

SUBSTITUTE ORDINANCE NO. BL2019-1706

An Ordinance Banning the Use of Action Devices on Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses.

WHEREAS, historically, Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses have been subjected to soring, a practice which involves the intentional infliction of pain to a horse's legs or hooves in order to force the horse to perform an artificial, exaggerated gait; and

WHEREAS, the abuse of horses through soring techniques has been documented extensively through undercover investigations by organizations such as the Humane Society of the United States, and is particularly prevalent in the state of Tennessee, where many Tennessee Walking Horses, Racking Horses, and Spotted Saddle horses are shown and exhibited; and

WHEREAS, a recent World Grand Champion of the Tennessee Walking Horse National Celebration, held in Tennessee, was found to be sore; and

WHEREAS, at the 2013 Tennessee Walking Horse National Celebration, USDA testing showed that 67% of the horses tested positive for substances that could be used to hide soring; and

WHEREAS, numerous horse exhibitions showcasing Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses have historically taken place in the City of Nashville; and

WHEREAS, trainers and exhibitors who do not sore their horses suffer a competitive disadvantage against those that do so illegally, and this creates unfair competition by deceiving the spectating public and horse buyers; and

WHEREAS, action devices such as chains, collars, rollers, beads, pads, wedges, and weighted shoes are integral to the soring process and are intended to inflict pain upon the horse; and

WHEREAS, current Federal laws do not properly address the use of such action devices on horses; and

WHEREAS, the horse industry currently is able to train their own inspectors in what the USDA says is a conflict of interest that leaves them with no incentive to find violations; and

WHEREAS, during audits, federal inspectors consistently find more sored horse than private inspectors do; and

WHEREAS, Metro Animal Care and Control (MACC) is committed to the delivery of humane and responsive animal care and control services to and for the residents and animals of Nashville-Davidson County; and

WHEREAS, MACC is committed to the prevention of animal cruelty and the enforcement of anti-cruelty laws. Animal cruelty is defined as behaviors that cause unnecessary pain, suffering, distress, and/or the death of the animal; and

WHEREAS, MACC works closely with local authorities to document, collect, and preserve evidence for further evaluation and prosecution; and

WHEREAS, the Metropolitan Government of Nashville believes it is in the best interests of this City to adopt reasonable regulations to prevent cruelty to horses, promote the welfare and humane treatment of animals in the City, ensure fair competition in horse shows and exhibitions, and foster a more humane environment in the City.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 8.12 of the Metropolitan Code of Laws is hereby amended by creating a new Section 8.12.120 as follows:

8.12.120 – Prohibition on Use of Action Devices on Horses

A. Definitions.

1. The term "action device" means any boot, collar, chain, roller, or other device that encircles or is placed upon the lower extremity of the leg of a horse in such a manner that device:
 - a. Rotates around the leg or slides up and down the leg; or
 - b. Touches or strikes the hoof, coronet band, fetlock joint, or pastern of the horse.
 2. The term "action device" does not include soft rubber or soft leather bell boots or quarter boots that are used as protective devices.
 3. The term "participant" means anyone engaging in any activity with respect to a horse show, horse exhibition, or horse sale or auction, including, but not limited to, the following:
 - a. Transporting or arranging for transportation of a horse to or from a horse show, horse exhibition, or horse sale or auction;
 - b. Personally giving instructions to an exhibitor; or
 - c. Knowingly entering or remaining in a warm-up area, inspection area, or other area at a horse show, horse exhibition, or horse sale or auction that spectators are not permitted to enter.
- B. Prohibited Conduct. It shall be unlawful and considered animal abuse for any trainer, exhibitor, owner, rider, or participant to use a weighted shoe, pad, wedge, hoof band, or other action device at a horse show, horse exhibition, or horse sale or auction that—
1. Is placed on, inserted in, or attached to any limb of a Tennessee Walking Horse, a Racking Horse, or a Spotted Saddle Horse; and
 2. Is not strictly protective or could reasonably be expected to cause physical pain, distress, or inflammation; and
 3. Is not solely therapeutic in nature; and under the supervision of a person licensed to practice veterinary medicine in the state in which such treatment was given within the context of a veterinary client-patient relationship.
- C. No horse shows, horse exhibitions, or horse sales or auctions shall be held without an USDA employed inspector or USDA employed Veterinary Medical Officers on site to inspect horses for soring. This does not include Designated Qualified Person (DQP) individuals.
- CD. Civil Penalty. Any person who violates the provisions of subsection B or C shall, upon conviction thereof, be fined \$50. Each violation of subsection B shall constitute a separate violation.
- E. Any participant convicted under subsection D shall not be allowed to participate in future horse shows, horse exhibitions, or horse sales or auctions.

Section 2. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kathleen Murphy
Member of Council