

HOUSE No. 815

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act prohibiting the cruel confinement of certain farm animals..

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

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

3 Section 105. (a) The purpose of this section, subject to exceptions and commencing
4 January 1, 2015, is to prohibit the confinement of farm animals in a manner that does not allow
5 them to turn around freely, lie down, stand up, and fully extend their limbs.

6 (b) Notwithstanding any other provision of law, a person is guilty of unlawful
7 confinement of a covered farm animal if the person tethers or confines any covered animal, on a
8 farm, for all or the majority of any day, in a manner that prevents such animal from:

9 (1) Lying down, standing up, and fully extending his or her limbs; and

10 (2) Turning around freely.

11 (c) This section shall not apply:

12 (1) During scientific or agricultural research.

13 (2) During examination, testing, individual treatment or operation for veterinary
14 purposes.

15 (3) During transportation.

16 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar
17 exhibitions.

18 (5) During the slaughter of a covered animal in accordance with the provisions of
19 Chapter 94, sections 139C and 139D of the General Laws, and other applicable laws and
20 regulations.

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

22 (d) For the purposes of this section:

23 (1) "Calf raised for veal" means any calf of the bovine species kept for the purpose of
24 producing the food product described as veal.

25 (2) "Covered animal" means any pig during pregnancy, calf raised for veal, or egg-
26 laying hen who is kept on a farm.

27 (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or
28 guinea fowl kept for the purpose of egg production.

29 (4) "Enclosure" means any cage, crate, or other structure (including what is commonly
30 described as a "gestation crate" for pigs; a "veal crate" for calves; or a "battery cage" for egg-
31 laying hens) used to confine a covered animal.

32 (5) "Farm" means the land, building, support facilities, and other equipment that are
33 wholly or partially used for the commercial production of animals or animal products used for
34 food or fiber; and does not include live animal markets.

35 (6) "Fully extending his or her limbs" means fully extending all limbs without touching
36 the side of an enclosure, including, in the case of egg-laying hens, fully spreading both wings
37 without touching the side of an enclosure or other egg-laying hens.

38 (7) "Person" means any individual, firm, partnership, joint venture, association, limited
39 liability company, corporation, estate, trust, receiver, or syndicate.

40 (8) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the
41 primary purpose of breeding.

42 (9) "Turning around freely" means turning in a complete circle without any impediment,
43 including a tether, and without touching the side of an enclosure.

44 (e) Any person who violates any of the provisions of this chapter is guilty of a
45 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one
46 thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed 180
47 days or by both such fine and imprisonment.

48 SECTION 2. This chapter shall take effect January 1, 2015.