

# FARM ANIMAL WELFARE LAWS

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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

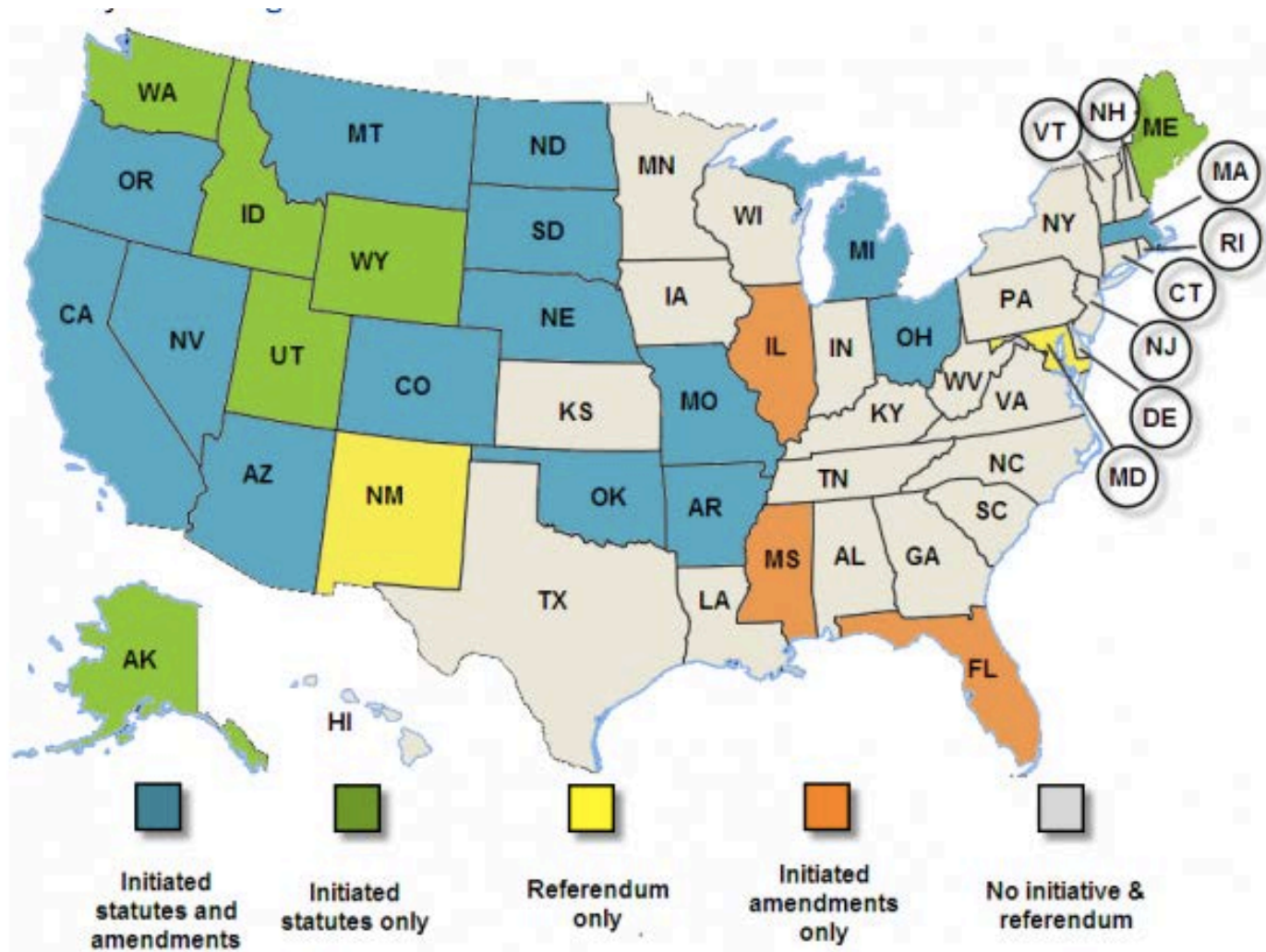
- All 50 states have enacted some sort of legislation prohibiting cruelty to animals.
- Approximately 30 states provide exemptions for “common,” “normal,” or “customary” farm animal husbandry practices.
- State Laws vary on who has authority to investigate.
  - Local law enforcement
  - State animal 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

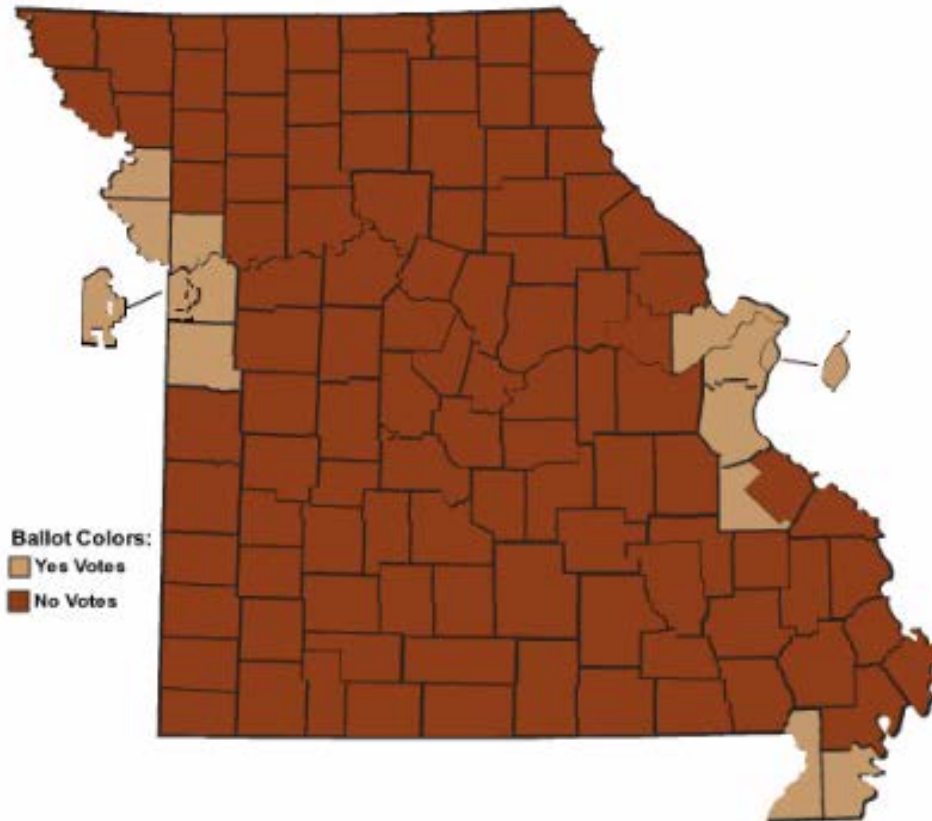
- 2011 - Missouri proposition B dictated production practices for dog breeders.
  - limit number of dogs to 50 per kennel
  - sufficient space to turn and stretch freely, lie down, fully extend limbs
  - limits breeding to no more than twice in 18-month time frame
- Ballot initiative passed with 51.6%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

# Missouri Proposition B

## Proposition B

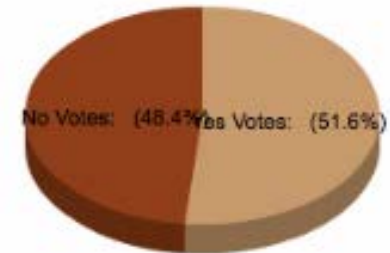
Yes / No Votes by County

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.
    - 1<sup>st</sup> 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](mailto:cgood@lmaweb.com)**

**816-305-9540**