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Criminal Law. Prohibition on Slaughter of Horses and Sale of Law of Horsemeat for Human Consumption.

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**Criminal Law. Prohibition on Slaughter
of Horses and Sale of Horsemeat for
Human Consumption. Initiative Statute.**

Official Title and Summary Prepared by the Attorney General

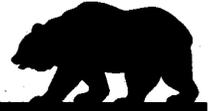
**CRIMINAL LAW. PROHIBITION ON SLAUGHTER
OF HORSES AND SALE OF HORSEMEAT FOR
HUMAN CONSUMPTION. INITIATIVE STATUTE.**

- Prohibits any person from possessing, transferring, receiving or holding any horse, pony, burro or mule with intent to kill it or have it killed, where the person knows or should know that any part of the animal will be used for human consumption. Provides that a violation constitutes a felony offense.
- Also adds a provision making the sale of horsemeat for human consumption a misdemeanor offense, with subsequent violations punished as felonies.

**Summary of Legislative Analyst's
Estimate of Net State and Local Government Fiscal Impact:**

- The measure could result in some increased law enforcement and incarceration costs at both the state and local level. These costs probably would be minor, if any.
-

Analysis by the Legislative Analyst



Background

State law permits the slaughter of horses for human consumption and for use in pet food. The slaughtering of horses for human consumption must be done in state or federally inspected facilities and must be done separately from other livestock. Currently, there are no facilities in California licensed to slaughter horses for human consumption. Nationwide, there are fewer than ten facilities that slaughter horses to provide horsemeat for human consumption.

Anyone sending a horse out of state for slaughter is required to document that the horse is being sent for that purpose. According to the state Department of Food and Agriculture, last year over 3,000 horses were sent from California for slaughter in another state.

Currently, businesses are allowed to sell horsemeat for

human consumption in California. Data are not available on whether or not this occurs.

Proposal

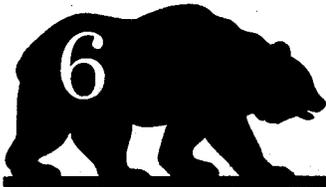
This measure prohibits both the slaughter of horses for human consumption and the sale of horsemeat for human consumption in California. In addition, horses could not be sent out of California for slaughter in other states or countries for human consumption. Under the measure horses include any horse, pony, burro, or mule.

The measure establishes felony and misdemeanor criminal penalties for violations of these provisions.

Fiscal Effect

Since this measure creates new crimes, it could result in some increased law enforcement and incarceration costs at both the state and local level. These costs probably would be minor, if any.

For the text of Proposition 6 see page 97



Criminal Law. Prohibition on Slaughter of Horses and Sale of Horsemeat for Human Consumption. Initiative Statute.

Argument in Favor of Proposition 6

PROP 6 "SAVE THE HORSES" PUTS CALIFORNIA HORSES BACK IN THE STABLE . . . AND OFF THE TABLE!

Horse Slaughter is virtually a secret industry to Californians. Nationally, TWO AND A HALF MILLION horses have been slaughtered for HUMAN CONSUMPTION and exported to foreign countries as a "gourmet" meat since 1986.

Horses slaughtered for human consumption are not humanely euthanized. Because they are slaughtered for human consumption, they are killed by splitting open their skulls with a four-inch spike then hung, bled and dismembered while still alive.

Slaughter is not exclusive to the old, sick, and crippled. Slaughter includes the young and healthy, our children's pets, frightened mares with helpless foals standing at their sides and our treasured wild mustangs.

Horses have evolved to be pleasure, recreational and sporting animals. Horses are not food animals. Existing laws protect our dogs and cats from slaughter and export. Our horses deserve this protection as well. When necessary, horses should be put to sleep humanely and rendered, not brutalized for export.

California was developed in partnership with the horse. They tilled our fields, pulled our wagons, delivered our mail. Horses have helped us immeasurably. Now we must help them by voting to prohibit their cruel and unnecessary slaughter.

People's horses are stolen, obtained under false pretenses and purchased for slaughter, without the owner's knowledge, to quickly be shipped out of state to a "no-questions asked" outlet.

Horse slaughter is contrary to basic American values. Californians do not support horse slaughter. Prop 6 would make it a crime to export and kill California's pleasure horses for foreign "gourmet" markets. It would also prohibit any California restaurant or supermarket from selling horsemeat to unwary California consumers.

WHY WE NEED THIS MEASURE:

- CALIFORNIANS DO NOT EAT HORSES. We shouldn't allow California's pleasure horses to be slaughtered and exported overseas for "gourmet" human consumption.
- Horse slaughter is cruel and inhumane.

- Horses can be bought for slaughter without the knowledge of the owner.
- Horses slaughtered to be eaten by humans cannot be humanely euthanized and must be killed in a cruel and inhumane fashion.
- Horsemeat is sold as a "gourmet" item, not to feed starving people.
- Existing laws protect dogs and cats from slaughter, our horses also deserve protection.
- Horses are recreational animals, not bred for human food.
- Horses are part of California's heritage and culture.
- Horse slaughter contributes to theft and consumer fraud.
- Californians do not want horsemeat sold in restaurants or supermarkets.
- The horse slaughter industry is all foreign owned, serving foreign interests.
- California sales tax and equine revenues are lost from the export of horses for slaughter for human consumption.

