

Below is an overview, provided by the AU Lobbyist, Greg Smith, of pending legislation pertaining to shipping live animals in and out of New York. We are providing contact information to members in New York should they want to submit comment.

Legislation to Halt Mailing of Animals, including Birds, Introduced in the New York State Assembly

On February 4, 2021, New York Assembly-member Linda Rosenthal introduced New York Assembly Bill 4611, legislation that would ban the shipment of animals. The bill establishes civil penalties of up to one thousand dollars per violation. Assembly Bill 4611 would amend New York's Agriculture and Markets Law by creating a new section 382 prohibiting the use of the U.S. Postal Service or other mail carrier by any person or private entity to "mail or offer for mailing a live animal by postal mail" into, within, or outside of the state of New York. Act § 1, adding § 382(1). The bill language explicitly states that "live animal" includes "bird," even though the U.S. Postal Service's Publication 52 clearly permits the mailing of live adult birds.

If enacted, this bill would be devastating to the members of the American Racing Pigeon Union ("AU"), especially those in New York, but also those in other states that participate in New York races, or otherwise ship birds to and from New York. Without the ability to use the postal service to transport racing pigeons, many members would not be able to participate in races, supplement their flocks, or conduct adequate breeding programs.

This bill could open the floodgates for similar prohibitions in other states. In the AU's view, this bill is not only bad policy but also unconstitutional. The U.S. Constitution provides that "[t]he Congress shall have Power ... To establish Post Offices and post Roads ... And To make all Laws which shall be necessary and proper for carrying into Execution" these postal powers. U.S. Const. Article I, Section 8. Federal statutes and regulations define what is "mailable" or "nonmailable," and current federal law permits the mailing of racing pigeons.

This legislation has been referred to the Committee on Agriculture of the New York State Assembly, and is only about a quarter of the way through the legislative process. Nonetheless, it is important to take action. The AU will be submitting in-depth comments about the negative and unlawful impacts this bill would have on AU members.