

**HOUSE . . . . . No. 458**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Jason M. Lewis*

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 adoption of the accompanying bill:

An Act to prevent farm animal cruelty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	
<i>William N. Brownsberger</i>		<i>1/19/2011</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>2/4/2011</i>
<i>James B. Eldridge</i>		<i>2/4/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/20/2011</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>1/27/2011</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/27/2011</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>	<i>1/27/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/26/2011</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/27/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/27/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>1/27/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/27/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/28/2011</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/28/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>1/27/2011</i>
<i>Patricia D. Jehlen</i>		<i>2/1/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>1/30/2011</i>

<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	<i>2/2/2011</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>2/2/2011</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2011</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/3/2011</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>	<i>2/3/2011</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/3/2011</i>
<i>Linda Campbell</i>	<i>15th Essex</i>	<i>2/3/2011</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	<i>2/3/2011</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>	<i>2/3/2011</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/3/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/3/2011</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2011</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/3/2011</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/3/2011</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>2/3/2011</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	<i>2/3/2011</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>2/3/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/3/2011</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/4/2011</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>2/4/2011</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>2/4/2011</i>
<i>John D. Keenan</i>	<i>7th Essex</i>	<i>2/4/2011</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/4/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/4/2011</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>	<i>2/3/2011</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	<i>2/4/2011</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/4/2011</i>
<i>David M. Torrisi</i>	<i>14th Essex</i>	<i>2/4/2011</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>	<i>2/4/2011</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/4/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/4/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>	
<i>Paul Adams</i>	<i>17th Essex</i>	<i>2/4/2011</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>2/4/2011</i>

**HOUSE . . . . . No. 458**

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By Mr. Lewis of Winchester, a petition (accompanied by bill, House, No. 458) of Jason M. Lewis and others for legislation to impose a penalty for 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. The Judiciary.

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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:*

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

3           section:--

4           Section 106.

5           (a)    The purpose of this section, subject to exceptions, is to prohibit the confinement  
6 of farm animals in a manner that does not allow them to turn around freely, lie down, stand up,  
7 and fully extend their limbs.

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

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

12 (2) Turning around freely.

13 (c) This section shall not apply:

14 (1) During scientific or agricultural research.

15 (2) During examination, testing, individual treatment or operation for veterinary  
16 purposes.

17 (3) During transportation.

18 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and  
19 similar  
20 exhibitions.

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

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

26

27 (d) For the purposes of this section:

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

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

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

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

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

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

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

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

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

49 (e) Any person who violates any of the provisions of this chapter is guilty of a  
50 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one

51 thousand dollars (\$1,000) or by imprisonment in the county jail for a period not to exceed 180  
52 days or by both such fine and imprisonment.

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