PROP 6 IS A CITIZENS, GRASSROOTS EFFORT SPONSORED BY CATHLEEN DOYLE, SHERRY DEBOER AND SIDNE J. LONG AND HAS OBTAINED BROAD BASED BI-PARTISAN SUPPORT

SUPPORTED BY:

- The California State Horsemen's Association
- Members of the United States Olympic Equestrian Team
- California Organization of Police and Sheriffs
- Thoroughbred Owners of California
- Del Mar, Golden Gate Fields and Hollywood Park Race Tracks
(This initiative is dedicated to California's horses.)

GINI RICHARDSON

Legislative Chair, California State Horsemen's Association

MICHAEL D. BRADBURY

Ventura County District Attorney

WILLIAM J. HEMBY

Legislative Chair, California Organization of Police and Sheriffs (COPS)

Rebuttal to Argument in Favor of Proposition 6

This initiative shows how the ballot process can be abused by the idle rich. A wealthy heiress wants to foist her pet project—outlawing horsemeat for human consumption—on the rest of California.

Get a life! Hardworking Californians don't need to waste their time voting on measures that are of little concern to the average citizen. Only 10,000 California horses are slaughtered for consumption each year.

These champions of horse rights paint a picture of dangerous entities in our midst, ready to dismember Mr. Ed at a moment's notice, then gleefully eat the carcass ala Jeffrey Dahmer.

If the goal of Proposition 6 is to save horses, why would it only address killing them for human consumption? Horses are more often killed to make dog food or for industrial purposes.

If the goal is to change the method of slaughter, then the authors could propose regulations to that effect. Instead, Proposition 6 turns factory workers into felons.

Under Proposition 6, horse owners could not sell their animals as they see fit. Many horses would just be cruelly abandoned and die anyway. If horses are disposed of in landfills, will decomposing carcasses pose a risk of disease or groundwater contamination?

California's Legislative Counsel reviewed Proposition 6 and found that it partially violates the U.S. Constitution. Thus, if passed, it could face expensive legal challenges (to be paid by taxpayers).

Look this "gift horse" in the mouth, and see it for the lame nag it really is. Just say NEIGH to Proposition 6.

TED BROWN

Past Chair, Libertarian Party of California

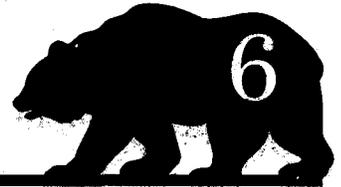
THOMAS TRYON

Rancher

JEANNE BOWERS-LEPORE, DVM

Horse Doctor

Criminal Law. Prohibition on Slaughter of Horses and Sale of Horsemeat for Human Consumption. Initiative Statute.



Argument Against Proposition 6

IF HORSEMEAT IS OUTLAWED, ONLY OUTLAWS WILL EAT HORSEMEAT!

Proposition 6 is one of the strangest measures ever to go before California voters. The proponents must really love horses to spend over \$500,000 to qualify this for the ballot. But the fact is, they have no right to use the power of government to regulate peoples' eating habits.

People make many choices in life. What they eat is quite fundamental. Some people like to eat horsemeat. Because of this, a few businesses cater to the demand and sell the product. This is a private matter between a person and his local butcher—and between the butcher and his supplier. The government should not be involved.

Proposition 6 makes killing a horse for human consumption a felony. It also makes selling horsemeat a felony on the second offense. This is an absolute misuse of the law and of our justice system.

Felonies are serious offenses, most often involving violations of peoples' rights. Good examples are murder, rape and armed robbery. Selling horsemeat is certainly not in that league.

Indeed, with the current interpretation of the "three strikes" law, a restaurant owner with 2 prior violent or

serious felony convictions could sell horse burgers; the first offense would be a misdemeanor and the second offense would be a felony, with a possible sentence of 25 years to life in prison! Do we really want scarce prison space to be taken up for a non-offense like this?

People have the right to eat horsemeat if they want to. Residents of other nations, like Canada, enjoy it more than Americans do, and in fact, horsemeat exports often go there. To outlaw its sale and consumption is cultural imperialism at its worst. It's also a violation of the free market; as long as there is a demand, there should be a safe, legal supply available.

Proposition 6 is dangerous, unnecessary, unconstitutional and downright nutty. Keep the state government out of our stables and out of our kitchens. Just say NEIGH to Proposition 6.

TED BROWN

Past Chair, Libertarian Party of California

THOMAS TRYON

Calaveras County Supervisor

JOSEPH FARINA

Attorney

Rebuttal to Argument Against Proposition 6

THERE IS NO LEGITIMATE FORMAL OPPOSITION TO THIS MEASURE.

The oppositions argument against this initiative makes it abundantly clear that they are out of step with the principles and beliefs of the vast majority of Americans. They apparently fail to recognize that we do not want our recreational animals, be it our dogs, cats, or horses slaughtered for human consumption.

