

FARM ANIMAL WELFARE LAWS

Chelsea Good

Livestock Marketing Association

Most Farm Animal Welfare Laws are
STATE specific laws.

Federalism



System of government in which powers are
divided and *shared* by a central government
and its sub-divisional governments



Federal Laws

- Twenty-Eight Hour Law (1906, Reenacted in 1994)
 - Animals transported across state lines may not be confined in a vehicle or vessel for more than 28 consecutive hours without unloading for feeding, water, and rest.
- Poultry Products Inspection Act (1957)
 - Poultry must be slaughtered using “good commercial practices.”
- Humane Slaughter Act (1958)
 - Outlines the methods of slaughter that are deemed to be “humane,” and thus appropriate for use in slaughtering livestock.

Federal Laws (cont'd)

- Animal Welfare Act (1966)
 - Secretary of Agriculture may create standards to govern the humane treatment of animals by dealers, research facilities, and exhibitors.
 - Farm animals are exempt. 7 U.S.C. § 2132(g)
- Horse Protection Act (1970)
 - Makes it a crime to exhibit or transport for exhibition any “sore” horse, which is a horse whose feet have been injured in order to alter the horse’s gait.

State Law Trends

- Animal Cruelty Laws
- Confinement Statutes
- Restricting Production Practices
- Livestock Standards Boards
- Prohibiting Local Action
- Right to Farm
 - Nuisance Protection
 - State Constitutional Right
- Laws prohibiting undercover filming of farms (a.k.a. Ag Gag)

Animal Cruelty

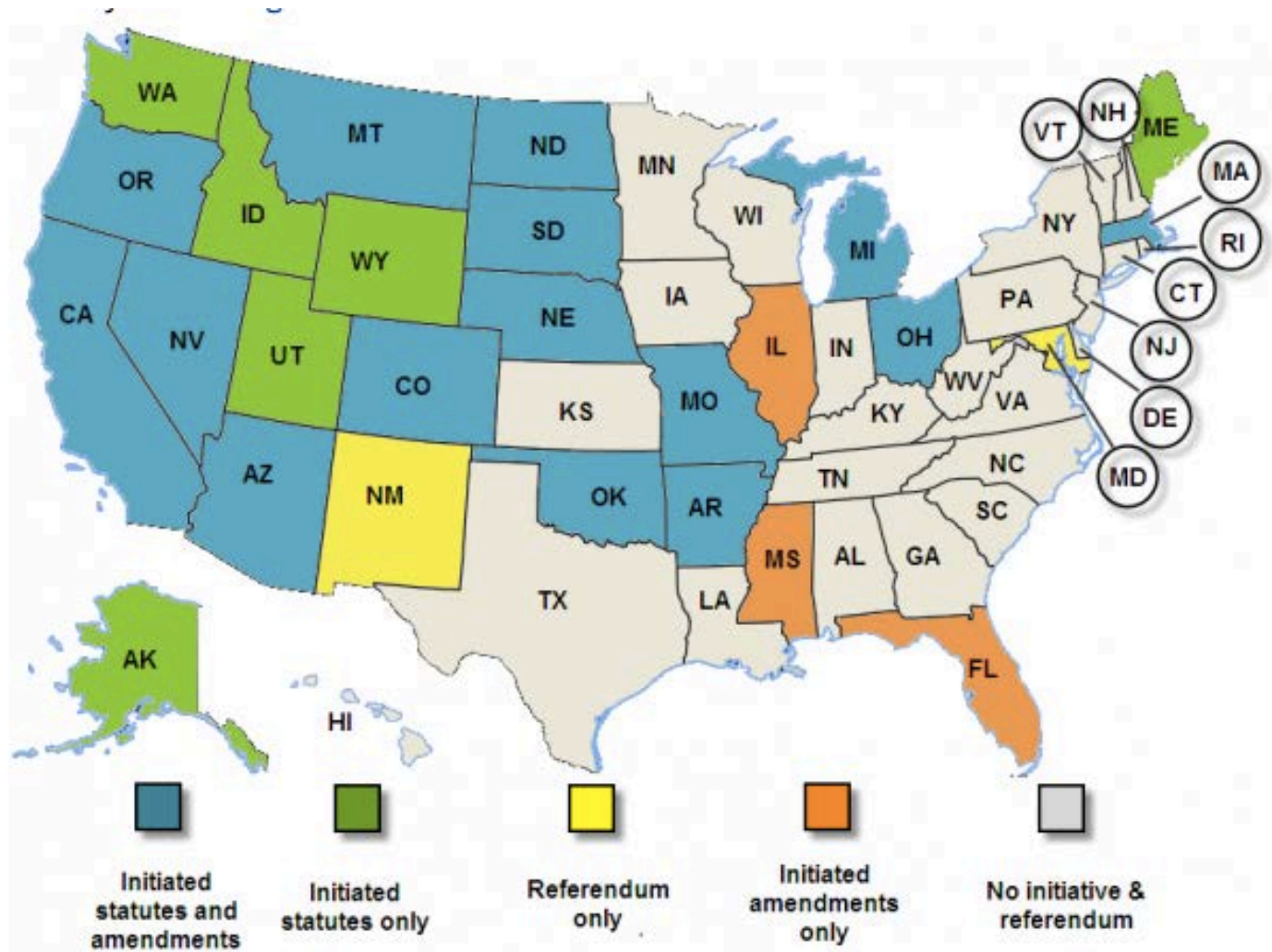
- All 50 states have enacted some sort of legislation prohibiting cruelty to animals.
- Approximately 30 states provide exemptions for “common,” “normal,” or “customary” farm animal husbandry practices.
- State Laws vary on who has authority to investigate.
 - Local law enforcement
 - State animal health officials
 - Local humane societies
- Visit <http://nationalaglawcenter.org/state-compilations/animal-cruelty/> to find text of animal cruelty laws in each state.

