

1 S.239

2 Introduced by Senator Giard

3 Referred to Committee on Agriculture

4 Date: January 3, 2012

5 Subject: Agriculture; animals; humane treatment and slaughter

6 Statement of purpose: This bill proposes to prohibit the confinement of sows  
7 during gestation and to ensure the humane slaughter of animals by itinerant  
8 slaughterers.

9 An act relating to ensuring the humane treatment and slaughter of animals

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 ~~Sec. 1. STATEMENT OF PURPOSE~~

12 ~~It shall be the purpose of this act:~~

13 ~~(1) to prohibit the cruel confinement of sows during gestation in a~~  
14 ~~manner that does not allow them to turn around freely, lie down, stand up, or~~  
15 ~~fully extend their limbs; and~~

16 ~~(2) to ensure that itinerant slaughterers are aware of and conform to~~  
17 ~~humane slaughter practices applicable in Vermont.~~

18 Sec. 2. 6 V.S.A. § 3135 is added to read:

19 § 3135. DEFINITIONS

20 ~~(a) As used in this section:~~

1 ~~(1) "Enclosure" means a cage, crate, or other structure used to confine a~~  
2 ~~covered animal, including what is commonly described as a "gestation crate"~~  
3 ~~for sows.~~

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

8 ~~(3) "Farm owner or operator" means any person who owns or controls~~  
9 ~~the operations of a farm and does not include any nonmanagement employee,~~  
10 ~~contractor, or consultant.~~

11 ~~(4) "Fully extending the animal's limbs" means fully extending all limbs~~  
12 ~~without touching the side of an enclosure.~~

13 ~~(5) "Sow during gestation" means a pregnant animal of the porcine~~  
14 ~~species kept for the primary purpose of breeding.~~

15 ~~(6) "Turning around freely" means turning in a complete circle without~~  
16 ~~any impediment, including a tether, and without touching the side of an~~  
17 ~~enclosure.~~

18 ~~(b) Prohibition. Notwithstanding any other provision of law, a person is~~  
19 ~~guilty of unlawful confinement of a sow during gestation if the person is a~~  
20 ~~farm owner or operator who knowingly tethers or confines the sow in an~~

1 ~~enclosure in a manner that prevents the sow from turning around freely, lying~~  
2 ~~down, standing up, and fully extending its limbs.~~

3 (c) Exceptions. The prohibition in subsection (b) of this section shall not  
4 apply:

5 (1) During medical research;

6 (2) During examination or testing or individual treatment of or operation  
7 on an animal for veterinary purposes;

8 (3) During transportation;

9 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H  
10 programs, and similar exhibitions or educational programs;

11 (5) To the humane slaughter of an animal in accordance with this  
12 chapter and the rules adopted pursuant to section 3133 of this title pertaining to  
13 the slaughter of animals; and

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

16 (d) Relation to other laws.

17 (1) The provisions of this section are in addition to and not in lieu of any  
18 other laws protecting animal welfare. This section may not be construed to  
19 limit any state law or rules protecting the welfare of animals or to prevent a  
20 local governing body from adopting and enforcing its own animal welfare laws  
21 and regulations.

1 ~~(2) It is not an affirmative defense to alleged violations of this section~~  
2 ~~that the sow was kept as part of an agricultural operation and in accordance~~  
3 ~~with customary animal husbandry or farming practices.~~

4 Sec. 3. 6 V.S.A. chapter 204 is amended to read:

5 CHAPTER 204. PREPARATION OF LIVESTOCK AND  
6 POULTRY PRODUCTS

7 § 3302. DEFINITIONS

8 As used in this chapter, except as otherwise specified, the following terms  
9 shall have the meanings stated below:

10 \* \* \*

11 (43) "Itinerant custom slaughterer" means a person who for  
12 compensation or gain slaughters livestock or poultry:

13 (A) at a person's home or farm for the person's exclusive use by him  
14 or her and members of his or her household and his or her nonpaying guests  
15 and employees; or

16 (B) owned by a person who has entered into a contract with another  
17 person to raise the livestock on the farm where it is intended to be slaughtered.

18 \* \* \*

19 § 3304. POWERS OF THE SECRETARY

20 In order to accomplish the objectives stated in section 3303 of this title, the  
21 secretary shall:

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(7) by rules require that the following classes of persons shall keep records and for periods as are specified in the rules to fully and correctly disclose all transactions involved in their business, and afford to the commissioner and his or her representatives, including representatives of other governmental agencies designated by him or her, access to places of business, and opportunity, at all reasonable times, to examine the facilities, inventory, and records, to copy the records, and to take reasonable samples of the inventory upon the payment of the fair market value, any persons that engage in or for intrastate commerce:

(A) in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging, or labeling, buying or selling as brokers, wholesalers, or otherwise, transporting, or storing any livestock products for human or animal food;

(B) in business as renderers or in the business of buying, selling or transporting any dead, dying, disabled, or diseased livestock or poultry, or parts of the carcasses of any of these animals, including poultry, that died otherwise than by slaughter; or

(C) who are required to be licensed under section 3306 of this title.

(8) by rules adopt a compliance certificate for itinerant custom slaughterers that shall be kept on file by the slaughterer and the animal owner

1 ~~for a period of not less than three years and shall be available for inspection~~

2 upon request of the agency, and that shall at minimum include:

3 (A) the site and date of the slaughter of each animal slaughtered;

4 (B) the signature of the owner of the farm or animal giving  
5 permission for the slaughter of the animal confirming that the meat shall be  
6 used and consumed solely by the owner of the farm or animal and members of  
7 his or her household and his or her nonpaying guests and employees; and

8 (C) a description of the penalties applicable to itinerant custom  
9 slaughterers for violation of the provisions of chapter 204 of this title and the  
10 rules adopted by the agency pursuant thereto.

