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I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. ROSENTHAL, CASTRO, PAULIN, MAISEL, McENENY, KELLNER, KAVANAGH, MILLMAN, ROBINSON, GOTTFRIED, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BING, CUSICK, GLICK, HEVESI, LATIMER, V. LOPEZ, TITUS, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the confinement of animals for food producing purposes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 353-e to read as follows:

3 S 353-E. CONFINEMENT OF ANIMALS FOR FOOD PRODUCING PURPOSES. 1. FOR
4 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
5 MEANINGS:

6 (A) "CALF RAISED FOR VEAL" MEANS ANY CALF OF THE BOVINE SPECIES KEPT
7 FOR THE PURPOSE OF PRODUCING THE FOOD PRODUCT DESCRIBED AS VEAL.

8 (B) "COVERED ANIMALS" MEANS ANY PIG DURING PREGNANCY, CALF RAISED FOR
9 VEAL, OR EGG-LAYING HEN WHO IS KEPT ON A FARM.

10 (C) "EGG-LAYING HEN" MEANS ANY FEMALE DOMESTICATED CHICKEN, TURKEY,
11 DUCK, GOOSE, OR GUINEA FOWL KEPT FOR THE PURPOSE OF EGG PRODUCTION.

12 (D) "ENCLOSURE" MEANS ANY CAGE, CRATE, OR OTHER STRUCTURE (INCLUDING
13 WHAT IS COMMONLY DESCRIBED AS A "GESTATION CRATE" FOR PIGS, A "VEAL
14 CRATE" FOR CALVES, OR A "BATTERY CAGE" FOR EGG-LAYING HENS) USED TO
15 CONFINE A COVERED ANIMAL.

16 (E) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND OTHER
17 EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL
18 PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR FOOD OR FIBER, AND
19 DOES NOT INCLUDE LIVE ANIMAL MARKETS.

20 (F) "FULLY EXTENDING ITS LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITH-
21 OUT TOUCHING THE SIDE OF AN ENCLOSURE, INCLUDING, IN THE CASE OF

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 EGG-LAYING HENS, FULLY SPREADING BOTH WINGS WITHOUT TOUCHING THE SIDE OF
2 AN ENCLOSURE OR OTHER EGG-LAYING HENS.

3 (G) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCI-
4 ATION, OR OTHER LEGAL ENTITY.

5 (H) "PIG DURING PREGNANCY" MEANS ANY PREGNANT PIG OF THE PORCINE
6 SPECIES KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

7 (I) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT
8 ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN
9 ENCLOSURE.

10 2. IT SHALL BE UNLAWFUL FOR ANY PERSON TO TETHER OR CONFINED ANY
11 COVERED ANIMAL, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, ON A FARM
12 FOR ALL OR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS SUCH
13 ANIMAL FROM LYING DOWN, STANDING UP AND FULLY EXTENDING ITS LIMBS AND
14 TURNING AROUND FREELY.

15 3. THIS SECTION SHALL NOT APPLY DURING THE FOLLOWING LAWFULLY
16 PERFORMED ACTIVITIES:

17 (A) TRANSPORTATION,

18 (B) EXHIBITIONS AT RODEOS, FAIRS, YOUTH PROGRAMS, AND SIMILAR EXHIBI-
19 TIONS,

20 (C) SLAUGHTERING PROCESS,

21 (D) SCIENTIFIC OR AGRICULTURAL RESEARCH,

22 (E) EXAMINATION, TESTING, INDIVIDUAL TREATMENT OR OPERATION FOR VETER-
23 INARY PURPOSES,

24 (F) TO A PIG DURING THE SEVEN-DAY PERIOD PRIOR TO THE PIG'S EXPECTED
25 DATE OF GIVING BIRTH.

26 4. A VIOLATION OF THE PROVISIONS OF THIS SECTION IS A CLASS A MISDE-
27 MEANOR PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR,
28 OR BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR BY BOTH SUCH FINE
29 AND IMPRISONMENT.

30 5. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY TOWN, CITY,
31 VILLAGE OR COUNTY IN NEW YORK STATE FROM ENACTING A LOCAL LAW OR ORDI-
32 NANCE TO PROVIDE FOR THE HUMANE TREATMENT OF AND PREVENTION OF CRUELTY
33 TO FARM ANIMALS, PROVIDED, HOWEVER, THAT NO SUCH LAW SHALL CONFLICT WITH
34 THE PROVISIONS OF THIS SECTION.

35 6. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO REDUCE THE
36 PROTECTION AFFORDED TO FARM ANIMALS UNDER ANY OTHER SECTION OF THIS
37 ARTICLE OR ANY OTHER LAW OR REGULATION. NOTHING IN THIS SECTION SHALL BE
38 CONSTRUED TO LIMIT OR RESTRICT AGENTS OR OFFICERS OF SOCIETIES FOR THE
39 PREVENTION OF CRUELTY TO ANIMALS OR THE POLICE FROM ENFORCING THE OTHER
40 PROVISIONS OF THIS ARTICLE OR ANY OTHER LAW OR REGULATION RELATING TO
41 THE HUMANE TREATMENT OF OR CRUELTY TO ANIMALS.

42 7. THIS SECTION SHALL BE ENFORCED BY THE DEPARTMENT, AND ANY AGENT AND
43 OFFICER OF ANY DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY
44 TO ANIMALS MAY ISSUE AN APPEARANCE TICKET PURSUANT TO SECTION 150.20 OF
45 THE CRIMINAL PROCEDURE LAW, SUMMONS OR ARREST, AND BRING BEFORE A COURT
46 OR MAGISTRATE HAVING JURISDICTION, ANY PERSON OFFENDING AGAINST ANY OF
47 THE PROVISIONS OF THIS SECTION.

48 S 2. This act shall take effect January 1, 2015.