

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 176

SENATE BILL 1365

AN ACT

AMENDING TITLE 3, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 3-1312; AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-911; RELATING TO EQUINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 3, chapter 11, article 4, Arizona Revised Statutes,
3 is amended by adding section 3-1312, to read:

4 3-1312. Transporting equine in a cruel manner; violation;
5 classification; definitions

6 A. A PERSON SHALL NOT TRANSPORT OR CAUSE OR ALLOW TO BE TRANSPORTED
7 TO A SLAUGHTERING ESTABLISHMENT ANY EQUINE IN OR ON ANY VEHICLE WITH MORE
8 THAN ONE LEVEL OR TIER.

9 B. THE ANIMAL CARGO SPACE OF VEHICLES USED FOR THE TRANSPORTATION OF
10 EQUINES TO SLAUGHTERING ESTABLISHMENTS MUST:

11 1. BE DESIGNED, CONSTRUCTED AND MAINTAINED IN A MANNER THAT AT ALL
12 TIMES PROTECTS THE HEALTH AND WELL-BEING OF ANY EQUINE BEING TRANSPORTED.

13 2. SEGREGATE ANY AGGRESSIVE EQUINE FROM THE OTHER EQUINES IN OR ON THE
14 VEHICLE.

15 3. HAVE SUFFICIENT INTERIOR HEIGHT TO ALLOW EACH EQUINE TO STAND WITH
16 ITS HEAD EXTENDED TO THE FULLEST NORMAL POSTURAL HEIGHT.

17 4. BE EQUIPPED WITH DOORS AND RAMPS OF SUFFICIENT SIZE TO PROVIDE FOR
18 SAFE LOADING AND UNLOADING OF ANY EQUINE.

19 C. BEFORE THE TRANSPORTATION OF ANY EQUINE TO A SLAUGHTERING
20 ESTABLISHMENT, THE OWNER OR SHIPPER MUST:

21 1. FOR A PERIOD OF NOT LESS THAN SIX CONSECUTIVE HOURS IMMEDIATELY
22 BEFORE ANY EQUINE IS LOADED ON THE VEHICLE, PROVIDE EACH EQUINE APPROPRIATE
23 FOOD, POTABLE WATER AND THE OPPORTUNITY TO REST.

24 2. LOAD EACH EQUINE ON THE VEHICLE SO THAT:

25 (a) EACH EQUINE HAS ENOUGH FLOOR SPACE TO ENSURE THAT NO EQUINE IS
26 CROWDED IN A WAY LIKELY TO CAUSE INJURY OR DISCOMFORT.

27 (b) ANY AGGRESSIVE EQUINE CANNOT COME INTO CONTACT WITH ANY OTHER
28 EQUINE IN OR ON THE VEHICLE.

29 D. DURING TRANSIT TO THE SLAUGHTERING ESTABLISHMENT, THE OWNER OR
30 SHIPPER MUST:

31 1. DRIVE IN A MANNER TO AVOID CAUSING INJURY TO THE EQUINES.

32 2. OBSERVE THE EQUINES AS FREQUENTLY AS CIRCUMSTANCES ALLOW, BUT NOT
33 LESS THAN ONCE EVERY SIX HOURS, TO CHECK THE PHYSICAL CONDITION OF THE
34 EQUINES AND ENSURE THAT ALL REQUIREMENTS OF THIS SECTION ARE BEING FOLLOWED.
35 THE OWNER OR SHIPPER MUST OBTAIN VETERINARY ASSISTANCE AS SOON AS PRACTICAL
36 FOR ANY EQUINE IN OBVIOUS PHYSICAL DISTRESS. ANY EQUINE THAT BECOMES
37 NONAMBULATORY DURING TRANSIT MUST BE EUTHANIZED AS SOON AS PRACTICAL.

