



2018 New York State YMCA

Youth And Government

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Committee Assignment: Assembly Freedom 4

Bill #: AF-28

1 **Sponsors:** Bianca Convery, Gia Garro, Alexander Yannetta

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3 **An Act To:**

4 Amend § 353.00 of the New York State Agriculture and Markets Law to prohibit the
5 overdriving, torturing, injuring, and failure to provide proper sustenance of animals.

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7 ***The People of the State of New York, represented in the Senate and***
8 ***Assembly do enact as follows:***

9

10 **Purpose**

11 To prohibit the use of New York State live animal testing in the pursuit of human
12 based gain and/or profit such as for cosmetic and scientific research.

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 **Animal Testing:** the use of non-human animals in research and development
16 projects, specific for purposes of determining the safety of substances such as
17 foods or drugs.

18 **PETA:** People for the Ethical Treatment of Animals (PETA), largest animal rights
19 organization in the world.

20 **Torture/Cruelty:** includes every act, omission, or neglect, whereby unjustifiable
21 physical pain, suffering, or death is caused or permitted.

22 **Sustenance:** nourishment needed to maintain life.

23 **Class "A" Misdemeanor:** upon conviction, a court may sentence an individual to a
24 maximum of one year in jail or three years of probation. In addition, a fine of up to
25 \$1,000 or twice the amount of the individual's gain from the crime may be
26 imposed.

27 **Section 2:**

28 § 353.00. A person who overdrives, overloads, tortures or cruelly beats or
29 unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame,
30 and whether belonging to himself or to another, or deprives any animal of
31 necessary sustenance, food or drink, or neglects or refuses to furnish it such
32 sustenance or drink, or causes, procures or permits any animal to be overdriven,
33 overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or
34 killed, or to be deprived of necessary food or drink, or who willfully sets on foot,
35 instigates,
36 engages in, or in any way furthers any act of cruelty to any animal, or any act
37 tending to produce such cruelty, is guilty of a class A misdemeanor and for
38 purposes of paragraph (b) of subdivision one of section 160.10 of the criminal
39 procedure law, shall be treated as a misdemeanor defined in the penal law. Courts
40 may sentence individuals convicted of class A misdemeanors from violating this law
41 with a maximum of one year in jail or three years of probation, in addition to a fine
42 of twice the amount of their gain from the crime. Courts may sentence corporations
43 convicted of class A misdemeanors from violating this law with a fine of twice the
44 amount of their gain from the crime. Nothing herein contained shall be construed to

45 ~~prohibit or interfere with any properly conducted scientific tests, experiments or~~
46 ~~investigations, Testing involving the use of living animals, performed or conducted~~
47 ~~in laboratories or institutions, which are approved prohibited for these and all~~
48 ~~purposes by the state commissioner of health. The state commissioner of health~~
49 ~~shall prescribe the rules under which such approvals shall be granted, including~~
50 ~~therein standards regarding the care and treatment of any such animals. Such rules~~
51 ~~shall be published and copies thereof conspicuously~~
52 ~~posted in each such laboratory or institution. The state commissioner of health or~~
53 ~~his duly authorized representative shall have the power to inspect such laboratories~~
54 ~~or institutions to insure compliance with such rules and standards this law. Each~~
55 ~~such approval may be revoked at any time for failure to comply with such rules this~~
56 ~~law and in any case the approval shall be limited to a period not exceeding one~~
57 ~~year.~~

58 **Justification**

59 The National Institute of Health has noted "ninety five percent of all drugs that are
60 shown to be safe and effective in animal tests fail in human trials because they
61 don't work or are dangerous." The small portion of approved drugs were required to
62 be relabeled due to unforeseen side effects in humans that were not present in
63 animals. There is no reason to cruelly experiment on animals when we have the
64 ability to utilize many alternatives for research which produce much more accurate
65 results, such as cells, tissues, marrow, etc. all from human volunteers or deceased
66 animals which are less expensive, much more accurate, and all of which will save
67 millions of animals from unnecessary cruelty.

68 **Fiscal Implications**

69 Due to the alternative methods coming to play to replace the use of live animals for
70 research, the substitutions will decrease the overall cost of testing by approximately
71 twenty to twenty five percent. These alternative methods include the use of human
72 volunteer medical patients for testing and even simulations to emulate the actual
73 skin and tissues of humans. This decrease in cost will benefit New York State with
74 two opportunities' such as a decrease in overall tax pay, or even using the same
75 rates of taxes to apply to other fronts of spending.

76 **Effective Date**

77 This bill will go into effect January 1, 2019.