



Legislation Text

File #: Res 0961-2011, **Version:** *

Res. No. 961

Resolution calling upon the New York State Legislature to amend and pass S.5172 and upon the Governor to sign the amended legislation, to ensure the protection of farm animals and the integrity of New York State's food supply from unlawful tampering, without hampering investigations of animal cruelty.

By Council Members Vallone, Jr., Chin, Williams and Nelson

Whereas, On May 3, 2011, Senator Patty Ritchie (R-Heuvelton) introduced S.5172, legislation in relation to unlawful tampering with farm animals; and

Whereas, This legislation was approved by the Senate's Agriculture Committee on June 2, 2011, by a vote of six in the affirmative, two in the affirmative with reservations and two in the negative; and

Whereas, As presently written, the term "unlawful tampering" means any interference with a farm animal or farm through the injection of any unauthorized substance, the release of a farm animal, the unauthorized feeding or unauthorized video, recording or photography taken without the farm owner's written consent; and

Whereas, Violations of this law would be punishable by a misdemeanor of up to one year in jail or a one thousand dollar fine; and

Whereas, Additionally, violators would also be liable for attorney's fees and costs, veterinarian's fees and costs, and the cost of purchasing a replacement animal, if necessary; and

Whereas, Sponsors of this legislation indicated that this legislation is necessary for national security purposes, as there were recent instances of animal and facility tampering in western New York, including the unlawful injection of cattle with antibiotics and the increased theft of anhydrous ammonia fertilizer, a substance used to make methamphetamine; and

Whereas, Supporters of the legislation further state that the Department of Homeland Security and the Food and Drug Administration have indicated that farmers need to be more aware of their security weaknesses, work on improving security and discourage trespass and tampering which could compromise the safety of the country's food supply; and

Whereas, However, some opponents of the legislation believe that the expansive definition of unlawful tampering, including the unauthorized video, audio recording or photography taken without the farm owner's written consent, would have a detrimental effect on protecting farm animals; and

Whereas, Opponents, such as the American Society for the Prevention of Cruelty to Animals, a national animal protection organization, have dubbed this legislation "ag-gag" because if enacted, whistleblowers who attempt to expose animal cruelty, environmental hazards and dangers posed to the food supply would be subject to criminal prosecution if they attempt to document these occurrences; and

Whereas, According to People for the Ethical Treatment of Animals (PETA), a national animal advocacy organization, this language could hamper efforts of animal rescue organizations to uncover animal cruelty; and

Whereas, PETA further indicated that the self-policing mechanism of the farm industry is sorely lacking and undercover investigations are essential to maintaining successful prosecutions against individuals in violation of animal welfare laws, as well as laws governing sanitary conditions; and

Whereas, Others have concerns that the proposed legislation is inequitable as an individual who beats an animal in clear violation of animal cruelty laws would receive a lighter sentence than an individual filming a farm animal without consent; and

Whereas, Similar legislation to thwart investigations of animal cruelty on commercial farms has been sought this year in Florida, Minnesota and Iowa; and

Whereas, It is imperative to ensure that any legislation aimed at protecting animals truly accomplishes this laudable goal and does not contain any unintended consequence which could hamper these efforts; now,

therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend and pass S.5172 and upon the Governor to sign the amended legislation, to ensure the protection of farm animals and the integrity of New York State's food supply from unlawful tampering, without hampering investigations of animal cruelty.

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