Confinement Restriction Statutes

- Laws tend require animals can “turn around freely, lie down, stand up, and fully extend limbs”
- Pregnant sows, veal calves, and poultry are most common species covered
- Phased out time frames
- Common Exemptions:
 - Farrowing hogs
 - Veterinary care
 - Slaughter
 - Transportation
 - Exhibitions
 - Research

<http://nationalaglawcenter.org/state-compilations/farm-animal-welfare/> provides text of state farm animal confinement statutes.

Ballot Initiative States



Confinement Restriction Statutes

- Florida (2002)
 - Pregnant Sows
 - Ballot Initiative
- Arizona (2006)
 - Pregnant Sows & **Veal Calves**
 - Ballot Initiative
- Oregon (2007)
 - Pregnant Sows by 2013
 - **Legislative**
- Colorado (2008)
 - Hog Gestation Stalls by 2018
 - Legislative agreement to avoid ballot initiative
- California (2008)
 - **Laying hens**, Pregnant Sows, & Veal Calves
 - Effective January 1, 2015
 - Ballot initiative

California Proposition 2 (2008)

- Passed with 63.5% of the vote.
- Proponents
 - YES! On Prop 2
 - \$10.6 Million
- Opponents
 - Californians for SAFE Food
 - \$8.9 Million



- 2010 – Expanded to apply to eggs coming in to California from hens raised in other states.
- 2014 Farm Bill – King amendment would have prohibited states from enacting laws placing conditions on means of production for agricultural goods sold within its boarder but produced in other states.
 - Not included in final bill

Confinement Restriction Statutes (cont'd)

- Maine (2009)
 - Pregnant Sows and Veal Calves by 2011
 - Civil in addition to Criminal action
 - Legislation
- Michigan (2009)
 - Veal Calves by 2012
 - Pregnant Sows & Laying Hens by 2019
 - Legislation
 - Original bill would have codified livestock industry quality assurance program as the basis for animal care and given the Department of Ag the authority to implement industry-developed standards.
 - Ultimate bill controversial within the agriculture industry
- Washington (2011)
 - Phase out laying hen battery cages
 - Legislation

National Legislation Attempt

- United Egg Producers (UEP) and the Humane Society of the United States (HSUS) had an agreement and worked together seeking federal law which would have:
 - doubled space per hen in houses by 2029
 - required housing enrichments
 - mandated labeling about production practices on egg cartons
- HSUS agreed to not initiate, fund, or support ballot measures on the topic during the agreement.
- Dissolved when not included in the 2014 Farm Bill

Confinement Restriction Statutes (cont'd)

- Rhode Island (2012)
 - Pregnant Sows & Veal Calves
 - Bans tail docking
 - Legislation
- New Jersey (2014)
 - NJ Governor Chris Christie vetoed bill banning gestation stalls for hogs.
- Massachusetts (2016)
 - Pregnant Sows, Laying Hens, & Veal Calves
 - Also bans selling products from animals raised in prohibited environment even if from out of state
 - Effective in 2022
 - Ballot Initiative

Restricting Certain Production Practices

- California (2004) banned foie gras.
 - Force feeding birds more food than they would naturally eat
- Tail docking
 - Regulated in 14 states in some fashion, including being illegal in some
- Devocalization of dogs
 - Prohibited in 5 states under certain circumstances

