

HOUSE No. 1456

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:
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Eugene L. O'Flaherty</i>	<i>2nd Suffolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>

<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Steven M. Walsh</i>	<i>11th Essex</i>

HOUSE No. 1456

By Mr. Lewis of Winchester, a petition (accompanied by bill, House, No. 1456) 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.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 458 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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.