11 \* \* \*

12 § 3306. LICENSING

13 (a) No person may engage in intrastate commerce in the business of  
14 buying, selling, preparing, processing, packing, ~~slaughtering~~, storing,  
15 transporting, or otherwise handling meat, meat food products, or poultry  
16 products, unless that person holds a valid license issued under this chapter.  
17 Categories of licensure shall include: commercial slaughterers, custom  
18 slaughterers, itinerant custom slaughterers, commercial processors, custom  
19 processors, wholesale distributors, retail vendors, meat and poultry product  
20 brokers, renderers, public warehousemen, animal food manufacturers, handlers

1 ~~of dead, dying, disabled, or diseased animals, and any other category which the~~  
2 secretary may by rule establish.

3 \* \* \*

4 (f) ~~Itinerant custom slaughterers, who slaughter solely at a person's home~~  
5 ~~or farm and who do not own, operate or work at a slaughtering plant shall be~~  
6 ~~exempt from~~ subject to the licensing provisions of this section. ~~An itinerant~~  
7 ~~custom slaughterer may slaughter livestock owned by an individual who has~~  
8 ~~entered into a contract with a person to raise the livestock on the farm where it~~  
9 ~~is intended to be slaughtered.~~

10 \* \* \*

11 (k) The secretary may deny an itinerant custom slaughter license or the  
12 renewal of an itinerant custom slaughter license under this chapter to a person  
13 who has been convicted of a felony, convicted of a misdemeanor involving  
14 cruelty to animals, or found in violation of section 3132 of this title more than  
15 once. The secretary may deny an itinerant custom slaughter license or the  
16 renewal of an itinerant custom slaughter license under this chapter if a person  
17 responsibly connected to the applicant has been convicted of a felony,  
18 convicted of a misdemeanor involving cruelty to animals, or found in violation  
19 of section 3132 of this title more than once. For purposes of this subdivision, a  
20 “person responsibly connected to an applicant” is a partner, officer, director,  
21 holder, or owner of 10 percent or more of the voting stock of the applicant's

1 ~~business or is an employee in a managerial or executive capacity at the~~  
2 ~~applicant's business.~~

3 ~~(1) All applicants for licensure or relicensure as an itinerant custom~~  
4 ~~slaughterer shall submit a written humane livestock handling plan for review~~  
5 ~~and approval by the secretary of agriculture, food and markets or designee.~~

6 ~~The secretary may suspend, revoke, or condition an itinerant custom slaughter~~  
7 ~~license after notice and opportunity for hearing for a licensee's failure to~~  
8 ~~adhere to the written plan.~~

9 \* \* \*

10 Sec. 4. EFFECTIVE DATE

11 ~~This act shall take effect on passage.~~

*Sec. 1. STATEMENT OF PURPOSE*

*It shall be the purpose of this act to prohibit the cruel confinement of sows during gestation in a manner that does not allow them to turn around freely, lie down, stand up, or fully extend their limbs.*

*Sec. 2. 6 V.S.A. chapter 201 is amended to read:*

*CHAPTER 201. HUMANE SLAUGHTER OF LIVESTOCK*

*\* \* \**

*§ 3134. PENALTY*

*A person who violates section 3132 or 3135 of this title shall be guilty of a misdemeanor and shall be fined upon conviction not more than \$ \$1,000.00 for the first violation, not more than \$5,000.00 for the second violation, and not more than \$10,000.00 per violation for the third and any subsequent violations, or imprisoned not more than two years, or both. In addition to the penalties provided in this subsection, the secretary may seek an injunction against a slaughterer, packer, or stockyard operator who engages in practices which are prohibited by section 3132 or 3135 of this title, by application to the superior court for the county in which such slaughterer, packer, or stockyard operator resides, or where such violations occur. The secretary may refer a*



*violation of section 3132 or 3135 of this title to the attorney general or the state's attorney for criminal prosecution. The secretary may also take any action authorized under chapter 1 of this title.*

§ 3135. DEFINITIONS

(a) In this section:

(1) "Enclosure" means a cage, crate, or other structure used to confine an animal, including what is commonly described as a "gestation crate" for sows.

(2) "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.

(3) "Farm owner or operator" means any person who owns or controls the operations of a farm and does not include any non-management employee, contractor, or consultant.

(4) "Fully extending the animal's limbs" means fully extending all limbs without touching the side of an enclosure.

(5) "Sow in gestation" means a pregnant animal of the porcine species kept for the primary purpose of breeding.

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

(b) Prohibition. Notwithstanding any other provision of law, a person is guilty of unlawful confinement of a sow during gestation if the person is a farm owner or operator who knowingly tethers or confines the sow in an enclosure in a manner that prevents the sow from turning around freely, lying down, standing up, and fully extending its limbs.

(c) Exceptions. The prohibition in subsection (b) of this section shall not apply:

(1) During examination or testing or individual treatment of or operation on an animal for veterinary purposes;

(2) During transportation;

(3) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions or educational programs;

(4) To the humane slaughter of an animal in accordance with this chapter and the rules adopted pursuant to section 3133 of this title pertaining to the slaughter of animals; and

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

(d) Relation to other laws.

(1) The provisions of this section are in addition to and not in lieu of any other laws protecting animal welfare.

(2) It is not an affirmative defense to alleged violations of this section that the sow was kept as part of an agricultural operation and in accordance with customary animal husbandry or farming practices.