



# House of Representatives

General Assembly

**File No. 102**

January Session, 2013

Substitute House Bill No. 6317

*House of Representatives, March 21, 2013*

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING REGISTRATION OF GROWERS OF SWINE  
AND TREATMENT OF GESTATING SOWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Any person, firm or  
2 corporation engaged in the growing of swine that are to be used or  
3 disposed of elsewhere than on the premises where such swine are  
4 grown shall register with the Commissioner of Agriculture on forms  
5 furnished by the commissioner. The commissioner may make orders  
6 and adopt regulations, in accordance with the provisions of chapter 54  
7 of the general statutes, concerning examination, quarantine,  
8 disinfection, preventive treatment, disposition, transportation,  
9 importation, feeding and sanitation for the protection of swine from  
10 contagious and infectious disease. Said commissioner shall, at once,  
11 cause an investigation of all cases of such diseases coming to the  
12 commissioner's knowledge and shall use all proper means to  
13 exterminate and prevent spread of the same. Instructions shall be  
14 issued, in writing, by the commissioner or the commissioner's agent

15 that shall contain directions for quarantine and disinfection of the  
16 premises where such disease exists. No swine shall be brought into  
17 Connecticut by any individual, corporation or common carrier, unless  
18 the same originate from a herd that is validated as brucellosis-free and  
19 qualified pseudorabies-negative, and are accompanied by a permit  
20 issued by the commissioner and an official health certificate showing  
21 such animals to be free from any contagious or infectious disease,  
22 except that swine brought into this state for the purpose of immediate  
23 slaughter upon premises where federal inspection is maintained need  
24 not be accompanied by an official health certificate and the owner of  
25 each establishment where federal inspection is maintained shall report  
26 weekly to the commissioner, upon forms furnished by the  
27 commissioner, the number of such swine imported. Such permit shall  
28 accompany all waybills or, if animals are driven or carted over  
29 highways, shall be in the possession of the person in charge of swine.  
30 In addition to any other requirements of this section, all swine  
31 imported for other than immediate slaughter that are over three  
32 months of age, other than barrows, shall be negative as to a blood test  
33 for brucellosis and pseudorabies within thirty days of importation.  
34 With approval of the State Veterinarian, a thirty-day blood test may  
35 not be required for swine originating from, and residing for at least  
36 thirty days prior to importation in, a state that is validated as  
37 brucellosis-free and stage V pseudorabies-free, or for swine originating  
38 from any herd which the State Veterinarian determines to be  
39 pathogen-free. With such approval, swine may be imported pursuant  
40 to an import permit and a current official health certificate. All swine  
41 brought into the state for immediate slaughter shall be killed in an  
42 approved slaughterhouse under veterinary inspection.

43 Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of this  
44 section:

45 (1) "Enclosure" means any cage, crate or other structure used for  
46 gestating sows;

47 (2) "Farm" means the land, buildings, support facilities and other

48 equipment that are wholly or partially used for the commercial  
49 production of animals or animal products used for food or fiber.  
50 "Farm" does not include live animal markets;

51 (3) "Farm owner or operator" means any person who owns or  
52 controls the operation of a farm. "Farm owner or operator" does not  
53 include any nonmanagement employee, contractor or consultant;

54 (4) "Fully extending" means to be able to fully extend all limbs  
55 without touching the side of any enclosure;

56 (5) "Gestating sow" means a pregnant pig of the porcine species kept  
57 for the primary purpose of breeding; and

58 (6) "Turning around freely" means to be able to turn in a complete  
59 circle without any impediment, including a tether, and without  
60 touching the side of any enclosure.

61 (b) No farm owner or operator shall knowingly tether or confine  
62 any gestating sow in any enclosure in a manner that prevents such  
63 gestating sow from turning around freely, lying down, standing up or  
64 fully extending such gestating sow's limbs.