We agree people have the right to choose what they eat. Californians CHOOSE NOT to eat their horses and Californians have the right to protect their horses against the cruelty of the foreign slaughter trade.

RESPONSE TO OPPONENTS:

- The secret slaughter of our recreational animals is NOT A PRIVATE MATTER BETWEEN A BUTCHER AND HIS SUPPLIER.
- This felony itself does NOT trigger the "three strikes" law.
- World market meat demands should NOT be supplied with California's pet and recreational animals.

- Proposition 6 is NOT dangerous. It protects horses. NOR is it unnecessary. 2,500,000 horses have been slaughtered since 1986.

Horses need protection because exporting them for human consumption means they have to be slaughtered cruelly instead of humanely euthanized and rendered.

Horses are an important part of California's heritage and its culture. Let's leave an honorable and compassionate legacy and protect California's horses against the cruelty of slaughter for human consumption.

**BROAD-BASED, BI-PARTISAN,
MAINSTREAM SUPPORT
VOTE YES ON PROPOSITION 6**

ROBERT REDFORD

Actor, The Horse Whisperer

JOHN VAN DE KAMP

President, Thoroughbred Owners of California

JILL HENNEBERG

U.S. Equestrian Olympic Silver Medalist

98011. No amendment to the Gaming Compact as provided for therein or under this chapter requires further approval by the Legislature or the electorate.

98012. This chapter may be amended by a two-thirds vote of the Legislature, but only to further the purposes of this Act.

Proposition 6: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure adds sections to the Penal Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

PROHIBITION OF HORSE SLAUGHTER AND SALE OF HORSEMEAT FOR HUMAN CONSUMPTION ACT OF 1998

SECTION 1. TITLE

This act shall be known and may be cited as the Prohibition of Horse Slaughter and Sale of Horsemeat for Human Consumption Act of 1998.

SEC. 2. FINDINGS AND DECLARATIONS

The people of the State of California find and declare:

(a) The horse is part of California's heritage, having played a major role in California's historical growth and development. Horses contribute significantly to the enjoyment of generations of recreation enthusiasts in California.

(b) Horses are not raised for food or fiber and are taxed differently than food animals.

(c) Hundreds of thousands of California horses have been slaughtered for food in order to provide a gourmet meat to foreign markets.

(d) Horses can be stolen, or purchased without disclosure or under false pretenses, to be slaughtered or shipped for slaughter. These practices have contributed to crime and consumer fraud.

SEC. 3. PURPOSE AND INTENT

The people of the State of California hereby declare their purpose and intent in enacting this act to be as follows:

(a) To prohibit the sale of horsemeat for food for human consumption in the State of California.

(b) To prohibit the slaughter of California horses to be used for food for human consumption.

(c) To recognize horses as an important part of California's

heritage that deserve protection from those who would slaughter them for food for human consumption.

SEC. 4. Section 598c is added to the Penal Code, to read:

598c. (a) *Notwithstanding any other provision of law, it is unlawful for any person to possess, to import into or export from the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, that horse, if that person knows or should have known that any part of that horse will be used for human consumption.*

(b) *For purposes of this section, "horse" means any equine, including any horse, pony, burro, or mule.*

(c) *Violation of this section is a felony punishable by imprisonment in the state prison for 16 months, or two or three years.*

(d) *It is not the intent of this section to affect any commonly accepted commercial, noncommercial, recreational, or sporting activity that relates to horses.*

(e) *It is not the intent of this section to affect any existing law that relates to horse taxation or zoning.*

SEC. 5. Section 598d is added to the Penal Code, to read:

598d. (a) *Notwithstanding any other provision of law, horsemeat may not be offered for sale for human consumption. No restaurant, cafe, or other public eating place may offer horsemeat for human consumption.*

(b) *Violation of this section is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by confinement in jail for not less than 30 days nor more than two years, or by both that fine and confinement.*

(c) *A second or subsequent offense under this section is punishable by imprisonment in the state prison for not less than two years nor more than five years.*

SEC. 6. SEVERABILITY

If any provision of this act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are severable.

Proposition 7: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure amends and adds sections to various codes; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

CALIFORNIA AIR QUALITY IMPROVEMENT ACT

SECTION 1. This act shall be known and may be cited as the California Air Quality Improvement Act of 1998.

SEC. 2. Part 10 (commencing with Section 44475.1) is added to Division 26 of the Health and Safety Code, to read:

PART 10. CALIFORNIA AIR QUALITY IMPROVEMENT PROGRAM

CHAPTER 1. FINDINGS, DEFINITIONS, AND PURPOSES

44475.1. *The people of the State of California hereby find and declare all of the following, and state that to achieve and implement these findings and declarations is the intent and purpose of this measure:*

(a) *Air quality standards have been adopted to protect public health and the quality of life in California. In the interest of protecting every Californian's health and quality of life, it is necessary that California public agencies improve air quality by offering incentives for meeting mandated air quality standards as expeditiously as possible.*