

1 H.438

2 Introduced by Representative Klein of East Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; humane treatment of animals; gestational crates

6 Statement of purpose of bill as introduced: This bill proposes to provide that a
7 person is guilty of a misdemeanor for the unlawful confinement of a sow
8 during gestation if the person is a farm owner or operator who knowingly
9 tethers or confines the sow in an enclosure in a manner that prevents the sow
10 from turning around freely, lying down, standing up, and fully extending its
11 limbs.

12 An act relating to prohibiting the use of gestational pig crates

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

14 Sec. 1. 6 V.S.A. chapter 201 is amended to read:

15 CHAPTER 201. HUMANE SLAUGHTER OF LIVESTOCK

16 * * *

17 § 3134. PENALTY

18 A person who violates section 3132 or 3135 of this title shall be guilty of a
19 misdemeanor and shall be fined upon conviction not more than \$ \$1,000.00 for
20 the first violation, not more than \$5,000.00 for the second violation, and not

1 more than \$10,000.00 per violation for the third and any subsequent violations,
2 or imprisoned not more than two years, or both. In addition to the penalties
3 provided in this subsection, the ~~secretary~~ Secretary may seek an injunction
4 against a slaughterer, packer, or stockyard operator who engages in practices
5 which are prohibited by section 3132 ~~or 3135~~ of this title, by application to the
6 superior court for the county in which such slaughterer, packer, or stockyard
7 operator resides, or where such violations occur. The ~~secretary~~ Secretary may
8 refer a violation of section 3132 ~~or 3135~~ of this title to the ~~attorney general~~
9 Attorney General or the state's attorney for criminal prosecution. The
10 ~~secretary~~ Secretary may also take any action authorized under chapter 1 of this
11 title.

12 § 3135. PROHIBITION ON THE CONFINEMENT OF A SOW DURING
13 GESTATION

14 (a) Definitions. As used in this section:

15 (1) "Enclosure" means a cage, crate, or other structure used to confine
16 an animal, including what is commonly described as a "gestation crate" for
17 sows.

18 (2) "Farm" means the land, building, support facilities, and other
19 equipment that are wholly or partially used for the commercial production of
20 animals or animal products used for food or fiber and does not include live
21 animal markets.

1 (3) “Farm owner or operator” means any person who owns or controls
2 the operations of a farm and does not include any nonmanagement employee,
3 contractor, or consultant.

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

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

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

11 (b) Prohibition. Notwithstanding any other provision of law to the
12 contrary, a person is guilty of unlawful confinement of a sow during gestation
13 if the person is a farm owner or operator who knowingly tethers or confines the
14 sow in an enclosure in a manner that prevents the sow from turning around
15 freely, lying down, standing up, and fully extending its limbs.

16 (c) Exceptions. The prohibition in subsection (b) of this section shall not
17 apply:

18 (1) During examination or testing or individual treatment of or operation
19 on an animal for veterinary purposes;

20 (2) During transportation;

1 (3) During rodeo exhibitions, state or county fair exhibitions, 4-H
2 programs, and similar exhibitions or educational programs;

3 (4) To the humane slaughter of an animal in accordance with this
4 chapter and the rules adopted pursuant to section 3133 of this title pertaining to
5 the slaughter of animals; and

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

8 (d) Relation to other laws.

9 (1) The provisions of this section are in addition to and not in lieu of any
10 other laws protecting animal welfare.

11 (2) It is not an affirmative defense to alleged violations of this section
12 that the sow was kept as part of an agricultural operation and in accordance
13 with customary animal husbandry or farming practices.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on passage.