

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 PIG DURING PREGNANCY, CALF
6 RAISED FOR 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 PIGS, A "VEAL CRATE"
4 FOR CALVES, OR A "BATTERY CAGE" FOR 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 OF USABLE
16 FLOOR SPACE PER HEN.

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

20 (I) "PIG DURING PREGNANCY" MEANS ANY CONFIRMED PREGNANT PIG OF
21 THE PORCINE SPECIES KEPT FOR THE PRIMARY PURPOSE OF BREEDING.

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 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 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 PIG, THE PERIOD BEGINNING 7 DAYS BEFORE
19 THE PIG'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 AND 50B(8) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50 AND
2 750.50B, OR SIMILAR PROVISIONS, ARE NOT CONSIDERED A DEFENSE TO AN
3 ACTION BROUGHT FOR THE VIOLATION OF THIS SECTION INVOLVING A
4 COVERED ANIMAL. IN ADDITION, THE CRIMINAL PENALTIES PROVIDED IN
5 SECTION 44 ARE NOT APPLICABLE TO VIOLATIONS OF THIS SECTION.

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

10 (6) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO VEAL CALVES
11 UNTIL 1 YEAR AFTER THE ENACTMENT DATE OF THE AMENDATORY ACT THAT
12 ADDED THIS SECTION.

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