

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH50227-LD-79 (03/24)

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

Sponsors: Representatives Harrison and Luebke (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS
3 THAT SERVE SWINE FARMS AND TO ESTABLISH MINIMUM HUMANE
4 STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE.

5 The General Assembly of North Carolina enacts:

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

7 "**SECTION 1.(b)** ~~Continued Operation~~Phaseout. – An animal waste management system
8 that serves a swine farm for which a permit was issued prior to 1 September 2007 and that does
9 not meet the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section,
10 may continue to operate under, and shall operate in compliance with, that permit, including any
11 renewal of the ~~permit~~permit, until the later of September 1, 2016, or 12 years from the date on
12 which the animal waste management was first permitted or deemed permitted. The owner or
13 operator of an animal waste management system that employs a lagoon and sprayfield system
14 that is phased out pursuant to this act shall close all of the components of the animal waste
15 management system in compliance with all applicable federal and State laws, regulations, and
16 rules."

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

19 "Article 49I.

20 "Minimum Humane Standards for Certain Farm Animals.

21 "**§ 106-549.99. Minimum standards to prevent the inhumane treatment of certain farm**
22 **animals.**

23 (a) 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.



- 1 d. During rodeo exhibitions, State or county fair exhibitions, 4-H
2 programs, and similar exhibitions or programs.
3 e. During the slaughter of livestock or poultry as provided by law.
4 f. To a swine during pregnancy during the seven-day period prior to the
5 swine's expected date of giving birth.
6 (2) Require a farm owner or operator to ensure that all on-farm killing of cows
7 or swine be performed in a humane manner using methods explicitly deemed
8 "acceptable" by the American Veterinary Medical Association. This
9 subdivision prohibits strangulation of cows and swine as a form of
10 euthanasia.
11 (3) Prohibit a farm owner or operator from engaging in the transport, sale, or
12 receipt, for use in the human food supply, of any cow or calf too sick or
13 injured to stand and walk.
14 (b) Any farm owner or operator who violates any minimum humane standard adopted
15 by the Board pursuant to this section is guilty of a Class 2 misdemeanor.
16 (c) As used in this section, the following definitions apply:
17 (1) "Calf raised for veal" means any calf of the bovine species kept for the
18 purpose of producing the food product described as veal.
19 (2) "Cow" means any member of the bovine species, including calves.
20 (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck,
21 goose, or guinea fowl kept for the purpose of egg production.
22 (4) "Enclosure" means any cage, crate, or other structure, including what is
23 commonly described as a "veal crate" for calves, a "battery cage" for
24 egg-laying hens, or a "gestation crate" for swine, used to confine a calf
25 raised for veal, an egg-laying hen, or a swine during pregnancy.
26 (5) "Farm" means the land, buildings, support facilities, and other equipment
27 that are wholly or partially used for the commercial production of animals or
28 animal products used for food or fiber, and does not include live animal
29 markets.
30 (6) "Farm owner or operator" means any person who owns or controls the
31 operation of a farm, and does not include any nonmanagement employee,
32 contractor, or consultant.
33 (7) "Fully extending his or her limbs" means fully extending all limbs without
34 touching the side of an enclosure or another animal. In the case of egg-laying
35 hens, "fully extending his or her limbs" means (i) fully spreading both wings
36 without touching the side of an enclosure or another egg-laying hen and (ii)
37 having access to at least 1.5 square feet of usable floor space per hen; but
38 does not mean that all egg-laying hens in an enclosure must be able to
39 simultaneously spread their wings without touching the side of an enclosure
40 or another egg-laying hen.
41 (8) "Person" means any individual, firm, partnership, joint venture, association,
42 limited liability company, corporation, estate, trust, receiver, or syndicate.
43 (9) "Poultry" means any chicken, turkey, duck, goose, or guinea fowl.
44 (10) "Swine" means any member of the porcine species.
45 (11) "Swine during pregnancy" means any pregnant swine kept for the primary
46 purpose of breeding.
47 (12) "Turning around freely" means turning in a complete circle without any
48 impediment, including a tether, and without touching the side of an
49 enclosure or another animal."

50 **SECTION 3.** Section 2 of this act becomes effective January 1, 2012. The
51 remaining sections of this act are effective when this act becomes law.