

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2019 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 67/GA**

On page 6, after line 15, insert the following:

"➔SECTION 5. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section:

(a) "Abuse" means the intentional or wanton:

1. Infliction of unnecessary pain, suffering, or contact; or

2. Neglect or abandonment, including the failure to provide adequate care;

(b) "Adequate care" means the food, drink, space, and health care required to be provided to an equine set forth in administrative regulations promulgated by the Board of Agriculture pursuant to KRS 257.030 that are based upon recommendations by the Kentucky Livestock Care Standards Commission pursuant to KRS 257.196;

(c) "Body condition score" means a score attributed by a veterinarian based upon the Henneke Body Condition Scoring System; and

(d) "Equine" means any animal of the equine species.

(2) A person is guilty of cruelty to equines when an individual abuses an equine and the abuse results in:

(a) Serious physical injury or death; or

Amendment No. _____

Rep. Rep. Diane St. Onge _____

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Hardy, Dale _____

Adopted: _____

Date: _____

Rejected: _____

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(b) A body condition score of two (2) or less.

(3) Cruelty to equines is a Class D felony.

(4) If a person is convicted of or pleads guilty to an offense under subsection (2) of this section arising from the person's treatment of an equine, the court shall impose the following penalties against the person, in addition to fines and imprisonment:

(a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; and

(b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

If a person's ownership interest in an equine is terminated by a judicial order under paragraph (b) of this subsection, the court shall order the sale, conveyance, or other disposition of the equine that was the subject of the offense resulting in conviction.

(5) Nothing in this subsection shall constitute a violation of this section in regard to the care, killing, or injuring of an equine:

(a) In accordance with a license to hunt, fish, or trap;

(b) For humane purposes;

(c) For veterinary purposes, or where the equine has an illness or other predisposing condition and is under the care of a licensed veterinarian in a bona fide veterinarian-client-patient relationship;

(d) For agricultural, spaying or neutering, or cosmetic purposes;

(e) For purposes relating to sporting activities, including but not limited to horse

- racine at organized races and training for organized races, organized horse shows, or other animal shows;*
- (f) For bona fide animal research activities, using equines, of institutions of higher education, or of a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;*
- (g) In defense of self or another person against an aggressive or diseased equine;*
- (h) In defense of another equine against an aggressive or diseased equine;*
- (i) For animal or pest control;*
- (j) Artificial insemination of an equine for reproductive purposes;*
- (k) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of equines or any other procedure that provides care for an equine; or*
- (l) For any other purpose authorized by law.*
- (6) The acts specified in this section shall not constitute cruelty to animals under KRS 525.130.*

➔Section 6. Section 5 of this5 Act shall be known and may be cited as Klaire's Law.

➔Section 7. The restrictions of KRS 6.945(1) shall not apply to Section 5 of this Act.".