

HOUSE No. 3930

The Commonwealth of Massachusetts

INITIATIVE PETITION OF CARTER J. LUKE AND OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 6, 2016.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, an initiative petition for a law entitled "An Act to Prevent Cruelty to Farm Animals," signed by ten qualified voters and filed with this department on or before December 2, 2015, together with additional signatures of qualified voters in the number of 95,817, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN,

Secretary of the Commonwealth.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

HOUSE No. 3930

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to Prevent Cruelty to Farm Animals.

Be it enacted by the People, and by their authority, as follows:

1 Prevention of Farm Animal Cruelty Act

2 Section 1.

3 The purpose of this Act is to prevent animal cruelty by phasing out extreme methods of
4 farm animal confinement, which also threaten the health and safety of Massachusetts consumers,
5 increase the risk of foodborne illness, and have negative fiscal impacts on the Commonwealth of
6 Massachusetts.

7 Section 2.

8 Notwithstanding any general or special law to the contrary, it shall be unlawful for a farm
9 owner or operator within the Commonwealth of Massachusetts to knowingly cause any covered
10 animal to be confined in a cruel manner.

11 Section 3.

12 Notwithstanding any general or special law to the contrary, it shall be unlawful for a
13 business owner or operator to knowingly engage in the sale within the Commonwealth of
14 Massachusetts of any:

15 (A) Shell egg that the business owner or operator knows or should know is the product of
16 a covered animal that was confined in a cruel manner.

17 (B) Whole veal meat that the business owner or operator knows or should know is the
18 meat of a covered animal that was confined in a cruel manner.

19 (C) Whole pork meat that the business owner or operator knows or should know is the
20 meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate
21 offspring of a covered animal that was confined in a cruel manner.

22 Section 4.

23 For the purposes of this Act, a covered animal shall not be deemed to be “confined in a
24 cruel manner” during:

25 (A) Transportation.

26 (B) State or county fair exhibitions, 4-H programs, and similar exhibitions.

27 (C) Slaughter in accordance with any applicable laws, rules, and regulations.

28 (D) Medical research.

29 (E) Examination, testing, individual treatment or operation for veterinary
30 purposes, but only if performed by or under the direct supervision of a
31 licensed veterinarian.

32 (F) The five (5) day period prior to a breeding pig's expected date of giving birth, and
33 any day that the breeding pig is nursing piglets.

34 (G) Temporary periods for animal husbandry purposes for no more than six
35 (6) hours in any twenty-four (24) hour period.

36 Section 5. For purposes of this Act, the following terms shall have the following
37 meanings:

38 (A) "Breeding pig" means any female pig of the porcine species kept for the purpose of
39 commercial breeding.

40 (B) "Business owner or operator" means any person who owns or controls the operations
41 of a business.

42 (C) "Calf raised for veal" means any calf of the bovine species kept for the
43 purpose of commercial production of veal meat.

44 (D) "Covered animal" means any breeding pig, calf raised for veal, or egg-laying hen that
45 is kept on a farm.

46 (E) "Confined in a cruel manner" means confined so as to prevent a covered animal from
47 lying down, standing up, fully extending the animal's limbs, or turning around freely.

48 (F) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or
49 guinea fowl kept for the purpose of commercial egg production.

50 (G) "Enclosure" means any cage, crate, or other structure used to confine a covered
51 animal or animals. "Enclosure" includes what is commonly described as a "gestation crate" or

52 “stall” for pigs during pregnancy, a “veal crate” for calves raised for veal, and a “battery cage,
53 enriched cage, or colony cage” for egg-laying hens.

54 (H) “Farm” means the land, building, support facilities, and other equipment that are
55 wholly or partially used for the commercial production of animals or animal products used for
56 food; and does not include live animal markets or establishments at which inspection is provided
57 under the Federal Meat Inspection Act.

58 (I) “Farm owner or operator” means any person who owns or controls the operations of a
59 farm.

60 (J) “Fully extending the animal's limbs” means fully extending all limbs without touching
61 the side of an enclosure. In the case of egg-laying hens, fully extending the animal’s limbs means
62 fully spreading both wings without touching the side of an enclosure or other egg-laying hens
63 and having access to at least 1.5 square feet of usable floor space per hen.

