

**HB-5127, As Passed Senate, September 30, 2009**

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**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:**

**SEC. 46. (1) AS USED IN THIS SECTION:**

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

(B) "COVERED ANIMAL" MEANS ANY GESTATING SOW, CALF RAISED FOR VEAL, OR EGG-LAYING HEN THAT IS KEPT ON A FARM.

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



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

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

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

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

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

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

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

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



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

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

(B) TURNING AROUND FREELY.

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

(A) SCIENTIFIC OR AGRICULTURAL RESEARCH.

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

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

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

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

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

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



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

(5) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER LAWS PROTECTING ANIMAL WELFARE. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT ANY OTHER STATE LAW OR RULES PROTECTING THE WELFARE OF ANIMALS.

(6) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO CALVES RAISED FOR VEAL UNTIL <<OCTOBER 1, 2012.

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