



Massachusetts

INFORMATION FOR VOTERS

2016 Ballot Questions

STATE ELECTION

Tuesday, November 8, 2016

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Published by

William Francis Galvin
Secretary of the Commonwealth

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QUESTION 3: Law Proposed by Initiative Petition

Conditions for Farm Animals

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams,

testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

Because the law would not take effect until January 1, 2022, the fiscal consequences of

this proposed measure for state and municipal government finances are unknown.

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ARGUMENTS ►

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: A YES vote prevents cruel treatment of animals in Massachusetts by ending the practice of cramming farm animals into cages so small they can't turn around or stretch their limbs, and will remove inhumane and unsafe products from the Massachusetts marketplace.

Endorsed by the MSPCA, Animal Rescue League of Boston, The Humane Society of the United States, and 400 Massachusetts veterinarians because no animal should be immobilized in a cramped cage.

Endorsed by the Center for Food Safety and Consumer Federation of America because cage confinement increases food safety risks, and a YES vote protects Massachusetts consumers.

Endorsed by Massachusetts family farmers and the United Farm Workers because proper treatment of animals is better for farmers. From McDonald's to Walmart, retailers are switching to cage-free eggs—the right thing to do at the right cost.

Vote YES. Protect consumers. Prevent animal cruelty.

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AGAINST: A NO vote is necessary to protect Massachusetts consumers' right to choose from the variety of healthy foods available for purchase today.

Question 3 proposes to ban the sale of any veal, pork, and eggs from **any** state unless produced according to the wishes of the ballot promoters. A recent study undertaken at Cornell University estimates the cost to consumers—just on eggs—would be \$70 a year for a family of five.

This study also notes that an increase in food prices “disproportionately harms lower income households” and can impact their ability to maintain a “healthy and adequate diet.”

Let the free marketplace respond to consumer concerns. The veal industry plans to be completely phased out of veal crates by the end of 2017. 175 food suppliers have already pledged to switch to cage free eggs. Others will follow.

This proposed government mandate is neither necessary nor wise.

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FULL TEXT OF QUESTION

Be it enacted by the People, and by their authority:
Prevention of Farm Animal Cruelty Act

SECTION 1. The purpose of this Act is to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of Massachusetts consumers, increase the risk of foodborne illness, and have negative fiscal impacts on the Commonwealth of Massachusetts.

SECTION 2. Notwithstanding any general or special law to the contrary, it shall be unlawful for a farm owner or operator within the Commonwealth of Massachusetts to knowingly cause any covered animal to be confined in a cruel manner.

SECTION 3. Notwithstanding any general or special law to the contrary, it shall be unlawful for a business owner or operator to knowingly engage in the sale within the Commonwealth of Massachusetts of any:

(A) Shell egg that the business owner or operator knows or should know is the product of a covered animal

that was confined in a cruel manner.

(B) Whole veal meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner.

(C) Whole pork meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate offspring of a covered animal that was confined in a cruel manner.

SECTION 4. For the purposes of this Act, a covered animal shall not be deemed to be “confined in a cruel manner” during:

(A) Transportation.

(B) State or county fair exhibitions, 4-H programs, and similar exhibitions.

(C) Slaughter in accordance with any applicable laws, rules, and regulations.

(D) Medical research.

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FULL TEXT OF QUESTION (continued)

(E) Examination, testing, individual treatment or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian.

(F) The five (5) day period prior to a breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets.

(G) Temporary periods for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period.

SECTION 5. For purposes of this Act, the following terms shall have the following meanings:

(A) "Breeding pig" means any female pig of the porcine species kept for the purpose of commercial breeding.

(B) "Business owner or operator" means any person who owns or controls the operations of a business.

(C) "Calf raised for veal" means any calf of the bovine species kept for the purpose of commercial production of veal meat.

(D) "Covered animal" means any breeding pig, calf raised for veal, or egg-laying hen that is kept on a farm.

(E) "Confined in a cruel manner" means confined so as to prevent a covered animal from lying down, standing up, fully extending the animal's limbs, or turning around freely.

(F) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.

(G) "Enclosure" means any cage, crate, or other structure used to confine a covered animal or animals. "Enclosure" includes what is commonly described as a "gestation crate" or "stall" for pigs during pregnancy, a "veal crate" for calves raised for veal, and a "battery cage, enriched cage, or colony cage" for egg-laying hens.

(H) "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; and does not include live animal markets or establishments at which inspection is provided under the Federal Meat Inspection Act.

(I) "Farm owner or operator" means any person who owns or controls the operations of a farm.

(J) "Fully extending the animal's limbs" means fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending the animal's limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.5 square feet

of usable floor space per hen.

(K) "Person" means any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association, or other legal entity.

(L) "Pork meat" means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig of the porcine species, intended for use as human food.

(M) "Sale" means a commercial sale by a business that sells any item covered by Section 3, but does not include any sale undertaken at an establishment at which inspection is provided under the Federal Meat Inspection Act. For purposes of this section, a sale shall be deemed to occur at the location where the buyer takes physical possession of an item covered by Section 3.

(N) "Shell egg" means a whole egg of an egg-laying hen in its shell form, intended for use as human food.

(O) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

(P) "Uncooked" means requiring cooking prior to human consumption.

(Q) "Usable floor space" means the total square footage of floor space provided to each hen, as calculated by dividing the total square footage of floor space provided to hens in an enclosure (including both ground space and elevated flat platforms) by the number of hens in that enclosure.

(R) "Veal meat" means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a calf raised for veal, intended for use as human food.

(S) "Whole pork meat" means any uncooked cut of pork (including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole pork meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

(T) "Whole veal meat" means any uncooked cut of veal (including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole veal meat does not include combination food products

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FULL TEXT OF QUESTION (continued)

(including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

SECTION 6. The Attorney General shall have exclusive authority to enforce the provisions of this Act. Each violation of this Act shall be punished by a civil fine not to exceed one thousand dollars (\$1,000). The Attorney General may also seek injunctive relief to prevent further violations of this Act.

SECTION 7. It shall be a defense to any action to enforce this Act that a business owner or operator relied in good faith upon a written certification or guarantee by the supplier that the shell egg, whole pork meat, or whole veal meat at issue was not derived from a covered animal that was confined in a cruel manner, or from the immediate offspring of a female pig that was confined in a cruel manner.

SECTION 8. The provisions of this Act are in addition to, and not in lieu of, any other laws protecting animal welfare. This Act is not intended, and should not be construed to limit any other state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations that are more stringent than this section.

SECTION 9. The provisions of this Act are severable and if any clause, sentence, paragraph or section of this Act, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

SECTION 10. The Attorney General shall promulgate rules and regulations for the implementation of this Act on or before January 1, 2020.

SECTION 11. Sections 2-7 of this Act shall take effect on January 1, 2022.