

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 655

Short Title: Hog Lagoon Phaseout/Livestock Treatment. (Public)

Sponsors: Representatives Harrison, Luebke, and D. Hall (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Agriculture, if favorable, Regulatory Reform, if favorable, Commerce and Job Development, if favorable, Environment, if favorable, Rules, Calendar, and Operations of the House.

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS; TO ESTABLISH MINIMUM HUMANE STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE; AND TO STUDY THE POTENTIAL REPORTING OF ANTIBIOTIC DRUG USE IN LIVESTOCK RAISED IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(b) of S.L. 2007-523 reads as rewritten:

"SECTION 1.(b) ~~Continued Operation.~~Phaseout. – An animal waste management system that serves a swine farm for which a permit was issued prior to 1 September 2007 and that does not meet the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section, may continue to operate under, and shall operate in compliance with, that permit, including any renewal of the ~~permit.~~permit, until September 1, 2019. The owner or operator of an animal waste management system that employs a lagoon and sprayfield system that is phased out pursuant to this act shall close all of the components of the animal waste management system in compliance with all applicable federal and State laws, regulations, and rules."

SECTION 2. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 49I.

"Minimum Humane Standards for Certain Farm Animals.

"§ 106-549.99. Minimum standards to prevent the inhumane treatment of certain farm animals.

(a) As used in this section, the following definitions apply:

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

(2) "Cow" means any member of the bovine species, including calves.

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

(4) "Enclosure" means any cage, crate, or other structure, including what is commonly described as a "veal crate" for calves, a "battery cage" for egg-laying hens, or a "gestation crate" for swine, used to confine a calf raised for veal, an egg-laying hen, or a swine during pregnancy.



- 1 (5) "Farm" means the land, buildings, support facilities, and other equipment
2 that are wholly or partially used for the commercial production of animals or
3 animal products used for food or fiber and does not include live animal
4 markets.
- 5 (6) "Farm owner or operator" means any person who owns or controls the
6 operation of a farm and does not include any nonmanagement employee,
7 contractor, or consultant.
- 8 (7) "Fully extending his or her limbs" means fully extending all limbs without
9 touching the side of an enclosure or another animal. In the case of egg-laying
10 hens, "fully extending his or her limbs" means (i) fully spreading both wings
11 without touching the side of an enclosure or another egg-laying hen and (ii)
12 having access to at least 1.5 square feet of usable floor space per hen; but
13 does not mean that all egg-laying hens in an enclosure must be able to
14 simultaneously spread their wings without touching the side of an enclosure
15 or another egg-laying hen.
- 16 (8) "Person" means any individual, firm, partnership, joint venture, association,
17 limited liability company, corporation, estate, trust, receiver, or syndicate.
- 18 (9) "Poultry" means any chicken, turkey, duck, goose, or guinea fowl.
- 19 (10) "Swine" means any member of the porcine species.
- 20 (11) "Swine during pregnancy" means any pregnant swine kept for the primary
21 purpose of breeding.
- 22 (12) "Turning around freely" means turning in a complete circle without any
23 impediment, including a tether, and without touching the side of an
24 enclosure or another animal.
- 25 (b) The Board of Agriculture, in consultation with the State Veterinarian, shall establish
26 minimum humane standards for cows, poultry, and swine that, at a minimum, do all of the
27 following:
- 28 (1) Prohibit a farm owner or operator from tethering or confining any calf raised
29 for veal, egg-laying hen, or swine during pregnancy, on a farm, for all or the
30 majority of any day, in a manner that prevents the animal from lying down,
31 standing up, fully extending his or her limbs, or turning around freely. This
32 subdivision does not apply to any of the following:
- 33 a. During scientific or agricultural research.
- 34 b. During examination, testing, individual treatment, or operation for
35 veterinary purposes.
- 36 c. During transportation.
- 37 d. During rodeo exhibitions, State or county fair exhibitions, 4-H
38 programs, and similar exhibitions or programs.
- 39 e. During the slaughter of livestock or poultry as provided by law.
- 40 f. To a swine during pregnancy during the seven-day period prior to the
41 swine's expected date of giving birth.
- 42 (2) Require a farm owner or operator to ensure that all on-farm killing of cows
43 or swine be performed in a humane manner using methods explicitly deemed
44 "acceptable" by the American Veterinary Medical Association. This
45 subdivision prohibits strangulation of cows and swine as a form of
46 euthanasia.
- 47 (3) Prohibit a farm owner or operator from engaging in the transport, sale, or
48 receipt, for use in the human food supply, of any cow or calf too sick or
49 injured to stand and walk.
- 50 (c) Any farm owner or operator who violates any minimum humane standard adopted
51 by the Board pursuant to this section is guilty of a Class 2 misdemeanor."

1 **SECTION 3.(a)** The Division of Public Health of the Department of Health and
2 Human Services, with the cooperation of the Department of Agriculture and Consumer
3 Services, shall study the use of antibiotic drugs in livestock production in the State. As part of
4 its study, the Division and Department shall:

- 5 (1) Examine the supply chain of antibiotic delivery to livestock raised in the
6 State.
- 7 (2) Determine which segment of the antibiotic supply chain (considering, but
8 not limited to, the antibiotic manufacturer, owner of the animal, feed mill, or
9 farm operator or owner) would provide the best estimate through reporting
10 to the Division of Public Health of the types, amounts, application methods,
11 reasons for use (including disease prevention, growth promotion, or disease
12 treatment), and target livestock species of antibiotic use in the livestock
13 industry operating in the State.
- 14 (3) Conduct a survey in the three counties of the State with the highest densities
15 of hog, poultry, dairy, and beef populations of operators or owners of
16 livestock production facilities, owners of the animals, and the feed mills
17 providing antibiotics for growth promotion, disease prevention, or disease
18 treatment to the livestock. The survey shall provide an initial estimate of the
19 types, amounts, application methods, and target species of antibiotic use in
20 the raising of those livestock in the State.
- 21 (4) Examine the occurrence and trends over the last decade of antibiotic
22 resistance to antibiotics used in livestock production (as identified in the
23 2011 United States Food and Drug Administration Summary Report on
24 Antimicrobials Sold or Distributed for use in Food-Producing Animals) in
25 hospitals and within other appropriate medical facilities serving the
26 populations within the 10 counties with the highest densities of livestock in
27 North Carolina and the 10 counties with the lowest densities of livestock in
28 North Carolina.

29 **SECTION 3.(b)** The Division of Public Health of the Department of Health and
30 Human Services and the Department of Agriculture and Consumer Services shall jointly report
31 their findings and recommendations developed pursuant to this act to the Joint Legislative
32 Oversight Committee on Health and Human Services on or before January 1, 2017.

33 **SECTION 4.** Section 2 of this act becomes effective January 1, 2016. The
34 remaining sections of this act are effective when it becomes law.