts: The Case Against Rodeos, <https://aldf.org/article/rodeo-facts-the-case-against-rodeos/>; ASPCA, Rodeo, <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/rodeo>.

²⁹ Denis Slattery, *No Rodeos for New York! Advocates and Lawmaker Call on MSG to Cancel June Event*, N.Y. Daily News (Feb. 11, 2020), <https://www.nydailynews.com/news/politics/ny-assemblywoman-rosenthal-mag-rodeo-legislation-barring-techniques-20200211-h6myxzbn25hmxi2rhauy6wwbwm-story.html>.

³⁰ 7 U.S.C. § 2132(h); 9 C.F.R. § 1.1, “Exhibitor”.

³¹ For instance, the New York City Commissioner of Health issues permits for rodeos operating in New York City. N.Y.C. Health Code § 161.01(a)(2).

³² Peggy W. Larson, Rodeos: Inherent Cruelty to Animals, Humane Society Veterinary Medical Association, note 11 above.

IV. CONCLUSION

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

Animal Law Committee
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