65 (c) The provisions of subsection (b) of this section shall not apply  
66 during any: (1) Medical research, (2) examination, testing, treatment or  
67 operation for veterinary purposes, provided such examination, testing,  
68 treatment or operation is performed by or under the direct supervision  
69 of a licensed veterinarian, (3) transporting of such gestational sow, (4)  
70 state or county fair exhibition, 4-H program or similar exhibition, (5)  
71 temporary confinement of not more than six hours during any twenty-  
72 four-hour period for animal husbandry purposes, (6) humane  
73 slaughter in accordance with all applicable laws and regulations, or (7)  
74 seven-day period prior to such gestating sow's expected date to give  
75 birth.

76 (d) Nothing in this section shall be construed to limit any other  
77 provision of the general statutes that may be construed to protect the  
78 welfare of any gestating sow.

79 (e) It shall not be an affirmative defense to an alleged violation of  
80 this section that such farm owner or operator kept such gestating sow  
81 as part of an agricultural operation and in accordance with customary  
82 animal husbandry or farming practices.

83 (f) Any farm owner or operator who violates the provisions of this  
84 section shall be fined not more than one thousand dollars or  
85 imprisoned not more than one year, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

There is no fiscal impact, as the bill conforms statute to current practice.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis**

**sHB 6317**

***AN ACT CONCERNING REGISTRATION OF GROWERS OF SWINE AND TREATMENT OF GESTATING SOWS.***

**SUMMARY:**

This bill reenacts a section of law that was repealed in 2012 relating to the registration of swine growers with the Department of Agriculture (DoAg) and the control of swine diseases. Specifically, the bill:

1. requires anyone growing swine in one location for use or disposal at a different location to register with the DoAg commissioner;
2. authorizes the commissioner to issue orders and regulations for protecting swine from contagious and infectious diseases;
3. requires the commissioner to investigate swine diseases and issue instructions for quarantines and disinfection of diseased premises;
4. requires most imported swine to be disease-free, as certified by a health official and accompanied by a DoAg permit; and
5. requires swine brought into the state for immediate slaughter to be killed in an approved slaughterhouse under veterinary inspection.

By law, the penalty for diseased animal violations is a class D misdemeanor, subject to a fine of up to \$500, up to three months' imprisonment, or both (CGS § 22-321).

The bill also prohibits, with certain exceptions, a farm owner or

operator from knowingly tethering or confining a gestating sow in any enclosure (e.g., cage or crate) in a way that prevents the sow from turning around freely, lying down, standing up, or fully extending its limbs. A violator is subject to a fine of up to \$1,000, up to one year imprisonment, or both. The bill specifies that it is not an affirmative defense to an alleged violation that the farm owner or operator kept the sow as part of an agricultural operation and in accordance with customary animal husbandry or farming practices. The bill does not limit any other law that may protect the welfare of gestating sows.

EFFECTIVE DATE: Upon passage

### **IMPORTING AND TESTING SWINE**

Under the bill, as under the repealed law, swine cannot be imported into Connecticut unless they come from a validated brucellosis-free and pseudorabies-negative herd. Imported swine must come with a permit from the DoAg commissioner and an official health certificate that certifies the swine are free of infectious or contagious disease. Swine that are imported for immediate slaughter on federally inspected premises do not need a health certificate, but the owner of the premises must weekly report to the commissioner the number of such swine imported.

Swine imported for other than immediate slaughter that are over three months old, other than a barrow (i.e., castrated swine), must pass a brucellosis and pseudorabies blood test within 30 days of being imported. The state veterinarian may waive the 30-day blood test for swine imports from (1) a state validated to be brucellosis- and stage V pseudorabies-free, if the swine spent at least 30 days there before importation, or (2) a herd he determines is pathogen free.

### **GESTATING SOWS**

The bill's prohibition on knowingly tethering or confining a gestating sow in a small enclosure does not apply during:

1. medical research;

2. veterinary care under the direct supervision of a licensed veterinarian;
3. transporting the sow;
4. exhibiting the sow at a state or county fair, 4-H program, or similar exhibition;
5. up to six hours in a 24-hour period for animal husbandry purposes;
6. humane slaughter in accordance with applicable laws and regulations; or
7. the seven days before the sow's expected due date.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/04/2013)