

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 779

Short Title: Hog Lagoon Sunset. (Public)

Sponsors: Representatives Harrison and Butler (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

April 16, 2019

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, may  
12 continue to operate under, and shall operate in compliance with, that permit, including any  
13 renewal of the ~~permit~~ permit, until September 1, 2027. The owner or operator of an animal waste  
14 management system that employs a lagoon and sprayfield system that is phased out pursuant to  
15 this act shall close all of the components of the animal waste management system in compliance  
16 with all applicable federal and State laws, regulations, and rules. The phaseout required by this  
17 section shall not apply to an animal waste management system that is part of a waste-to-energy  
18 facility producing renewable energy from the animal waste."

19 **SECTION 2.** Chapter 106 of the General Statutes is amended by adding a new  
20 Article to read:

21 "Article 49I.

22 "Minimum Humane Standards for Certain Farm Animals.

23 **"§ 106-549.100. Minimum standards to prevent the inhumane treatment of certain farm**  
24 **animals.**

25 (a) As used in this section, the following definitions apply:

26 (1) "Calf raised for veal" means any calf of the bovine species kept for the purpose  
27 of producing the food product described as veal.

28 (2) "Cow" means any member of the bovine species, including calves.

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

31 (4) "Enclosure" means any cage, crate, or other structure, including what is  
32 commonly described as a "veal crate" for calves, a "battery cage" for  
33 egg-laying hens, or a "gestation crate" for swine, used to confine a calf raised  
34 for veal, an egg-laying hen, or a swine during pregnancy.



- 1           (5)    "Farm" means the land, buildings, support facilities, and other equipment that  
2           are wholly or partially used for the commercial production of animals or  
3           animal products used for food or fiber and does not include live animal  
4           markets.
- 5           (6)    "Farm owner or operator" means any person who owns or controls the  
6           operation of a farm and does not include any nonmanagement employee,  
7           contractor, or consultant.
- 8           (7)    "Fully extending his or her limbs" means fully extending all limbs without  
9           touching the side of an enclosure or another animal. In the case of egg-laying  
10          hens, "fully extending his or her limbs" means (i) fully spreading both wings  
11          without touching the side of an enclosure or another egg-laying hen and (ii)  
12          having access to at least 1.5 square feet of usable floor space per hen, but does  
13          not mean that all egg-laying hens in an enclosure must be able to  
14          simultaneously spread their wings without touching the side of an enclosure  
15          or another egg-laying hen.
- 16          (8)    "Person" means any individual, firm, partnership, joint venture, association,  
17          limited liability company, corporation, estate, trust, receiver, or syndicate.
- 18          (9)    "Poultry" means any chicken, turkey, duck, goose, or guinea fowl.
- 19          (10)   "Swine" means any member of the porcine species.
- 20          (11)   "Swine during pregnancy" means any pregnant swine kept for the primary  
21          purpose of breeding.
- 22          (12)   "Turning around freely" means turning in a complete circle without any  
23          impediment, including a tether, and without touching the side of an enclosure  
24          or another animal.
- 25          (b)    The Board of Agriculture, in consultation with the State Veterinarian, shall establish  
26          minimum humane standards for cows, poultry, and swine that, at a minimum, do all of the  
27          following:
- 28               (1)    Prohibit a farm owner or operator from tethering or confining any calf raised  
29               for veal, egg-laying hen, or swine during pregnancy on a farm, for all or the  
30               majority of any day, in a manner that prevents the animal from lying down,  
31               standing up, fully extending his or her limbs, or turning around freely. This  
32               subdivision does not apply to any of the following:
- 33                   a.    During scientific or agricultural research.
- 34                   b.    During examination, testing, individual treatment, or operation for  
35                   veterinary purposes.
- 36                   c.    During transportation.
- 37                   d.    During rodeo exhibitions, State or county fair exhibitions, 4-H  
38                   programs, and similar exhibitions or programs.
- 39                   e.    During the slaughter of livestock or poultry as provided by law.
- 40                   f.    To a swine during pregnancy during the seven-day period prior to the  
41                   swine's expected date of giving birth.
- 42               (2)    Require a farm owner or operator to ensure that all on-farm killing of cows or  
43               swine be performed in a humane manner using methods explicitly deemed  
44               "acceptable" by the American Veterinary Medical Association. This  
45               subdivision prohibits strangulation of cows and swine as a form of euthanasia.
- 46               (3)    Prohibit a farm owner or operator from engaging in the transport, sale, or  
47               receipt, for use in the human food supply, of any cow or calf too sick or injured  
48               to stand and walk.
- 49          (c)    Any farm owner or operator who violates any minimum humane standard adopted by  
50          the Board pursuant to this section is guilty of a Class 2 misdemeanor."

1           **SECTION 3.(a)** The Division of Public Health of the Department of Health and  
2 Human Services, with the cooperation of the Department of Agriculture and Consumer Services,  
3 shall study the use of antibiotic drugs in livestock production in the State. As part of its study,  
4 the Division and Department shall:

- 5           (1) Examine the supply chain of antibiotic delivery to livestock raised in the State.
- 6           (2) Determine which segment of the antibiotic supply chain (considering, but not  
7 limited to, the antibiotic manufacturer, owner of the animal, feed mill, or farm  
8 operator or owner) would provide the best estimate through reporting to the  
9 Division of Public Health of the types, amounts, application methods, reasons  
10 for use (including disease prevention, growth promotion, or disease  
11 treatment), and target livestock species of antibiotic use in the livestock  
12 industry operating in the State.
- 13           (3) Conduct a survey in the three counties of the State with the highest densities  
14 of hog, poultry, dairy, and beef populations of operators or owners of livestock  
15 production facilities, owners of the animals, and the feed mills providing  
16 antibiotics for growth promotion, disease prevention, or disease treatment to  
17 the livestock. The survey shall provide an initial estimate of the types,  
18 amounts, application methods, and target species of antibiotic use in the  
19 raising of those livestock in the State.
- 20           (4) Examine the occurrence and trends over the last decade of antibiotic resistance  
21 to antibiotics used in livestock production (as identified in the annual United  
22 States Food and Drug Administration Summary Report on Antimicrobials  
23 Sold or Distributed for use in Food-Producing Animals) in hospitals and  
24 within other appropriate medical facilities serving the populations within the  
25 10 counties with the highest densities of livestock in North Carolina and the  
26 10 counties with the lowest densities of livestock in North Carolina.

27           **SECTION 3.(b)** The Division of Public Health of the Department of Health and  
28 Human Services and the Department of Agriculture and Consumer Services shall jointly report  
29 their findings and recommendations developed pursuant to this act to the Joint Legislative  
30 Oversight Committee on Health and Human Services on or before January 1, 2021.

31           **SECTION 4.** Section 2 of this act becomes effective January 1, 2020. The remaining  
32 sections of this act are effective when it becomes law.