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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO ANIMAL HUSBANDRY -- UNLAWFUL CONFINEMENT OF A COVERED ANIMAL

Introduced By: Representative Patricia A. Serpa

Date Introduced: March 01, 2017

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1.1-1, 4-1.1-2, 4-1.1-3, 4-1.1-4 and 4-1.1-5 of the General Laws
2 in Chapter 4-1.1 entitled "Unlawful Confinement of a Covered Animal" are hereby amended to
3 read as follows:

4 **4-1.1-1. Definitions.**

5 For the purposes of this chapter:

6 (1) "Calf raised for veal" means a calf of the bovine species kept for the purpose of
7 producing the food product referred to as veal.

8 (2) ~~"Crate" means a "gestation crate" for sows or a "veal crate" for calves.~~

9 "Covered animal" means any sow during gestation, calf raised for veal, or egg-laying hen
10 that is kept on a farm.

11 (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or
12 guinea fowl kept for the purpose of egg production.

13 (4) "Enclosure" means any cage, crate, or other structure used to confine a covered
14 animal. Enclosure includes what is commonly described as a "gestation crate or stall" for sows
15 during gestation, a "veal crate" for calves raised for veal, or a "battery cage" for egg-laying hens.

16 ~~(3)~~(5) "Farm" means the land, building, support facilities, and other equipment that are
17 wholly or partially used for the commercial production of animals or animal products used for
18 food or fiber; and does not include live animal markets.

1 ~~(4)~~(6) "Farm owner or operator" means any person who owns or controls the operation of
2 a farm, and does not include any non-management employee, contractor, or consultant.

3 ~~(5)~~(7) "Fully extending the animal's limbs" means fully extending all limbs without
4 touching the side of an enclosure. In the case of egg-laying hens, "fully extending the animal's
5 limbs" means fully spreading both wings without touching the side of an enclosure or other egg-
6 laying hens and having access to at least two hundred sixteen (216) square inches of usable floor
7 space per hen.

8 ~~(6)~~(8) "Person" means any individual, firm, partnership, joint venture, association,
9 limited liability company, corporation, estate, trust, receiver, or syndicate.

10 ~~(7)~~(9) "Sow during gestation" means a pregnant pig of the porcine species kept for the
11 purpose of breeding.

12 ~~(8)~~(10) "Turning around freely" means turning in a complete circle without any
13 impediment including a tether, and without touching the side of a ~~erate~~ an enclosure or another
14 animal.

15 **4-1.1-2. Purpose.**

16 The purpose of this chapter, subject to exceptions set forth in § 4-1.1-4, is to prohibit the
17 confinement of ~~calves raised for veal and sows during gestation~~ a covered animal in a manner that
18 prevents the animal from turning around fully, lying down, standing up or fully extending the
19 animal's limbs.

20 **4-1.1-3. Unlawful confinement.**

21 Notwithstanding any other provision of law, a person is guilty of unlawful confinement
22 of a ~~sow or calf~~ covered animal if the person is a farm owner or operator who knowingly tethers
23 or confines any ~~sow or calf~~ covered animal in a manner that prevents such animal from turning
24 around freely, lying down, standing up, or fully extending the animal's limbs.

25 **4-1.1-4. Exceptions.**

26 This section shall not apply:

27 (1) During medical research.

28 (2) Temporary confinement prior to and during examination, testing, individual treatment
29 or operation for veterinary purposes.

30 (3) During transportation.

31 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar
32 exhibitions or educational programs.

33 (5) During temporary confinement for animal husbandry purposes for no more than six

34 (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian.

1 (6) During the humane slaughter of a ~~sow or pig~~ covered animal accordance with the
2 provisions of chapter 4-17, and other applicable laws and regulations.

3 (7) To a sow during the ~~fourteen (14)~~ five (5) day period prior to the sows expected date
4 of giving birth and ~~extending for a duration of time until the piglets are weaned~~ any day that the
5 sow is nursing piglets. This period may be modified upon the order of a licensed veterinarian.

6 (8) To calves being trained to exhibit.

7 (9) To calves being trained to accept routine confinement in dairy and beef housing.

8 **4-1.1-5. Penalty.**

9 (a) The provisions of this chapter are in addition to, and not in lieu of, any other laws
10 protecting animal welfare. This chapter may not be construed to limit any other state laws or rules
11 protecting the welfare of animals or to prevent a local governing body from adopting and
12 enforcing its own animal welfare laws and regulations.

13 (b) It is not an affirmative defense to alleged violations of this chapter that the ~~ealf or sow~~
14 covered animal was kept as part of an agricultural operation and in accordance with customary
15 animal husbandry or farming practices.

16 (c) Any person who violates the provisions of this chapter or any rules or regulations
17 promulgated hereunder shall be fined not less than fifty dollars (\$50.00) nor exceeding five
18 hundred dollars (\$500), or both.

19 (d) This chapter shall be construed to supersede §4-1-3(a) only with respect to the
20 minimum space required for the housing of egg-laying hens.

21 SECTION 2. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
22 amended by adding thereto the following chapter:

23 CHAPTER 38

24 SALES OF CERTAIN ANIMAL PRODUCTS

25 **21-38-1. Prohibited sales.**

26 Notwithstanding any general or special law to the contrary, it shall be unlawful for a
27 business owner or operator to knowingly engage in the sale within the state of any:

28 (1) Shell egg that the business owner or operator knows or should know is the product of
29 a covered animal that was confined in a cruel manner;

30 (2) Whole veal meat that the business owner or operator knows or should know is the
31 meat of a covered animal that was confined in a cruel manner; or

32 (3) Whole pork meat that the business owner or operator knows or should know is the
33 meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate
34 offspring of a covered animal that was confined in a cruel manner.

