

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5127

A bill to amend 1988 PA 466, entitled
"Animal industry act,"
(MCL 287.701 to 287.745) by adding section 46.

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.

1 (D) "ENCLOSURE" MEANS ANY CAGE, CRATE, OR OTHER STRUCTURE USED
2 TO CONFINE A COVERED ANIMAL. ENCLOSURE INCLUDES WHAT IS COMMONLY
3 DESCRIBED AS A "GESTATION CRATE OR STALL" FOR GESTATING SOWS, A
4 "VEAL CRATE" FOR CALVES RAISED FOR VEAL, OR A "BATTERY CAGE" FOR
5 EGG-LAYING HENS.

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

10 (F) "FARM OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR
11 CONTROLS THE OPERATION OF A FARM.

12 (G) "FULLY EXTENDING ITS LIMBS" MEANS FULLY EXTENDING ALL
13 LIMBS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE. IN THE CASE OF
14 EGG-LAYING HENS, FULLY EXTENDING ITS LIMBS MEANS FULLY SPREADING
15 BOTH WINGS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR OTHER EGG-
16 LAYING HENS AND HAVING ACCESS TO AT LEAST 1.0 SQUARE FEET OF USABLE
17 FLOOR SPACE PER HEN.

18 (H) "GESTATING SOW" MEANS ANY CONFIRMED PREGNANT SOW OF THE
19 PORCINE SPECIES KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

20 (I) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, JOINT
21 VENTURE, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION,
22 ESTATE, TRUST, RECEIVER, OR SYNDICATE.

23 (J) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE
24 WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING
25 THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL.

26 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FARM OWNER
27 OR OPERATOR SHALL NOT TETHER OR CONFINE ANY COVERED ANIMAL ON A

1 FARM FOR ALL OR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS
2 SUCH ANIMAL FROM DOING ANY OF THE FOLLOWING:

3 (A) LYING DOWN, STANDING UP, OR FULLY EXTENDING ITS LIMBS.

4 (B) TURNING AROUND FREELY.

5 (3) THE PROHIBITIONS OF SUBSECTION (2) SHALL NOT APPLY TO A
6 COVERED ANIMAL DURING ANY OF THE FOLLOWING:

7 (A) SCIENTIFIC OR AGRICULTURAL RESEARCH.

8 (B) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR OPERATION
9 FOR VETERINARY PURPOSES, BY A PERSON LICENSED TO PRACTICE
10 VETERINARY MEDICINE UNDER PART 188 OF THE PUBLIC HEALTH CODE, 1978
11 PA 368, MCL 333.18801 TO 333.18838.

12 (C) TRANSPORTATION, UNLESS OTHERWISE IN VIOLATION OF SECTION
13 51 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.51, RELATING TO
14 CONFINING ANIMALS ON RAILROAD CARS.

15 (D) RODEO EXHIBITIONS, STATE OR COUNTY FAIR EXHIBITIONS, 4-H
16 PROGRAMS, AND SIMILAR EXHIBITIONS.

17 (E) THE SLAUGHTER OF A COVERED ANIMAL IN ACCORDANCE WITH 1962
18 PA 163, MCL 287.551 TO 287.556, AND OTHER APPLICABLE LAW AND RULES.

19 (F) IN THE CASE OF A GESTATING SOW, THE PERIOD BEGINNING 7
20 DAYS BEFORE THE GESTATING SOW'S EXPECTED DATE OF GIVING BIRTH.

21 (4) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY BRING A CIVIL
22 ACTION TO RESTRAIN, BY TEMPORARY OR PERMANENT INJUNCTION, ANY ACT
23 OR PRACTICE IN VIOLATION OF THIS SECTION. THE ACTION MAY BE BROUGHT
24 IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE DEFENDANT RESIDES OR
25 CONDUCTS BUSINESS. THE COURT MAY ISSUE A TEMPORARY OR PERMANENT
26 INJUNCTION AND ISSUE OTHER EQUITABLE ORDERS OR JUDGMENTS. A DEFENSE
27 DESCRIBED AND MADE AVAILABLE RELATING TO CUSTOMARY ANIMAL HUSBANDRY

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1 OR FARMING PRACTICES INVOLVING LIVESTOCK, UNDER SECTIONS 50(11)(F)
2 AND 50B(8) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50 AND
3 750.50B, OR SIMILAR PROVISIONS, ARE NOT CONSIDERED A DEFENSE TO AN
4 ACTION BROUGHT FOR THE VIOLATION OF THIS SECTION INVOLVING A
5 COVERED ANIMAL. IN ADDITION, THE CRIMINAL PENALTIES PROVIDED IN
6 SECTION 44 ARE NOT APPLICABLE TO VIOLATIONS OF THIS 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 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.

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14 (7) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO EGG-LAYING
15 HENS AND GESTATING SOWS UNTIL 10 YEARS AFTER THE ENACTMENT DATE OF
16 THE AMENDATORY ACT THAT ADDED THIS SECTION.