

111TH CONGRESS
1ST SESSION

H. R. 4356

To amend the Humane Methods of Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory cattle, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. ACKERMAN (for himself, Mr. LATOURETTE, Mr. GRIJALVA, Mr. ISRAEL, Mr. CASTLE, Ms. SHEA-PORTER, Mr. MOORE of Kansas, Mr. NADLER of New York, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, Mr. MORAN of Virginia, Mr. SHULER, Mr. KING of New York, Mr. LEWIS of Georgia, Mr. SHERMAN, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. MICHAUD, Mr. CROWLEY, Mr. GERLACH, Mr. CUMMINGS, Mr. MARKEY of Massachusetts, Mr. INSLEE, Mr. DOYLE, Mr. SERRANO, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Humane Methods of Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory cattle, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Downed Animal and
5 Food Safety Protection Act”.

1 **SEC. 2. FINDING AND DECLARATION OF POLICY.**

2 (a) FINDING.—Congress finds that the humane
3 euthanization of nonambulatory cattle in interstate and
4 foreign commerce—

5 (1) prevents needless suffering;

6 (2) results in safer and better working condi-
7 tions for persons handling cattle;

8 (3) brings about improvement of products and
9 reduces the likelihood of the spread of diseases that
10 have a great and deleterious impact on interstate
11 and foreign commerce in cattle; and

12 (4) produces other benefits for producers, proc-
13 essors, and consumers that tend to expedite an or-
14 derly flow of cattle and cattle products in interstate
15 foreign commerce.

16 (b) DECLARATION OF POLICY.—It is the policy of the
17 United States that all nonambulatory cattle in interstate
18 and foreign commerce shall be immediately and humanely
19 euthanized when such cattle become nonambulatory.

20 **SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**
21 **NONAMBULATORY CATTLE.**

22 (a) IN GENERAL.—Public Law 85–765 (commonly
23 known as the “Humane Methods of Slaughter Act of
24 1958”) (7 U.S.C. 1901 et seq.) is amended by inserting
25 after section 2 (7 U.S.C. 1902) the following:

1 **“SEC. 3. NONAMBULATORY CATTLE.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COVERED ENTITY.—The term ‘covered en-
4 tity’ means—

5 “(A) a stockyard;

6 “(B) a market agency;

7 “(C) a dealer;

8 “(D) a packer;

9 “(E) a slaughter facility; or

10 “(F) an establishment.

11 “(2) ESTABLISHMENT.—The term ‘establish-
12 ment’ means an establishment that is covered by the
13 Federal Meat Inspection Act (21 U.S.C. 601 et
14 seq.).

15 “(3) HUMANELY EUTHANIZE.—The term ‘hu-
16 manely euthanize’ means to immediately render an
17 animal unconscious by mechanical, chemical, or
18 other means, with this state remaining until the
19 death of the animal.

20 “(4) NONAMBULATORY CATTLE.—The term
21 ‘nonambulatory cattle’ means any cattle (including a
22 calf) that will not stand and walk unassisted.

23 “(5) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of Agriculture.

25 “(b) HUMANE TREATMENT, HANDLING, AND DIS-
26 POSITION.—The Secretary shall promulgate regulations to

1 provide for the humane treatment, handling, and disposi-
2 tion of all nonambulatory cattle by covered entities, includ-
3 ing a requirement that nonambulatory cattle be humanely
4 euthanized.

5 “(c) HUMANE EUTHANASIA.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 when an animal becomes nonambulatory, a covered
8 entity shall immediately humanely euthanize the
9 nonambulatory cattle.

10 “(2) DISEASE TESTING.—Paragraph (1) shall
11 not limit the ability of the Secretary to test non-
12 ambulatory cattle for a disease, such as Bovine
13 Spongiform Encephalopathy.

14 “(d) MOVEMENT.—

15 “(1) IN GENERAL.—A covered entity shall not
16 move nonambulatory cattle while the nonambulatory
17 cattle are conscious.

18 “(2) UNCONSCIOUSNESS.—In the case of any
19 nonambulatory cattle that are moved, the covered
20 entity shall ensure that the nonambulatory cattle re-
21 main unconscious until death.

22 “(e) INSPECTIONS.—

23 “(1) IN GENERAL.—It shall be unlawful for an
24 inspector at an establishment to pass through in-

1 inspection any nonambulatory cattle or carcass (in-
2 cluding parts of a carcass) of nonambulatory cattle.

3 “(2) LABELING.—An inspector or other em-
4 ployee of an establishment shall label, mark, stamp,
5 or tag as ‘inspected and condemned’ any material
6 described in paragraph (1).

7 “(f) EFFECT ON STATE LAW.—This section shall not
8 be construed to preempt any law or regulation of a State
9 or a political subdivision of a State containing require-
10 ments that are greater than the requirements of this sec-
11 tion.”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the amendment made by subsection (a)
15 takes effect on the date that is 1 year after the date
16 of enactment of this Act.

17 (2) REGULATIONS.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 Agriculture shall promulgate final regulations to im-
20 plement the amendment made by subsection (a).

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