

SENATE No. 439

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure continued humane animal care and protect family farms in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>

SENATE No. 439

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 439) of Jason M. Lewis, Chris Walsh, Lori A. Ehrlich, Paul R. Heroux and other members of the General Court for legislation to ensure continued humane animal care and protect family farms in Massachusetts. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to ensure continued humane animal care and protect family farms in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 272 of the General Laws is hereby amended by adding the
2 following section:--

3 Section 106.

4 (a) The purpose of this section, subject to exceptions, is to prohibit the confinement of
5 farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and
6 fully extend their limbs.

7 (b) Notwithstanding any other provision of law, a person is guilty of unlawful
8 confinement of a covered farm animal if the person is a farm owner or operator who knowingly
9 tethers or confines any covered animal, on a farm, for all or the majority of any day, in a manner
10 that prevents such animal from:

11 (1) Lying down, standing up, and fully extending his or her limbs; and

12 (2) Turning around freely.

13 (c) This section shall not apply:

14 (1) During medical, scientific, or agricultural research.

15 (2) During examination, testing, individual treatment or operation for veterinary
16 purposes.

17 (3) During transportation.

18 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar
19 exhibitions.

20 (5) During the slaughter of a covered animal in accordance with the provisions of Chapter
21 94, sections 139C and 139D of the General Laws, and other applicable laws and regulations.

22 (6) To a pig during the seven-day period prior to the pig's expected date of giving birth.

23 (d) For the purposes of this section:

24 (1) "Calf raised for veal" means any calf of the bovine species kept for the purpose of
25 producing the food product described as veal.

26 (2) "Covered animal" means any pig during pregnancy, or calf raised for veal who is kept
27 on a farm.

28 (3) "Enclosure" means any cage, crate, or other structure (including what is commonly
29 described as a "gestation crate" for pigs; or a "veal crate" for calves used to confine a covered
30 animal).

31 (4) "Farm" means the land, building, support facilities, and other equipment that are
32 wholly or partially used for the commercial production of animals or animal products used for
33 food or fiber; and does not include live animal markets.

34 (5) "Farm owner or operator" means any person who owns or controls the operation of a
35 farm, and does not include any non-management employee, contractor, or consultant.

36 (6) "Fully extending his or her limbs" means fully extending all limbs without touching
37 the side of an enclosure

38 (7) "Person" means any individual, firm, partnership, joint venture, association, limited
39 liability company, corporation, estate, trust, receiver, or syndicate.

40 (8) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the
41 primary purpose of breeding.

42 (9) "Turning around freely" means turning in a complete circle without any impediment,
43 including a tether, and without touching the side of an enclosure.

44 (e) Any person who violates any of the provisions of this chapter is guilty of a
45 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one
46 thousand dollars (\$1,000).

47 SECTION 2. This chapter shall take effect one year after its passage.