

1 H.374

2 Introduced by Representatives Komline of Dorset, Wright of Burlington,
3 Burditt of West Rutland, Clarkson of Woodstock, and
4 O'Sullivan of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Agriculture; livestock care; gestational crates

8 Statement of purpose of bill as introduced: This bill proposes to prohibit a
9 farm owner, operator, or manager from knowingly confining a gestating sow in
10 an enclosure in a manner that prevents the animal from turning around freely,
11 lying down, standing up, or fully extending the limbs of the animal.

12 An act relating to prohibiting the confinement of gestating sows

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 6 V.S.A. part 11, chapter 220 is added to read:

15 PART 11. LIVESTOCK CARE

16 CHAPTER 220. CONFINEMENT OF GESTATING SOWS

17 § 5010. DEFINITIONS

18 As used in this chapter:

1 (1) “Enclosure” means a cage, crate, or other structure used to confine
2 an animal, including what is commonly described as a “gestation crate”
3 for sows.

4 (2) “Farm” means the land, buildings, support facilities, and other
5 equipment that are used wholly or partially for the commercial production of
6 animals or animal products used for food or fiber. “Farm” shall not mean a
7 live animal market.

8 (3) “Farm owner or operator” means any person who owns or controls
9 the operations of a farm. “Farm owner or operator” shall not mean any
10 nonmanagement employee, contractor, or consultant.

11 (4) “Fully extending the limbs of the animal” means fully extending all
12 limbs without touching the side of an enclosure.

13 (5) “Sow in gestation” means a pregnant animal of the porcine species
14 kept for the primary purpose of breeding.

15 (6) “Turning around freely” means turning in a complete circle without
16 any impediment, including a tether, and without touching the side of an
17 enclosure.

18 § 5011. PROHIBITION

19 Notwithstanding any other provision of law to the contrary, no farm owner,
20 farm operator, or farm manager shall knowingly confine a gestating sow in an
21 enclosure in a manner that prevents the animal from turning around freely,

1 lying down, standing up, or fully extending the limbs of the animal. A person
2 who violates this section shall be guilty of cruel confinement of a gestating
3 sow.

4 § 5012. EXCEPTIONS

5 The prohibition in section 5011 of this chapter shall not apply:

6 (1) during examination or testing or individual treatment of or operation
7 on an animal for veterinary purposes;

8 (2) during transportation of an animal;

9 (3) during a rodeo exhibition, state or county fair exhibition, 4-H
10 program, or similar exhibition or educational program;

11 (4) to the humane slaughter of an animal in accordance with the
12 requirements of chapter 201 of this title and the rules adopted thereunder; and

13 (5) to a sow during the seven-day period prior to the sow's expected
14 date of giving birth.

15 § 5013. RELATION TO OTHER LAWS

16 The provisions of this chapter are in addition to and not in lieu of any other
17 laws protecting animal welfare. It is not an affirmative defense to an alleged
18 violation of this chapter that a sow was kept as part of an agricultural operation
19 and in accordance with customary animal husbandry or farming practices.

1 § 5014. CIVIL PENALTY

2 A person who commits cruel confinement of a gestating sow shall be
3 subject to a civil penalty of no more than \$1,000.00. Each instance of cruel
4 confinement of a gestating sow shall be a separate and distinct offense.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.