

October 1, 2007

Initiative Coordinator  
Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814

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INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

In Re: Farm Animal Protection Act

To Whom It May Concern:

Pursuant to California Elections Code, Section 9002, I respectfully request the Attorney General to prepare a title and summary of the chief purpose and points of the Farm Animal Protection Act.

Please find enclosed required by the California Elections Code, Section 18650, check in the amount of TWO HUNDRED DOLLARS (\$200.00) for filing fee of above referenced act and the proponent declaration as required by California Elections Code, Section Code 9068.

Please direct any correspondence and questions directly to the address below.

Thank you for your attention to this matter.

Sincerely,

Albert S. Scaletti  
160 Tenth Street  
San Francisco, CA 94103-2618

Section 1. TITLE – This Act shall be known and may be cited as Farm Animal Protection Act.

Section 2. PURPOSE – The purpose of this Act is to protect farm animals in a manner that allows for the highest standards of animal husbandry as prescribed by scientific analysis and studies to prevent morbidity and mortality.

Section 3. Farm Animal Confinement Provisions

Chapter 13.8 (commencing with Section 25990) is added to Division 20 of the Health and Safety Code, to read:

#### CHAPTER 13.8: FARM ANIMAL CONFINEMENT

25990. PROHIBITIONS.— (a) In addition to other applicable provisions of law, a person shall not tether or confine any calf raised for veal or pig during pregnancy, on a farm, for all or the majority of any day in a manner that prevents such animal from lying down, standing up, and turning around freely, except where duly noted, or as recommended by an attending veterinary professional.

(b) A person shall not confine any egg laying hen except in accordance with scientifically validated standards of animal care. The California Department of Food and Agriculture shall publish regulations establishing standards for the care of laying hens in accordance with this subsection. Such standards shall provide for, but not be limited to, housing conditions, and space allowances, which shall include provisions for access to feed and water, ventilation, light, biosecurity (including limitations on movement of additional hens into a flock after the initial placement of the flock), maximum concentrations of ammonia and other gases, and other appropriate factors, and shall provide for no less than a range of 67 to 86 square inches of usable space per laying hen in conventional production systems and no less than a range of 1 to 1.5 square feet of usable space per laying hen in cage-free production systems.”

(c) The standards established under subsection (b) shall, to the extent practicable, be specific to the type of egg production undertaken by the producer, whether conventional, cage-free, free-range or organic. The standards shall also include provisions for audits and other appropriate certification procedures.

(d) Notwithstanding any other provision of this section, the California Department of Food and Agriculture shall approve and incorporate by reference into the standards established under subsection (b) any existing scientifically validated standards for animal care that advance the purpose of this section, including but not limited to the programs known as “United Egg Producers Certified” and “Certified Humane Raised and Handled,” as in effect on the date of enactment of this section. A person that cares for laying hens in accordance with the provisions of such existing scientifically validated standards of animal care shall be deemed to be in compliance with this section.

25991. DEFINITIONS.— For the purposes of this chapter, the following terms have the following meanings:

(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) “Animal” means any pig during pregnancy, calf raised for veal, or egg laying hen who is kept on a farm.

(c) “Egg laying hen” means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purposes of egg production.

(d) “Enclosure” means any cage, crate, or other structure (including what is commonly known as a gestation crate, for pigs; a veal crate for calves; or a battery cage for egg laying hens) used to confine a covered animal.

(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. This is not meant to include any personal animal production of animals or animal product for personal consumption nor any 4-H projects or other such similar project.

(f) “Pig during pregnancy” means any pregnant pig of the porcine species kept for the primary purpose of breeding.

(g) “Person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver or syndicate.

25992. EXCEPTIONS. – This chapter shall not apply:

(a) During scientific or agricultural research.

(b) During examination, testing, individual treatment or operation for veterinary purposes.

(c) During transportation.

(d) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.

(e) During the slaughter of a covered animal in accordance with the provisions of chapter 6 (commencing with Section 19501) of Division 9 of the Food and Agricultural Code, relating to humane methods of slaughter, and other applicable law and regulations.

(f) To a pig during the seven (7) day period prior to the pig’s expected date of giving birth and until weaning of her piglets.

(g) To a calf raised for veal during its infancy.

25993 ENFORCEMENT. – Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be remanded to 40 hours of animal welfare instruction at a local educational institution or agricultural extension facility and a fine not to exceed five hundred (\$500) dollars.

25994. CONSTRUCTION OF CHAPTER. – The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare, including the California Penal Code. This chapter shall not be construed to limit any state law or regulations protecting the welfare of animals, nor shall anything in this chapter prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

Section 4. CONFLICTING BALLOT MEASURES – If this measure is approved by voters but is superseded by law or any other conflicting ballot measure approved by the voters at the same election that affects the protection of farm animals, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and each and every provision of the other measure or measures shall be null and void.

Section 4. SEVERABILITY. – If any provision of this Act, or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this Act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are severable.

#### Section 5. EFFECTIVE DATES

The provisions of sections 25990, 25991, 25992, 25993, and 25994 shall become operative on January 1, 2015.