

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 905

Short Title: Hog Lagoon Phase Out/Livestock Treatment. (Public)

Sponsors: Representatives Luebke, Harrison, Insko, and Farmer-Butterfield (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Agriculture.

April 15, 2013

A BILL TO BE ENTITLED

AN ACT TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS AND TO ESTABLISH MINIMUM HUMANE STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(b) of S.L. 2007-523 reads as rewritten:

"SECTION 1.(b) ~~Continued Operation-Phaseout.~~ Phaseout. – An animal waste management system that serves a swine farm for which a permit was issued prior to 1 September 2007 and that does not meet the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section, may continue to operate under, and shall operate in compliance with, that permit, including any renewal of the ~~permit~~ permit, until the later of September 1, 2018, or 12 years from the date on which the animal waste management was first permitted or deemed permitted. The owner or operator of an animal waste management system that employs a lagoon and sprayfield system that is phased out pursuant to this act shall close all of the components of the animal waste management system in compliance with all applicable federal and State laws, regulations, and rules."

SECTION 2. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 49I.

"Minimum Humane Standards for Certain Farm Animals.

"§ 106-549.99. Minimum standards to prevent the inhumane treatment of certain farm animals.

(a) As used in this section, the following definitions apply:

- (1) "Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- (2) "Cow" means any member of the bovine species, including calves.
- (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.
- (4) "Enclosure" means any cage, crate, or other structure, including what is commonly described as a "veal crate" for calves, a "battery cage" for egg-laying hens, or a "gestation crate" for swine, used to confine a calf raised for veal, an egg-laying hen, or a swine during pregnancy.
- (5) "Farm" means the land, buildings, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or



1 animal products used for food or fiber and does not include live animal
2 markets.

3 (6) "Farm owner or operator" means any person who owns or controls the
4 operation of a farm and does not include any nonmanagement employee,
5 contractor, or consultant.

6 (7) "Fully extending his or her limbs" means fully extending all limbs without
7 touching the side of an enclosure or another animal. In the case of egg-laying
8 hens, "fully extending his or her limbs" means (i) fully spreading both wings
9 without touching the side of an enclosure or another egg-laying hen and (ii)
10 having access to at least 1.5 square feet of usable floor space per hen; but
11 does not mean that all egg-laying hens in an enclosure must be able to
12 simultaneously spread their wings without touching the side of an enclosure
13 or another egg-laying hen.

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

16 (9) "Poultry" means any chicken, turkey, duck, goose, or guinea fowl.

17 (10) "Swine" means any member of the porcine species.

18 (11) "Swine during pregnancy" means any pregnant swine kept for the primary
19 purpose of breeding.

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

23 (b) The Board of Agriculture, in consultation with the State Veterinarian, shall establish
24 minimum humane standards for cows, poultry, and swine that, at a minimum, do all of the
25 following:

26 (1) Prohibit a farm owner or operator from tethering or confining any calf raised
27 for veal, egg-laying hen, or swine during pregnancy, on a farm, for all or the
28 majority of any day, in a manner that prevents the animal from lying down,
29 standing up, fully extending his or her limbs, or turning around freely. This
30 subdivision does not apply to any of the following:

31 a. During scientific or agricultural research.

32 b. During examination, testing, individual treatment, or operation for
33 veterinary purposes.

34 c. During transportation.

35 d. During rodeo exhibitions, State or county fair exhibitions, 4-H
36 programs, and similar exhibitions or programs.

37 e. During the slaughter of livestock or poultry as provided by law.

38 f. To a swine during pregnancy during the seven-day period prior to the
39 swine's expected date of giving birth.

40 (2) Require a farm owner or operator to ensure that all on-farm killing of cows
41 or swine be performed in a humane manner using methods explicitly deemed
42 "acceptable" by the American Veterinary Medical Association. This
43 subdivision prohibits strangulation of cows and swine as a form of
44 euthanasia.

45 (3) Prohibit a farm owner or operator from engaging in the transport, sale, or
46 receipt, for use in the human food supply, of any cow or calf too sick or
47 injured to stand and walk.

48 (c) Any farm owner or operator who violates any minimum humane standard adopted
49 by the Board pursuant to this section is guilty of a Class 2 misdemeanor."

50 **SECTION 3.** Section 2 of this act becomes effective January 1, 2014. The
51 remaining sections of this act are effective when this act becomes law.