

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 905  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH80228-MH-146 (03/28)

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

Sponsors: Representatives Luebke and Harrison (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS  
3 THAT SERVE SWINE FARMS AND TO ESTABLISH MINIMUM HUMANE  
4 STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE.

5 The General Assembly of North Carolina enacts:

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

7 "~~SECTION 1.(b) Continued Operation-Phaseout.~~ – An animal waste management system  
8 that serves a swine farm for which a permit was issued prior to 1 September 2007 and that does  
9 not meet the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section,  
10 may continue to operate under, and shall operate in compliance with, that permit, including any  
11 renewal of the ~~permit-permit~~, until the later of September 1, 2018, or 12 years from the date on  
12 which the animal waste management was first permitted or deemed permitted. The owner or  
13 operator of an animal waste management system that employs a lagoon and sprayfield system  
14 that is phased out pursuant to this act shall close all of the components of the animal waste  
15 management system in compliance with all applicable federal and State laws, regulations, and  
16 rules."

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

19 "Article 49I.

20 "Minimum Humane Standards for Certain Farm Animals.

21 "**§ 106-549.99. Minimum standards to prevent the inhumane treatment of certain farm**  
22 **animals.**

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

- 24 (1) "Calf raised for veal" means any calf of the bovine species kept for the  
25 purpose of producing the food product described as veal.  
26 (2) "Cow" means any member of the bovine species, including calves.  
27 (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck,  
28 goose, or guinea fowl kept for the purpose of egg production.  
29 (4) "Enclosure" means any cage, crate, or other structure, including what is  
30 commonly described as a "veal crate" for calves, a "battery cage" for  
31 egg-laying hens, or a "gestation crate" for swine, used to confine a calf  
32 raised for veal, an egg-laying hen, or a swine during pregnancy.  
33 (5) "Farm" means the land, buildings, support facilities, and other equipment  
34 that are wholly or partially used for the commercial production of animals or  
35 animal products used for food or fiber and does not include live animal  
36 markets.



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

48           **SECTION 3.** Section 2 of this act becomes effective January 1, 2014. The  
49 remaining sections of this act are effective when this act becomes law.