
Judiciary Committee

HB 2619

Title: An act relating to laying hens.

Brief Description: Clarifying accepted animal husbandry practices for laying hens.

Sponsors: Representatives Romero, Miloscia and Upthegrove.

Brief Summary of Bill

- Provides that practices that result in the death of a certain number of laying hens at any one time is not an accepted husbandry practice and is not exempt from the animal cruelty law.
- Requires the director of the Department of Agriculture to establish a program for conducting inspections of facilities in which one hundred or more laying hens are kept.

Hearing Date: 2/5/02

Staff: Edie Adams (786-7180).

Background:

The state's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. Among the laws prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. In addition, the chapter contains the crime of animal cruelty. Animal cruelty in the first degree, a class C felony, involves intentionally inflicting substantial pain on, causing physical injury to, or killing an animal by a means that causes undue suffering. Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may commit this crime by failing to provide necessary food, water, shelter, rest or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a misdemeanor.

The animal cruelty laws do not apply to accepted husbandry practices that are used in the commercial raising or slaughtering of livestock or poultry.

Law enforcement agencies and animal care and control agencies may enforce the provisions of the animal cruelty law. An animal control officer may issue a citation based on probable cause but may not execute a search warrant without being accompanied by a law enforcement officer. In addition, the animal control officer may not arrest a person for a violation, but may request a law enforcement officer to make the arrest.

Summary of Bill:

An action that causes the death at any one time of three or more laying hens that constitute three or more percent of the laying hens in a facility is not an accepted husbandry practice used in the commercial raising of poultry or poultry products and is not exempt from the animal cruelty laws.

The director of the Department of Agriculture must establish a program for conducting inspections of facilities where one hundred or more laying hens are kept. The director must maintain a list of facilities to be inspected from information the Department of Agriculture receives from egg handler or dealer licenses. Inspections under the program are aimed at identifying instances in which a violation of the animal cruelty laws results in the death of three percent or more of the laying hens in a facility at any one time. Inspections must be unannounced if practicable. The director must report violations to the local prosecuting attorney.

Definitions are provided for "at any one time" and "laying hen." A statement is made that the act may not be construed as providing the director the exclusive authority to investigate violations of the animal cruelty laws regarding laying hens.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.