64 (K) “Person” means any individual, firm, partnership, joint venture, limited liability
65 corporation, estate, trust, receiver, syndicate, association, or other legal entity.

66 (L) “Pork meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig
67 of the porcine species, intended for use as human food.

68 (M) “Sale” means a commercial sale by a business that sells any item covered by Section
69 3, but does not include any sale undertaken at an establishment at which inspection is provided
70 under the Federal Meat Inspection Act. For purposes of this section, a sale shall be deemed to
71 occur at the location where the buyer takes physical possession of an item covered by Section 3.

72 (N) “Shell egg” means a whole egg of an egg-laying hen in its shell form, intended for
73 use as human food.

74 (O) “Turning around freely” means turning in a complete circle without any
75 impediment, including a tether, and without touching the side of an enclosure or another
76 animal.

77 (P) “Uncooked” means requiring cooking prior to human consumption.

78 (Q) “Usable floor space” means the total square footage of floor space provided to each
79 hen, as calculated by dividing the total square footage of floor space provided to hens in an
80 enclosure (including both ground space and elevated flat platforms) by the number of hens in
81 that enclosure.

82 (R) “Veal meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of
83 a calf raised for veal, intended for use as human food.

84 (S) “Whole pork meat” means any uncooked cut of pork (including bacon, ham, chop,
85 ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of
86 pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar
87 meat additives. Whole pork meat does not include combination food products (including soups,
88 sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised
89 of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar
90 meat additives.

91 (T) “Whole veal meat” means any uncooked cut of veal (including chop, ribs, riblet, loin,
92 shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except

93 for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.
94 Whole veal meat does not include combination food products (including soups, sandwiches,
95 pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than
96 veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

97 Section 6. The Attorney General shall have exclusive authority to enforce the provisions
98 of this Act. Each violation of this Act shall be punished by a civil fine not to exceed one
99 thousand dollars (\$1,000). The Attorney General may also seek injunctive relief to prevent
100 further violations of this Act.

101 Section 7. It shall be a defense to any action to enforce this Act that a business owner or
102 operator relied in good faith upon a written certification or guarantee by the supplier that the
103 shell egg, whole pork meat, or whole veal meat at issue was not derived from a covered animal
104 that was confined in a cruel manner, or from the immediate offspring of a female pig that was
105 confined in a cruel manner.

106 Section 8. The provisions of this Act are in addition to, and not in lieu of, any other laws
107 protecting animal welfare. This Act is not intended, and should not be construed to limit any
108 other state law or rules protecting the welfare of animals or to prevent a local governing body
109 from adopting and enforcing its own animal welfare laws and regulations that are more stringent
110 than this section.

111 Section 9. The provisions of this Act are severable and if any clause, sentence, paragraph
112 or section of this Act, or an application thereof, shall be adjudged by any court of competent
113 jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder

114 thereof but shall be confined in its operation to the clause, sentence, paragraph, section or
115 application adjudged invalid.

116 Section 10. The Attorney General shall promulgate rules and regulations for the
117 implementation of this Act on or before January 1, 2020.

118 Section 11. Sections 2-7 of this Act shall take effect on January 1, 2022.

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Carter J. Luke	5 Palmer Road	Sandwich
Stephanie J. Harris	19 Fayette Street, # 2	Boston
Joann M. Lindenmayer	720 Hartford Avenue East	Uxbridge
Kathryn M. Holmes	40 Sol Joseph Road	Plymouth
Kelly Jean Coffin	24 Tabor Road	Sandwich
Sharon B. Young	22 Washburn Street	Bourne
Brittany N. Griffin	9 Oak Street	Plymouth
Susan Lamb	44 North Sandyside Lane	Yarmouth
Emily Norton	58 Prescott Street	Newton
Joseph D. Eisenstadt	23 Willow Street	Sharon

CERTIFICATE OF THE ATTORNEY GENERAL.

September 2, 2015.

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

RE: Initiative Petition No. 15-11: An Act to Prevent Cruelty to Farm
Animals.

Dear Secretary Galvin:

I accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

MAURA HEALEY,
Attorney General.

Summary of 15-11.

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to an pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.