

16-Farm Welfare Statutes/Excerpts

Excerpts/Examples of other states farm animal welfare laws

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2011 Michigan Compiled Laws

ANIMAL INDUSTRY ACT (EXCERPT)

Act 466 of 1988

287.746 Definitions; tether or confinement of farm animal; prohibitions; exceptions; violation of section; injunction; construction of section; effective date of certain provisions.

Sec. 46.

(1) As used in this section:

- (a) "Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- (b) "Covered animal" means any gestating sow, calf raised for veal, or egg-laying hen that is kept on a farm.
- (c) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.
- (d) "Enclosure" means any cage, crate, or other structure used to confine a covered animal. Enclosure includes what is commonly described as a "gestation crate or stall" for gestating sows, a "veal crate" for calves raised for veal, or a "battery cage" for egg-laying hens.
- (e) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber. Farm does not include live animal markets.
- (f) "Farm owner or operator" means any person who owns or controls the operation of a farm.
- (g) "Fully extending its limbs" means fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending its limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.0 square feet of usable floor space per hen.
- (h) "Gestating sow" means any confirmed pregnant sow of the porcine species kept for the primary purpose of breeding.
- (i) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (j) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

(2) Notwithstanding any other provision of law, a farm owner or operator shall not tether or confine any covered animal on a farm for all or the majority of any day, in a manner that prevents such animal from doing any of the following:

- (a) Lying down, standing up, or fully extending its limbs.
- (b) Turning around freely.

(3) The prohibitions of subsection (2) shall not apply to a covered animal during any of the following:

- (a) Scientific or agricultural research.
- (b) Examination, testing, individual treatment, or operation for veterinary purposes, by a person licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.
- (c) Transportation, unless otherwise in violation of section 51 of the Michigan penal code, 1931 PA 328, MCL 750.51, relating to confining animals on railroad cars.
- (d) Rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.
- (e) The slaughter of a covered animal in accordance with 1962 PA 163, MCL 287.551 to 287.556, and other applicable law and rules.

(f) In the case of a gestating sow, the period beginning 7 days before the gestating sow's expected date of giving birth.

(4) The department or the attorney general may bring a civil action to restrain, by temporary or permanent injunction, any act or practice in violation of this section. The action may be brought in the circuit court for the county where the defendant resides or conducts business. The court may issue a temporary or permanent injunction and issue other equitable orders or judgments. A defense described and made available relating to customary animal husbandry or farming practices involving livestock, under sections 50(11)(f) and 50b(8) of the Michigan penal code, 1931 PA 328, MCL 750.50 and 750.50b, or similar provisions, are not considered a defense to an action brought for the violation of this section involving a covered animal. In addition, the criminal penalties provided in section 44 are not applicable to violations of this section.

(5) The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare. This section shall not be construed to limit any other state law or rules protecting the welfare of animals.

(6) The provisions of this section do not apply to calves raised for veal until October 1, 2012.

(7) The provisions of this section do not apply to egg-laying hens and gestating sows until 10 years after the enactment date of the amendatory act that added this section.

History: Add. 2009, Act 117, Eff. Mar. 31, 2010

Compiler's Notes: Former MCL 287.746, which pertained to repeal of Act 181 of 1919, MCL 287.1 to 287.26a, was repealed by Act 323 of 2000, Imd. Eff. Oct. 31, 2000.

Florida Const. art. 10, § 21. Limiting Cruel and Inhumane Confinement of Pigs During Pregnancy

Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.

a. It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.

b. This section shall not apply:

1. when a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.

2. during the prebirthing period.

a. For purposes of this section:

1. "enclosure" means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."

2. "farm" means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.

3. "person" means any natural person, corporation and/or business entity.

4. "pig" means any animal of the porcine species.

5. "turning around freely" means turning around without having to touch any side of the pig's enclosure.

6. "prebirthing period" means the seven day period prior to a pig's expected date of giving birth.