38 3. OFFLOAD FROM THE VEHICLE ANY EQUINE THAT HAS BEEN IN OR ON THE
39 VEHICLE FOR TWENTY-EIGHT CONSECUTIVE HOURS AND PROVIDE THE EQUINE APPROPRIATE
40 FOOD, POTABLE WATER AND THE OPPORTUNITY TO REST FOR AT LEAST FIVE CONSECUTIVE
41 HOURS.

42 4. TRANSPORT ALL EQUINES TO A SLAUGHTERING ESTABLISHMENT AS
43 EXPEDITIOUSLY AND CAREFULLY AS POSSIBLE IN A MANNER THAT DOES NOT CAUSE
44 UNNECESSARY DISCOMFORT, STRESS, PHYSICAL HARM OR TRAUMA. ELECTRIC PRODS
45 SHALL NOT BE USED ON EQUINES FOR ANY PURPOSE WHILE TRANSPORTING THE EQUINES

1 TO A SLAUGHTERING ESTABLISHMENT, INCLUDING WHILE LOADING OR UNLOADING THE
2 VEHICLE, EXCEPT WHEN HUMAN SAFETY IS THREATENED.

3 E. TRANSPORTING ONE EQUINE IN VIOLATION OF THIS SECTION IS A CLASS 3
4 MISDEMEANOR. A SUBSEQUENT VIOLATION UNDER THIS SUBSECTION IS A CLASS 2
5 MISDEMEANOR.

6 F. TRANSPORTING TWO OR MORE EQUINE IN VIOLATION OF THIS SECTION IS A
7 CLASS 2 MISDEMEANOR. A SUBSEQUENT VIOLATION UNDER THIS SUBSECTION IS A CLASS
8 1 MISDEMEANOR.

9 G. FOR THE PURPOSES OF THIS SECTION:

10 1. "SLAUGHTERING ESTABLISHMENT" HAS THE SAME MEANING PRESCRIBED IN
11 SECTION 3-2001.

12 2. "VEHICLE" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-101.

13 Sec. 2. Title 28, chapter 3, article 15, Arizona Revised Statutes, is
14 amended by adding section 28-911, to read:

15 28-911. Vehicles transporting equine; violation;
16 classification; definitions

17 A. A VEHICLE USED TO TRANSPORT ANY EQUINE TO A SLAUGHTERING
18 ESTABLISHMENT MAY HAVE NO MORE THAN ONE LEVEL OR TIER IN THE COMPARTMENT
19 CONTAINING THE EQUINE.

20 B. THE ANIMAL CARGO SPACE OF VEHICLES USED FOR THE TRANSPORTATION OF
21 EQUINES TO SLAUGHTERING ESTABLISHMENTS MUST:

22 1. BE DESIGNED, CONSTRUCTED AND MAINTAINED IN A MANNER THAT AT ALL
23 TIMES PROTECTS THE HEALTH AND WELL-BEING OF ANY EQUINE BEING TRANSPORTED.

24 2. SEGREGATE ANY AGGRESSIVE EQUINE FROM THE OTHER EQUINES IN OR ON THE
25 VEHICLE.

26 3. HAVE SUFFICIENT INTERIOR HEIGHT TO ALLOW EACH EQUINE TO STAND WITH
27 ITS HEAD EXTENDED TO THE FULLEST NORMAL POSTURAL HEIGHT.

28 4. BE EQUIPPED WITH DOORS AND RAMPS OF SUFFICIENT SIZE TO PROVIDE FOR
29 SAFE LOADING AND UNLOADING OF ANY EQUINE.

30 C. BEFORE THE TRANSPORTATION OF ANY EQUINE TO A SLAUGHTERING
31 ESTABLISHMENT, THE OWNER OR SHIPPER MUST:

32 1. FOR A PERIOD OF NOT LESS THAN SIX CONSECUTIVE HOURS IMMEDIATELY
33 BEFORE ANY EQUINE IS LOADED IN OR ON THE VEHICLE, PROVIDE EACH EQUINE
34 APPROPRIATE FOOD, POTABLE WATER AND THE OPPORTUNITY TO REST.