1 **21-38-2. Definitions.**

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

3 (1) "Business owner or operator" means any person who owns or controls the operations
4 of a business.

5 (2) "Calf raised for veal" means a calf of the bovine species kept for the purpose of
6 producing the food product referred to as veal.

7 (3) "Covered animal" means any sow during gestation, calf raised for veal, or egg-laying
8 hen that is kept on a farm.

9 (4) "Confined in a cruel manner" means tethered or confined in a manner that prevents a
10 covered animal from turning around freely, lying down, standing up, or fully extending the
11 animal's limbs, subject to the exceptions in §4-1.1-4.

12 (5) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or
13 guinea fowl kept for the purpose of egg production.

14 (6) "Enclosure" means any cage, crate, or other structure used to confine a covered
15 animal or animals. "Enclosure" includes what is commonly described as a "gestation crate" or
16 "stall" for sows during gestation, a "veal crate" for calves raised for veal, and a "battery cage,
17 enriched cage, or colony cage" for egg-laying hens.

18 (7) "Fully extending the animal's limbs" means fully extending all limbs without touching
19 the side of an enclosure. In the case of egg-laying hens, fully extending the animal's limbs means
20 fully spreading both wings without touching the side of an enclosure or other egg-laying hens and
21 having access to the amount of usable floor space per hen that complies with the 2016 Edition of
22 the United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks,
23 "Guidelines for Cage-Free Egg Production".

24 (8) "Meat" means the muscle of any veal calf or swine, which is skeletal or which is
25 found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the
26 accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels
27 which normally accompany the muscle tissue and which are not separated from it in the process
28 of dressing. It does not include the muscle found in the lips, snout or ears.

29 (9) "Person" means any individual, firm, partnership, joint venture, limited liability
30 corporation, estate, trust, receiver, syndicate, association, or other legal entity.

31 (10) "Pork meat" means meat of a pig of the porcine species, intended for use as human
32 food.

33 (11) "Sale" means a commercial sale by a business that sells any item covered by §21-38-
34 1, but does not include any sale undertaken at an establishment at which inspection is provided

1 under the Federal Meat Inspection Act, 21 U.S.C. §§601 et seq. For purposes of this section, a
2 sale shall be deemed to occur at the location where the buyer takes physical possession of an item
3 covered by §21-38-1.

4 (12) "Shell egg" means a whole egg of an egg-laying hen in its shell form, intended for
5 use as human food.

6 (13) "Sow during gestation" means a pregnant pig of the porcine species kept for the
7 purpose of breeding.

8 (14) "Turning around freely" means turning in a complete circle without any impediment,
9 including a tether, and without touching the side of an enclosure or another animal.

10 (15) "Uncooked" means requiring cooking prior to human consumption.

11 (16) "Veal meat" means meat of a calf raised for veal, intended for use as human food.

12 (17) "Whole pork meat" means any uncooked cut of pork (including bacon, ham, chop,
13 ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of
14 pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar
15 meat additives. Whole pork meat does not include combination food products (including soups,
16 sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised
17 of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar
18 meat additives.

19 (18) "Whole veal meat" means any uncooked cut of veal (including chop, ribs, riblet,
20 loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat,
21 except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.
22 Whole veal meat does not include combination food products (including soups, sandwiches,
23 pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than
24 veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

25 **21-38-3. Powers of director of health.**

26 The director of health shall have authority to enforce the provisions of this chapter. Each
27 violation of this chapter shall be punished by a civil fine not to exceed one thousand dollars
28 (\$1,000). The director of health may also seek injunctive relief to prevent further violations of
29 this chapter.

30 **21-38-4. Good faith defense.**

31 It shall be a defense to any action to enforce this chapter that a business owner or
32 operator relied in good faith upon a written certification by the supplier that the shell egg, whole
33 pork meat, or whole veal meat at issue was not derived from a covered animal that was confined
34 in a cruel manner, or from the immediate offspring of a female pig that was confined in a cruel

1 manner.

2 **21-38-5. Existing law.**

3 The provisions of this chapter are in addition to, and not in lieu of, any other laws
4 protecting animal welfare. This chapter is not intended, and should not be construed to limit any
5 other state law or rules protecting the welfare of animals or to prevent a local governing body
6 from adopting and enforcing its own animal welfare laws and regulations that are more stringent
7 than this section.

8 **21-38-6. Severability.**

9 The provisions of this chapter are severable and if any clause, sentence, paragraph or
10 section of this chapter, or an application thereof, shall be adjudged by any court of competent
11 jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder
12 thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or
13 application adjudged invalid.

14 **21-38-7. Promulgation of rules and regulations.**

15 The director of health shall promulgate rules and regulations for the implementation of
16 this chapter on or before January 1, 2020.

17 SECTION 3. Section 1 of this act shall take effect one year after its passage and
18 enactment. Section 2 of this act shall take effect on January 1, 2022. The remainder of this act
19 shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ANIMAL HUSBANDRY -- UNLAWFUL CONFINEMENT OF A COVERED
ANIMAL

1 Section 1 of this act would make changes in the definitions of what constitutes unlawful
2 confinement of any sow during gestation, calf raised for veal or egg-laying hen kept on a farm,
3 and would apply them throughout the chapter accordingly. Section 2 of this act would prohibit the
4 sale of certain animal products that are the product of covered animals and their offspring that
5 were confined in a cruel manner. Further it would empower the director of the department of
6 health to enforce this prohibition.

7 Section 1 of this act would take effect one year after its passage and enactment. Section 2
8 of this act would take effect on January 1, 2022. The remainder of this act shall take effect upon
9 passage.

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