

SENATE BILL No. 660

November 9, 2017, Introduced by Senator MEEKHOF and referred to the Committee on Agriculture.

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 46 (MCL 287.746), as added by 2009 PA 117, and by adding section 47.

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

1 production.

2 (d) "Enclosure" means any cage, crate, or other structure used
3 to confine a covered animal. Enclosure includes what is commonly
4 described as a "gestation crate or stall" for gestating sows, a
5 "veal crate" for calves raised for veal, or a "battery cage" for
6 egg-laying hens.

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

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

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

19 (h) "Gestating sow" means any ~~confirmed pregnant~~ sow of the
20 porcine species kept for the primary purpose of breeding **AND**
21 **CONFIRMED TO BE PREGNANT**.

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

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

1 (2) ~~Notwithstanding~~ **SUBJECT TO SUBSECTIONS (3) AND (6),**
2 **NOTWITHSTANDING** any other provision of law, a farm owner or
3 operator shall not tether or confine any covered animal on a farm
4 for all or the majority of any day, in a manner that prevents ~~such~~
5 **THE COVERED** animal from doing any of the following:

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

7 (b) Turning around freely.

8 (3) ~~The prohibitions of subsection (2) shall~~ **SUBSECTION (2)**
9 **DOES** not apply to a covered animal during any of the following:

10 (a) Scientific or agricultural research.

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

15 (c) Transportation, unless otherwise in violation of section
16 51 of the Michigan penal code, 1931 PA 328, MCL 750.51, relating to
17 confining animals on railroad cars.

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

20 (e) The slaughter of a covered animal ~~in accordance with~~ **AS**
21 **PROVIDED BY** 1962 PA 163, MCL 287.551 to 287.556, and other
22 applicable law and rules.

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

25 (4) The department or the attorney general may bring a civil
26 action to restrain, by temporary or permanent injunction, any act
27 or practice in violation of this section. The action may be brought

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1 in the circuit court for the county where the defendant resides or
 2 conducts business. The court may issue a temporary or permanent
 3 injunction and issue other equitable orders or judgments. A defense
 4 described and made available relating to customary animal husbandry
 5 or farming practices involving livestock, under sections 50(11)(f)
 6 and 50b(8) of the Michigan penal code, 1931 PA 328, MCL 750.50 and
 7 750.50b, or similar provisions, ~~are not considered~~ **IS NOT** a defense
 8 to an action brought for the violation of this section involving a
 9 covered animal. In addition, the criminal penalties provided in
 10 section 44 are not applicable to ~~violations~~ **A VIOLATION** of this
 11 section.

12 (5) ~~The provisions of this section are~~ **THIS SECTION IS** in
 13 addition to, and not in lieu of, any other laws protecting animal
 14 welfare. This section ~~shall not be construed to~~ **DOES NOT** limit any
 15 other state law ~~or rules~~ protecting the welfare of animals.

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

18 (6) ~~(7) The provisions of this section do~~ **THIS SECTION DOES**
 19 not apply to egg-laying hens **UNTIL OCTOBER 12, 2025** and **DOES NOT**
 20 **APPLY TO** gestating sows until ~~10 years after the enactment date of~~
 21 ~~the amendatory act that added this section.~~ **APRIL 1, 2020.**

22 **SEC. 47. <<(1) THE LEGISLATURE FINDS THAT, TO PROTECT THE**
 23 **WELFARE AND SAFETY OF MICHIGAN CONSUMERS FROM INCREASED RISK OF FOOD-**
 24 **BORNE ILLNESS AND TO PREVENT ASSOCIATED NEGATIVE FISCAL IMPACTS ON THIS**
 25 **STATE, IT IS NECESSARY TO PROHIBIT THE SALE OF ANY SHELL EGGS PRODUCED BY**
 26 **AN EGG-LAYING HEN THAT WAS CONFINED IN A CERTAIN MANNER.**

27 **>>**

1 (2) AS USED IN THIS SECTION:

2 (A) "BUSINESS OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR
3 CONTROLS THE OPERATIONS OF A BUSINESS.

4 (B) "EGG-LAYING HEN" MEANS THAT TERM AS DEFINED IN SECTION 46.

5 (C) "FARM" MEANS THAT TERM AS DEFINED IN SECTION 46.

6 (D) "SHELL EGG" MEANS A WHOLE EGG OF AN EGG-LAYING HEN IN ITS
7 SHELL FORM, INTENDED FOR USE AS HUMAN FOOD.

8 (3) TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF CONSUMERS IN
9 THIS STATE, COMMENCING OCTOBER 12, 2025, A BUSINESS OWNER OR
10 OPERATOR SHALL NOT ENGAGE IN THE SALE OF ANY SHELL EGG FOR HUMAN
11 CONSUMPTION WITHIN THIS STATE IF THE BUSINESS OWNER OR OPERATOR
12 KNOWS OR SHOULD HAVE KNOWN THAT THE EGG WAS PRODUCED BY AN EGG-
13 LAYING HEN THAT WAS CONFINED ON A FARM THAT IS NOT IN COMPLIANCE
14 WITH THE ANIMAL CARE STANDARDS FOR EGG-LAYING HENS SET FORTH IN
15 SECTION 46.

16 (4) IT IS A DEFENSE TO ANY ACTION TO ENFORCE THIS SECTION THAT
17 A BUSINESS OWNER OR OPERATOR RELIED IN GOOD FAITH UPON A WRITTEN
18 CERTIFICATION OR GUARANTEE BY THE SUPPLIER THAT A SHELL EGG WAS NOT
19 PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED ON A FARM THAT IS
20 NOT IN COMPLIANCE WITH THE ANIMAL CARE STANDARDS FOR EGG-LAYING
21 HENS SET FORTH IN SECTION 46.

22 (5) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY BRING A CIVIL
23 ACTION TO RESTRAIN, BY TEMPORARY OR PERMANENT INJUNCTION, ANY ACT
24 OR PRACTICE IN VIOLATION OF THIS SECTION. THE ACTION MAY BE BROUGHT
25 IN THE DISTRICT COURT OR CIRCUIT COURT FOR THE COUNTY WHERE THE
26 DEFENDANT RESIDES OR CONDUCTS BUSINESS. THE COURT MAY ISSUE A
27 TEMPORARY OR PERMANENT INJUNCTION AND ISSUE OTHER EQUITABLE ORDERS

1 OR JUDGMENTS. IN ADDITION, THE CRIMINAL PENALTIES PROVIDED IN
2 SECTION 44 ARE NOT APPLICABLE TO A VIOLATION OF THIS SECTION.

3 (6) BY OCTOBER 12, 2023, THE DEPARTMENT SHALL PROMULGATE RULES
4 TO IMPLEMENT THIS SECTION, INCLUDING RULES TO PROVIDE FOR THE
5 COLLECTION OF FEES TO RECOVER THE COSTS OF ADMINISTRATION OF THIS
6 SECTION.

7 (7) THIS SECTION IS IN ADDITION TO, AND NOT IN LIEU OF, ANY
8 OTHER LAWS PROTECTING ANIMAL WELFARE. THIS SECTION SHALL NOT BE
9 CONSTRUED TO LIMIT ANY OTHER STATE STATUTE PROTECTING THE WELFARE
10 OF ANIMALS.

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