

OFFICIAL TITLE

AN INITIATIVE MEASURE

PROPOSING AMENDMENT TO TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES BY ADDING SECTION 13-2910.07; RELATING TO CRUEL AND INHUMANE CONFINEMENT OF ANIMALS.

TEXT OF PROPOSED MEASURE

Be it enacted by the People of the State of Arizona:

Sec. 1. Title

This measure shall be known as the Humane Treatment of Farm Animals Act.

Sec. 2. Title 13, Chapter 29 is amended by adding a new section 13-2910.07 as follows: 13-2910.07. CRUEL AND INHUMANE CONFINEMENT OF A PIG DURING PREGNANCY OR OF A CALF RAISED FOR VEAL

A. NOTWITHSTANDING ANY OTHER PROVISION OF TITLE 3 OR TITLE 13, A PERSON SHALL NOT TETHER OR CONFINES ANY PIG DURING PREGNANCY OR ANY CALF RAISED FOR VEAL, ON A FARM, FOR ALL OR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS SUCH ANIMAL FROM:

1. LYING DOWN AND FULLY EXTENDING HIS OR HER LIMBS; OR
2. TURNING AROUND FREELY.

B. THIS SECTION SHALL NOT APPLY TO:

1. PIGS OR CALVES DURING TRANSPORTATION.
2. PIGS OR CALVES IN RODEO EXHIBITIONS, STATE OR COUNTY FAIR EXHIBITIONS, OR OTHER SIMILAR EXHIBITIONS.
3. THE KILLING OF PIGS OR CALVES ACCORDING TO THE PROVISIONS OF CHAPTER 13, TITLE 3 AND OTHER APPLICABLE LAW AND REGULATIONS.

4. PIGS OR CALVES INVOLVED IN LAWFUL SCIENTIFIC OR AGRICULTURAL RESEARCH.

5. PIGS OR CALVES WHILE UNDERGOING AN EXAMINATION, TEST, TREATMENT OR OPERATION FOR VETERINARY PURPOSES.

6. A PIG DURING THE SEVEN DAY PERIOD PRIOR TO THE PIG'S EXPECTED DATE OF GIVING BIRTH.

C. A PERSON WHO VIOLATES THIS SECTIONS IS GUILTY OF A CLASS 1 MISDEMEANOR.

D. THE FOLLOWING DEFINITIONS SHALL GOVERN THIS SECTION:

1. "CALF" MEANS A CALF OF THE BOVINE SPECIES.

2. "CALF RAISED FOR VEAL" MEANS A CALF RAISED WITH THE INTENT OF SELLING, MARKETING OR DISTRIBUTING THE MEAT, ORGANS OR ANY PART OF SUCH CALF AS A FOOD PRODUCT DESCRIBED AS "VEAL."

3. "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND OTHER EQUIPMENT THAT IS WHOLLY OR PARTIALLY USED FOR THE PRODUCTION OF ANIMALS FOR FOOD OR FIBER.

4. "PIG" MEANS ANY ANIMAL OF THE PORCINE SPECIES.

5. "TURNING AROUND FREELY" MEANS HAVING THE ABILITY TO TURN AROUND IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, OR, IN THE CASE OF AN ENCLOSURE (INCLUDING WHAT IS COMMONLY DESCRIBED AS A "GESTATION CRATE" FOR PIGS AND A "VEAL CRATE" FOR CALVES) WITHOUT TOUCHING ANY SIDE OF THE ENCLOSURE.

Sec. 3. Effective Date

This initiative measure shall take effect December 31, 2012.

Sec. 4. Severability

Each section, subsection, sentence, clause, phrase or other portion of this initiative measure as adopted shall be deemed to be a separate, distinct and independent provision. If any portion thereof is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the holding shall not affect the validity or constitutionality of any other portion of this initiative measure, which can be given effect without the invalid provision. To this end, the provisions of this initiative measure are declared to be severable.

Sec. 5. No Mandatory Expenditures

Nothing in this initiative measure proposes a mandatory expenditure of state revenues for any purpose, establishes a fund for any specific purpose, or allocates funding for any specific purpose.

Sec. 6. Conditional Funding Source

Subject to Section 7 of this initiative measure, Title 13, Chapter 29 is amended by adding a new section 13-2910.08 as follows:

13-2910.08. THE HUMANE TREATMENT OF FARM ANIMALS FUND

THE "HUMANE TREATMENT OF FARM ANIMALS FUND" IS HEREBY ESTABLISHED TO BE ADMINISTERED BY THE ATTORNEY GENERAL UNDER THE CONDITIONS AND FOR THE PURPOSES PROVIDED BY THIS SECTION. UPON RECEIPT, THE ATTORNEY GENERAL SHALL DEPOSIT IN THE FUND ANY MONIES RECEIVED FOR THE STATE AS A RESULT OF ENFORCEMENT OF THE HUMANE TREATMENT OF FARM ANIMALS ACT AND ANY MONIES RECEIVED BY THE ATTORNEY GENERAL AS A MONEY DONATION TO THE FUND FROM ANY PUBLIC OR PRIVATE GROUP, SOCIETY, ASSOCIATION OR INDIVIDUAL. THE MONIES IN THE FUND SHALL BE USED ONLY FOR MANDATORY EXPENDITURES, IF ANY, REQUIRED BY THE HUMANE TREATMENT OF FARM ANIMALS ACT AND ADMINISTRATION OF THE

FUND. MONIES IN THE FUND ARE NOT SUBJECT TO LEGISLATIVE APPROPRIATION. THE FUND IS EXEMPT FROM STATUTORY PROVISIONS RELATING TO LAPSING OF APPROPRIATIONS AND SHALL NOT REVERT TO THE GENERAL FUND.

Sec. 7. Conditional Enactment

Section 13-2910.08 does not become effective unless a court of competent jurisdiction holds that section 13-2910.07 proposes a mandatory expenditure of state revenues for any purpose, establishes a fund for any specific purpose, or allocates funding for any specific purpose.