Missouri Proposition B

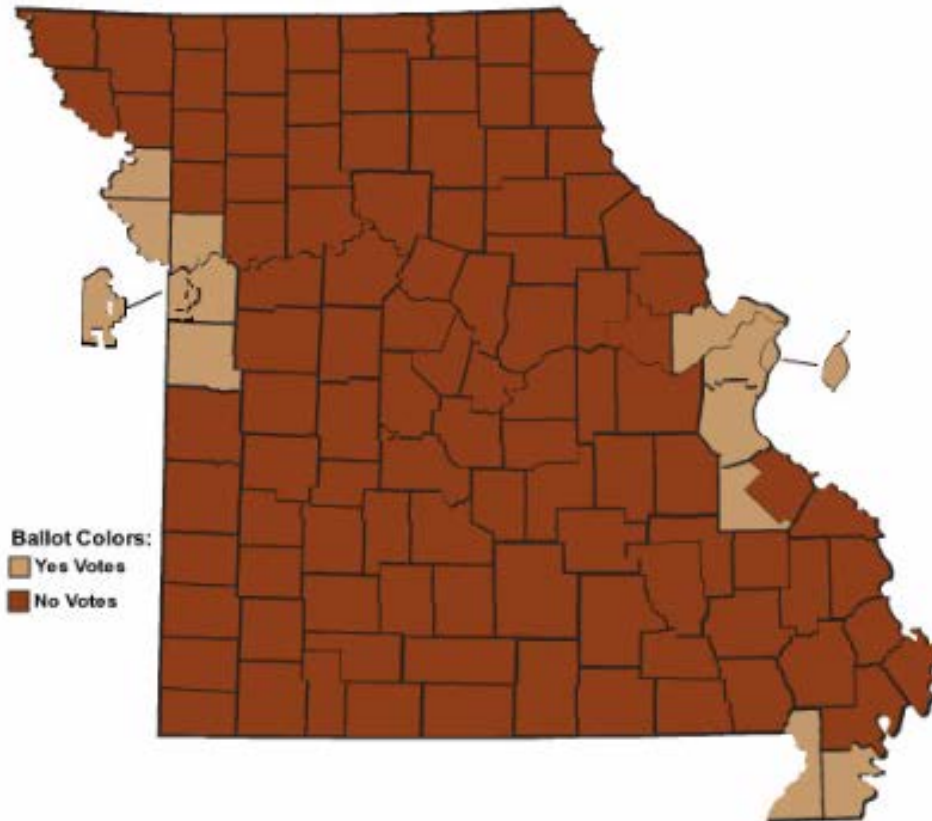
- 2011 - Missouri proposition B dictated production practices for dog breeders.
 - limit number of dogs to 50 per kennel
 - sufficient space to turn and stretch freely, lie down, fully extend limbs
 - limits breeding to no more than twice in 18-month time frame
- Ballot initiative passed with 51.6% of votes
- Legislature passed bill removing the prohibition of a breeder having more than 50 dogs.

Missouri Proposition B

Proposition B

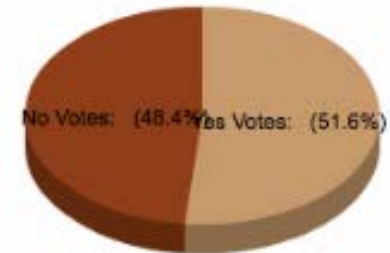
Yes / No Votes by County

Select a county to view detailed race results.



Precincts Reported Complete: 100%

Ballot Votes Statewide



Yes Votes:	997,870 (51.6%)
No Votes:	936,190 (48.4%)

12 of 114 counties plus city of Saint Louis

Animal Care and Standards Boards

- Ohio (2009)
 - Legislature submitted resolution to put a ballot initiative to vote to amend the Ohio Constitution to create a board that would set livestock welfare standards.
 - Passed with 64 %
 -
 - Regulations passed in 2010 phase out gestation crates (2025), require cage size for laying hens (2016), and phase out veal crates (2018).

Animal Care and Standards Boards

- Alabama
- Illinois
- Louisiana
- Kentucky
- Ohio
- Rhode Island
- Utah
- Vermont
- West Virginia

Laws Outlining Production Practices

- Requirements that certain animal care standards be met
 - E.g. Oregon (2011) law sets out standards for enclosures for egg-laying hens, including meeting enrichment standards set by American Humane Association's farm animal welfare certification program.
- Requirements that food and water be provided
 - E.g. Virginia (2011)

New Jersey

- 1995 law directing NJ Department of Agriculture to develop “standards for the humane raising, keeping, care, treatment, marketing, and sale of domestic livestock.
- Regulations allowed the use of “routine husbandry practices,” defined as “techniques commonly taught by veterinary schools, land grant colleges, and agricultural extension agents.”
- Lawsuit
 - Impermissibly broad
 - Unlawful delegation of authority
 - Challenged specific practices
- 2008 NJ Supreme Court
 - Struck down the definition of “routine husbandry practices.”
 - Upheld crating and tethering practices based on science.
 - Invalidated tail docking.

Prohibit Local Action

- Some states have passed laws preempting all local laws regarding the care and handling of livestock.
- These statutes clarify that animal care rules are solely a state issue, typically left up to the state Department of Agriculture or an Animal Care Board.
 - Examples: Georgia, Alabama, Oklahoma (2009)
 - Examples Combining Prohibiting Local Action and Creating an Animal Care Board: Kentucky, Louisiana (2010)

Other Trends

- Right to Farm / Produce Livestock
 - All 50 states have some sort of “right to farm” nuisance protection laws.
 - Some states are adding a right to farm, produce livestock, and/or hunt and fish provision to their state constitutions.



Other Trends

- Laws prohibiting undercover filming of farms
 - Date back to 1980 (KS) and 1991 (MT & ND)
 - Surge of states considering since 2011
- Focus Varies
 - Activity of filming.
 - 1st Amendment Challenges
 - Gaining access to property by false pretenses.
 - Require abuse be reported and full footage, if any, provided to law enforcement.

Questions



Chelsea Good, LMA VP of Government and Industry Affairs

cgood@lmaweb.com

816-305-9540