SENATE DOCKET, NO. 335 FILED ON: 1/19/2011

SENATE . . . . . No. 786

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to prevent farm animal cruelty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert L. Hedlund	☐ *[District]* ☐
Thomas J. Calter	*12th Plymouth*
Angelo L. D'Emilia	*8th Plymouth*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
George T. Ross	*2nd Bristol*
James B. Eldridge	☐ *[District]* ☐
Cory Atkins	*14th Middlesex*
Sean Garballey	*23rd Middlesex*
James J. Lyons, Jr.	*18th Essex*
Steven L. Levy	*4th Middlesex*
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Kevin J. Murphy	*18th Middlesex*
Susan C. Fargo	☐ *[District]*

	□
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Stephen L. DiNatale	*3rd Worcester*
Angelo J. Puppolo, Jr.	*12th Hampden*
Sheila C. Harrington	*1st Middlesex*
Kenneth J. Donnelly	□ *[District]* □
Daniel A. Wolf	□ *[District]* □
Karen E. Spilka	□ *[District]* □
Paul Adams	*17th Essex*
James M. Cantwell	*4th Plymouth*
Thomas P. Conroy	*13th Middlesex*
Linda Dorcena Forry	*12th Suffolk*
David M. Nangle	*17th Middlesex*
Todd M. Smola	*1st Hampden*
Ellen Story	*3rd Hampshire*

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By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 786) of Robert L. Hedlund, Thomas J. Calter, Angelo L. D'Emilia, Timothy R. Madden and other members of the General Court for legislation to prevent farm animal cruelty. The Judiciary.

The Commonwealth of Massachusetts

An Act to prevent farm animal cruelty.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 272 of the General Laws is hereby amended by adding the following new section:--

Section 106. (a) The purpose of this section, subject to exceptions, is to prohibit the confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs. (b) Notwithstanding any other provision of law, a person is guilty of unlawful confinement of a covered farm animal if the person tethers or confines any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from: (1) Lying down, standing up, and fully extending his or her limbs; and (2) Turning around freely. (c) This section shall not apply: (1) During scientific or agricultural research. (2) During examination, testing, individual treatment or operation for veterinary purposes. (3) During transportation. (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions. (5) During the slaughter of a covered animal in accordance with the provisions of Chapter 94, sections 139C and 139D of the General Laws, and other applicable laws and regulations. (6) To a pig during the seven-day period prior to the pig's expected date of giving birth. (d) For the purposes of this section:(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) "Covered animal" means any pig during pregnancy, calf raised for veal, or egg-laying hen who is kept on a farm. (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 “gestation crate” for pigs; a “veal crate” for calves; or a “battery cage” for egg-laying hens) used to confine a covered animal. (5) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber; and does not include live animal markets. (6) "Fully extending his or her limbs" means fully extending all limbs without touching the side of an

26 enclosure, including, in the case of egg-laying hens, fully spreading both wings without touching
27 the side of an enclosure or other egg-laying hens. (7) "Person" means any individual, firm,
28 partnership, joint venture, association, limited liability company, corporation, estate, trust,
29 receiver, or syndicate. (8) "Pig during pregnancy" means any pregnant pig of the porcine species
30 kept for the primary purpose of breeding. (9) "Turning around freely" means turning in a
31 complete circle without any impediment, including a tether, and without touching the side of an
32 enclosure. (e) Any person who violates any of the provisions of this chapter is guilty of a
33 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one
34 thousand dollars ($1,000) or by imprisonment in the county jail for a period not to exceed 180
35 days or by both such fine and imprisonment.

36 SECTION 2. This chapter shall take effect no later than January 1, 2015.