Arizona Rev. Stat. §§ 13-2910.07 to 13-2910.08

Effective December 31, 2012

§13-2910.07. Cruel and inhumane confinement of a pig during pregnancy or of a calf raised for veal

A. Notwithstanding any other provision of title 3 or title 13, a person shall not tether or confine any pig during pregnancy or any calf raised for veal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

1. Lying down and fully extending his or her limbs; or

2. Turning around freely.

B. This section shall not apply to:

1. Pigs or calves during transportation.

2. Pigs or calves in rodeo exhibitions, state or county fair exhibitions, or other similar exhibitions.

3. The killing of pigs or calves according to the provisions of chapter 13, title 3 and other applicable law and regulations.

4. Pigs or calves involved in lawful scientific or agricultural research.

5. Pigs or calves while undergoing an examination, test, treatment or operation for veterinary purposes.

6. A pig during the seven day period prior to the pig's expected date of giving birth.

C. A person who violates this section is guilty of a class 1 misdemeanor.

D. The following definitions shall govern this section:

1. "Calf" means a calf of the bovine species.

2. "Calf raised for veal" means a calf raised with the intent of selling, marketing or distributing the meat, organs or any part of such calf as a food product described as "veal."

3. "Farm" means the land, buildings, support facilities, and other equipment that is wholly or partially used for the production of animals for food or fiber.

4. "Pig" means any animal of the porcine species.

5. "Turning around freely" means having the ability to turn around in a complete circle without any impediment, including a tether, or, in the case of an enclosure (including what is commonly described as a "gestation crate" for pigs and a "veal crate" for calves) without touching any side of the enclosure.

Oregon Rev. Stat. §600.150

Effective January 1, 2012

§600.150. Restrictive confinement of a pregnant pig

(1) As used in this section:

(a) "Pig" means a porcine animal of a type maintained as livestock.

(b) "Turning around freely" means having the ability to turn in a complete circle in an enclosure without an impediment, including a tether, and without touching any side of the enclosure.

(2) A person commits the offense of restrictive confinement of a pregnant pig if the person confines a pregnant pig for more than 12 hours during any 24-hour period in a manner that prevents the pregnant pig from:

(a) Lying down and fully extending its limbs; or

(b) Turning around freely.

(3) Subsection (2) of this section does not apply to a pregnant pig:

(a) That is being transported;

(b) In a rodeo exhibition, a state or county fair exhibition or a similar exhibition;

(c) During the slaughtering process;

(d) During lawful scientific or agricultural research;

(e) During an examination, operation or test by a veterinarian or during temporary treatment for veterinary purposes; or

(f) In the seven-day period before the pig farrows.

(4) The offense of restrictive confinement of a pregnant pig is a Class A violation.

California Health & Safety Code, Division 20, Chapter 13.8

Effective January 1, 2015

Chapter 13.8

§ 1. SHORT TITLE

This act shall be known and may be cited as the Prevention of Farm Animal Cruelty Act.

§ 2. PURPOSE

The purpose of this act is to prohibit the cruel confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

§ 3. FARM ANIMAL CRUELTY PROVISIONS

Chapter 13.8 (commencing with Section 25990) is added to Division 20 of the Health and Safety Code, to read:

§ 25990 PROHIBITIONS.

In addition to other applicable provisions of law, a person shall not tether or confine any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

- (a) Lying down, standing up, and fully extending his or her limbs; and
- (b) Turning around freely.

§ 25991. DEFINITIONS.

For the purposes of this chapter, the following terms have the following meanings:

- (a) "Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- (b) "Covered animal" means any pig during pregnancy, calf raised for veal, or egg-laying hen who is kept on a farm.
- (c) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.
- (d) "Enclosure" means any cage, crate, or other structure (including what is commonly described as a "gestation crate" for pigs; a "veal crate" for calves; or a "battery cage" for egg-laying hens) used to confine a covered animal.
- (e) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber; and does not include live animal markets.
- (f) "Fully extending his or her limbs" means fully extending all limbs without touching the side of an enclosure, including, in the case of egg-laying hens, fully spreading both wings without touching the side of an enclosure or other egg-laying hens.
- (g) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (h) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the primary purpose of breeding.
- (i) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.