

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE DRH40338-MH-136 (03/27)

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

Sponsors: Representatives Harrison, Luebke, and D. Hall (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; TO ESTABLISH MINIMUM HUMANE STANDARDS
4 FOR THE TREATMENT OF COWS, POULTRY, AND SWINE; AND TO STUDY THE
5 POTENTIAL REPORTING OF ANTIBIOTIC DRUG USE IN LIVESTOCK RAISED IN
6 NORTH CAROLINA.

7 The General Assembly of North Carolina enacts:

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

9 **"SECTION 1.(b) ~~Continued Operation~~Phaseout.** – An animal waste management system
10 that serves a swine farm for which a permit was issued prior to 1 September 2007 and that does
11 not meet the requirements of G.S. 143-215.10I, as enacted by subsection (a) of this section,
12 may continue to operate under, and shall operate in compliance with, that permit, including any
13 renewal of the ~~permit~~ permit, until September 1, 2019. The owner or operator of an animal
14 waste management system that employs a lagoon and sprayfield system that is phased out
15 pursuant to this act shall close all of the components of the animal waste management system in
16 compliance with all applicable federal and State laws, regulations, and 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.(a)** The Division of Public Health of the Department of Health and
49 Human Services, with the cooperation of the Department of Agriculture and Consumer
50 Services, shall study the use of antibiotic drugs in livestock production in the State. As part of
51 its study, the Division and Department shall:

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

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

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