35 2. LOAD EACH EQUINE ON THE VEHICLE SO THAT:

36 (a) EACH EQUINE HAS ENOUGH FLOOR SPACE TO ENSURE THAT NO EQUINE IS
37 CROWDED IN A WAY LIKELY TO CAUSE INJURY OR DISCOMFORT.

38 (b) ANY AGGRESSIVE EQUINE CANNOT COME INTO CONTACT WITH ANY OTHER
39 EQUINE ON THE VEHICLE.

40 D. DURING TRANSIT TO THE SLAUGHTERING ESTABLISHMENT, THE OWNER OR
41 SHIPPER MUST:

42 1. DRIVE IN A MANNER TO AVOID CAUSING INJURY TO THE EQUINES.

43 2. OBSERVE THE EQUINES AS FREQUENTLY AS CIRCUMSTANCES ALLOW, BUT NOT
44 LESS THAN ONCE EVERY SIX HOURS, TO CHECK THE PHYSICAL CONDITION OF THE
45 EQUINES AND ENSURE THAT ALL REQUIREMENTS OF THIS SECTION ARE BEING FOLLOWED.

1 THE OWNER OR SHIPPER MUST OBTAIN VETERINARY ASSISTANCE AS SOON AS PRACTICAL
2 FOR ANY EQUINE IN OBVIOUS PHYSICAL DISTRESS. ANY EQUINE THAT BECOMES
3 NONAMBULATORY DURING TRANSIT MUST BE EUTHANIZED AS SOON AS PRACTICAL.

4 3. OFFLOAD FROM THE VEHICLE ANY EQUINE THAT HAS BEEN IN OR ON THE
5 VEHICLE FOR TWENTY-EIGHT CONSECUTIVE HOURS AND PROVIDE THE EQUINE APPROPRIATE
6 FOOD, POTABLE WATER AND THE OPPORTUNITY TO REST FOR AT LEAST FIVE CONSECUTIVE
7 HOURS.

8 4. TRANSPORT ALL EQUINES TO A SLAUGHTERING ESTABLISHMENT AS
9 EXPEDITIOUSLY AND CAREFULLY AS POSSIBLE IN A MANNER THAT DOES NOT CAUSE
10 UNNECESSARY DISCOMFORT, STRESS, PHYSICAL HARM OR TRAUMA. ELECTRIC PRODS
11 SHALL NOT BE USED FOR ANY PURPOSE ON EQUINES WHILE TRANSPORTING EQUINES TO
12 A SLAUGHTERING ESTABLISHMENT, INCLUDING WHILE LOADING OR UNLOADING THE
13 VEHICLE, EXCEPT WHEN HUMAN SAFETY IS THREATENED.

14 E. TRANSPORTING ONE EQUINE IN VIOLATION OF THIS SECTION IS A CLASS 3
15 MISDEMEANOR. A SUBSEQUENT VIOLATION UNDER THIS SUBSECTION IS A CLASS 2
16 MISDEMEANOR.

17 F. TRANSPORTING TWO OR MORE EQUINE IN VIOLATION OF THIS SECTION IS A
18 CLASS 2 MISDEMEANOR. A SUBSEQUENT VIOLATION UNDER THIS SUBSECTION IS A CLASS
19 1 MISDEMEANOR.

20 G. FOR THE PURPOSES OF THIS SECTION:

21 1. "EQUINE" HAS THE SAME MEANING PRESCRIBED IN SECTION 3-1201.

22 2. "SLAUGHTERING ESTABLISHMENT" HAS THE SAME MEANING PRESCRIBED IN
23 SECTION 3-2001.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 25, 20 02,

by the following vote: 31 Ayes,

23 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 25, 20 02,

by the following vote: 25 Ayes,

4 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1365

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 30, 2002

by the following vote: 22 Ayes,

6 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002.

at 12:48 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 6 day of

May, 2002,

at 11:08 o'clock 9 M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003

at 3:13 o'clock P M.
[Signature]
Secretary of State

S.B. 1365