

Prop 6 Wording

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.

SECTION 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, purchased without disclosure, or under false pretenses to be slaughtered or shipped for slaughter. That practice has contributed to crime and consumer fraud.

SECTION 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 the horse as an important part of California's heritage that deserves protection from those who would slaughter them for food for human consumption.

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

Section 598c Prohibition of Horse Slaughter

(a) Notwithstanding any provision of law, it shall be unlawful for any person to possess, import into, or export from, the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or killing, or having another person kill that horse, where 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, burro, or mule.

(c) Violation of this section is a felony punishable by imprisonment in the state prison for 16 months, 2 years or 3 years.

(d) It is not the intent of this section to impact any commonly accepted horse commercial, non-commercial, recreational or sporting activity.

(e) It is not the intent of this section to impact any existing laws which relate to horse tax or zoning.

SECTION 5. Section 598d is added to the Penal code, to read:

Section 598d Prohibition on Sale of Horsemeat

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

(b) Violation of this section is a misdemeanor punishable by a fine of not more than \$1,000; confinement in jail not less than 30 days nor more than two years; or both the fine and the punishment.

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

SECTION 6. SEVERABILITY

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