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## FISCAL IMPACT REPORT

SPONSOR Chasey ORIGINAL DATE 2/15/15  
LAST UPDATED \_\_\_\_\_ HB 411  
SHORT TITLE Include Equines in Animal Cruelty SB  
ANALYST A. Sánchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Agriculture (NMDA)

New Mexico Livestock Board (NMLB)

### SUMMARY

#### Synopsis of Bill

House Bill 411 proposes to amend the cruelty to animals statute to include equines not classified as food animals by the United States Department of Agriculture.

### FISCAL IMPLICATIONS

The NMLB states it would be burdensome if its inspectors are tasked with trying to enforce an ambiguous definition.

### SIGNIFICANT ISSUES

The NMSU Department of Agriculture states that the Federal Meat Inspection Act (FMIA), administered by the United States department of agriculture (USDA), covers amenable species for human consumption. Equines are among the livestock species that are amenable under FMIA. FMIA is not distinct as to when a species is considered amenable, whether that distinction begins at the carcass stage or if species are considered amenable throughout the lifecycle. This distinction is only relevant when considering the intent of the proposed amendment. The lack of clarity in the USDA classification may result in unclear outcomes as to

which equines are intended to be excluded from this section of the law. This may also create unclear enforcement outcomes.

The NMDA ask if the intent of the proposed amendment is to exclude working horses on farms and ranches from being eligible to be treated in accordance with common animal husbandry practices. This would be problematic for the normal operation of agricultural operations across the state leaving farmers and ranchers open to animal cruelty charges for best practices in animal husbandry that have been utilized for generations.

The NMLB states that this proposed amendment is difficult to understand and impossible to implement. It incorrectly leads one to believe there is such a classification as a “food horse”. No such classification or definition exists. Federal Meat Inspection Act (FMIA) which is administered by USDA already covers species for human consumption. Equines are among the livestock species that are covered under the guidelines of FMIA, but does not and cannot define stages of equine carcass development.

The NMLB also states that HB411 appears to have some constitutional implications and may also affect individual property rights.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

NMSA 77-2-1.1(A) AND Federal Rule 29 CFR 780.328. Both are definitions of livestock.

ABS/bb/je