

New York § 382

Horse racing has been a part of global and national culture for centuries, and over the years this American pastime has evolved into a source of entertainment and gambling for many. Due to the intense nature of the sport, both on the horse and human athletes, it is necessary to implement laws to protect the welfare of all involved. Unfortunately, horse racing also has its issues. A horse is only as valuable as their performance on the track, and not every individual lives up to their desired potential. Even the successful race horses eventually grow old and are unable to compete. When this happens, the horse becomes a point of financial loss for the owner, as they are costly to keep healthy and happy despite the lack of contributions to the racing scene. Many owners are compelled to rehome the horse once they are done racing, but the demand for these equines as companions is drastically lower than the supply. Due to this shortage of available homes, owners may be inclined to send an animal to slaughter for a small profit. As a result, some states such as New York implement laws to prevent the slaughtering of race horses. Section 382 of New York's agriculture and markets law makes it illegal to participate in the equine slaughter market. This law is a good addition to New York, as it improves the longevity for unwanted racehorses, it discourages owners from slaughtering them, and it uses the fines collected from violators to benefit retired race horses through the New York state thoroughbred breeding and development fund.

Many young horses do not live up to their desired potential, and become a financially depleting asset to the owners. If unable to be rehomed, the horses are often sent to slaughter many years, if not decades, before they need to be. There are no slaughter plants within the US, so the slaughter process often involves many stressful relocations in a short time period, poor

care standards, and dangerous holding and transporting conditions. Because of this, it is not unlikely for horses to arrive at the slaughter house in serious physical and mental distress, or even dead. Additionally, horse meat is not domestically approved for human consumption, and unable to be sold or consumed legally. Therefore, horse slaughter cannot provide relief to any food shortage in the US, and cannot be justified by claiming to help feed the population (The Humane Society, n.d.).

If an owner is found guilty in violation of Section 328, they are subject to large fines. The law states, “4. (a) A violation of this section is a misdemeanor punishable by a fine of not more than one thousand dollars per each race horse or racehorse breeding stock for an individual person and up to two thousand five hundred dollars per each race horse or racehorse breeding stock for a corporation, association or other entity, for the first violation. Any subsequent violation shall be punishable by a fine of up to two thousand dollars per each race horse or racehorse breeding stock for an individual person and up to five thousand dollars per each race horse or racehorse breeding stock for a corporation, association, or other entity (Prohibition of the slaughter of race horses and race horse breeding stock, 2021). Financial repercussions are a good countermeasure to the financial incentive of sending a horse to slaughter, and it mitigates the amount of people willing to take the risk of illegally sending a horse to slaughter. On average, a horse sent to slaughter could bring in up to \$700 for the seller if sold through an auction, so if caught, the owner would still be at a financial loss due to these steep fines (Equine Rescue Network, n.d.). If it is a corporation, they would lose the profit they made off over three horses for just one violation. It also highly discourages repeat offenders, as the fines raise even higher.

The fines received from violations of Section 328 are then used to help benefit a state funded program that cares for race horses. The law states, “5. (a) Any and all fines collected pursuant to a violation involving a thoroughbred horse shall be remitted to the New York state thoroughbred breeding and development fund established pursuant to section two hundred fifty-two of the racing, pari-mutuel wagering and breeding law, and shall be deposited by that fund into a dedicated account to be spent by the fund solely for the purpose of the care of retired race horses, consistent with paragraph h of subdivision two of section two hundred fifty-four of the racing, pari-mutuel wagering and breeding law (Prohibition of the slaughter of race horses and race horse breeding stock, 2021). This fund, founded in 1973, primarily aims to incentivize ethical and responsible breeding and racing through monetary awards to racing professionals who uphold responsibility and quality within the industry. Additionally, money is also used to pay for racehorse aftercare and ensure safe rehoming without the risk of being sent to slaughter (Thoroughbred Breeding and Development Fund, n.d.).

This law was an appropriate addition to the state legislation and racing industry, and has no downsides for ethical and responsible racehorse owners. Racehorses are still animals, and it is important to maintain their rights and ethical treatment even if they are used as a tool for financial gain and entertainment for humans. By implementing this law, it discourages owners from compromising equine life for a slight financial gain. Although it does not address the underlying issue of what to do with unwanted racehorses, it eliminates the possibility of unnecessary slaughter. It also helps retired racehorses live the retirement they deserve after a lifetime of contributions to the racing industry. Racehorses are a big part of New York's economy and culture, and laws like Section 328 help ensure a stable and ethical future for the sport.

References

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- Prohibition of the slaughter of race horses and race horse breeding stock, NY. Stat. § 382 (2021 & rev. 2022). <https://www.nysenate.gov/legislation/laws/AGM/382>