

SENATE BILL No. 498

June 28, 2017, Introduced by Senators KNEZEK, HERTEL, JONES, BIEDA, ROCCA and ANANICH and referred to the Committee on Judiciary.

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
by amending section 46 (MCL 287.746), as added by 2009 PA 117.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46. (1) As used in this section:

2 (a) "Calf raised for veal" means any calf of the bovine
3 species kept for the purpose of producing the food product
4 described as veal.

5 (b) "Covered animal" means any gestating sow, calf raised for
6 veal, or egg-laying hen that is kept on a farm.

7 (c) "Egg-laying hen" means any female domesticated chicken,
8 turkey, duck, goose, or guinea fowl kept for the purpose of egg
9 production.

10 (d) "Enclosure" means any cage, crate, or other structure used

1 to confine a covered animal. Enclosure includes what is commonly
2 described as a "gestation crate or stall" for gestating sows, a
3 "veal crate" for calves raised for veal, or a "battery cage" for
4 egg-laying hens.

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

9 (f) "Farm owner or operator" means any person who owns or
10 controls the operation of a farm.

11 (g) "Fully extending its limbs" means fully extending all
12 limbs without touching the side of an enclosure. In the case of
13 egg-laying hens, fully extending its limbs means fully spreading
14 both wings without touching the side of an enclosure or other egg-
15 laying hens and having access to at least 1.0 square ~~feet~~**FOOT** of
16 usable floor space per hen.

17 (h) "Gestating sow" means any confirmed pregnant sow of the
18 porcine species kept for the primary purpose of breeding.

19 (i) "Person" means any individual, firm, partnership, joint
20 venture, association, limited liability company, corporation,
21 estate, trust, receiver, or syndicate.

22 (j) "Turning around freely" means turning in a complete circle
23 without any impediment, including a tether, and without touching
24 the side of an enclosure or another animal.

25 (2) Notwithstanding any other provision of law, a farm owner
26 or operator shall not tether or confine any covered animal on a
27 farm for all or the majority of any day, in a manner that prevents

1 such animal from doing ~~any~~ **EITHER** of the following:

2 (a) Lying down, standing up, or fully extending its limbs.

3 (b) Turning around freely.

4 (3) The prohibitions of subsection (2) ~~shall~~ **DO** not apply to a
5 covered animal during any of the following:

6 (a) Scientific or agricultural research.

7 (b) Examination, testing, individual treatment, or operation
8 for veterinary purposes, by a person licensed to practice
9 veterinary medicine under part 188 of the public health code, 1978
10 PA 368, MCL 333.18801 to 333.18838.

11 (c) Transportation, unless otherwise in violation of section
12 51 of the Michigan penal code, 1931 PA 328, MCL 750.51, relating to
13 confining animals on railroad cars.

14 (d) Rodeo exhibitions, state or county fair exhibitions, 4-H
15 programs, and similar exhibitions.

16 (e) The slaughter of a covered animal in accordance with 1962
17 PA 163, MCL 287.551 to 287.556, and other applicable law and rules.

18 (f) In the case of a gestating sow, the period beginning 7
19 days before the gestating sow's expected date of giving birth.

20 (4) The department or the attorney general may bring a civil
21 action to restrain, by temporary or permanent injunction, any act
22 or practice in violation of this section. The action may be brought
23 in the circuit court for the county where the defendant resides or
24 conducts business. The court may issue a temporary or permanent
25 injunction and issue other equitable orders or judgments. A defense
26 described and made available relating to customary animal husbandry
27 or farming practices involving livestock, under sections ~~50(11)(f)~~

1 50(12) and 50b(8) of the Michigan penal code, 1931 PA 328, MCL
2 750.50 and 750.50b, or similar provisions, are not considered a
3 defense to an action brought for the violation of this section
4 involving a covered animal. In addition, the criminal penalties
5 provided in section 44 are not applicable to violations of this
6 section.

7 (5) The provisions of this section are in addition to, and not
8 in lieu of, any other laws protecting animal welfare. This section
9 ~~shall~~**MUST** not be construed to limit any other state law or rules
10 protecting the welfare of animals.

11 (6) The provisions of this section do not apply to calves
12 raised for veal until October 1, 2012.

13 (7) The provisions of this section do not apply to egg-laying
14 hens and gestating sows until ~~10 years after the enactment date of~~
15 ~~the amendatory act that added this section.~~**OCTOBER 12, 2019.**

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. 496

20 of the 99th Legislature is enacted into law.