

Regular Session, 2010

SENATE BILL NO. 36

BY SENATOR THOMPSON

ANIMALS. Requires the Louisiana Board of Animal Health to establish animal care standards for livestock and poultry. (gov sig)

1 AN ACT

2 To enact R.S. 3:2093(10) and 2095.1, relative to the Louisiana Board of Animal Health; to
3 require the board to adopt rules and regulations establishing standards governing the
4 care and well-being of livestock and poultry; to prohibit local ordinances, laws,
5 subdivision restrictions or regulations establishing standards applicable to the care
6 and well-being of livestock and poultry; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 3:2093(10) and 2095.1 are hereby enacted to read as follows:

9 §2093. Powers

10 * * *

11 **(10) To adopt such rules and regulations as may be necessary to**
12 **establish standards governing the care and well-being of livestock and poultry.**

13 **The board shall consider the following when adopting the standards:**

14 **(a) The health and husbandry of the livestock and poultry.**

15 **(b) Generally accepted farm management practices.**

16 **(c) Generally accepted veterinary standards and practices.**

17 **(d) The economic impact the standards may have on livestock and**

1 poultry farmers, the affected livestock and poultry sector, and consumers.

2 * * *

3 §2095.1. Local regulations

4 A. No municipality, parish, local governmental entity or governing
5 authority of any group or association, private or public, having jurisdiction over
6 a specific geographic area shall enact ordinances, laws, subdivision restrictions
7 or regulations establishing standards applicable to the care and well-being of
8 livestock and poultry, except as provided herein.

9 B. Municipalities, parishes, and local governmental entities or governing
10 authorities of any group or association may request that the rules and
11 regulations establishing standards applicable to the care and well-being of
12 livestock and poultry be amended to provide for specific problems encountered
13 in or by the entity, group or association. The following provisions shall govern
14 any such request:

15 (1) The request shall be addressed to the commissioner.

16 (2) The Louisiana Board of Animal Health shall conduct a hearing.

17 (3) The Louisiana Board of Animal Health shall make a preliminary
18 determination as to the advisability of amending the state rules and regulations
19 and shall transmit its determination to the commissioner.

20 (4) The commissioner shall make the final determination as to the
21 desirability of amending the state rules and regulations.

22 (5) If the commissioner determines that the rules and regulations should
23 be amended, a rule or regulation consistent with the commissioner's
24 determination shall be adopted by the commission in accordance with the
25 Administrative Procedure Act. If the commissioner determines that the rules
26 or regulations should not be amended, a written notice of the decision shall be
27 provided to the requesting party.

28 C. Municipalities, parishes, and local governmental entities may petition
29 the commissioner for approval of an ordinance establishing standards

1 applicable to the care and well-being of livestock and poultry. The governing
2 authority of a public or private group or association may petition the
3 commissioner for approval of restrictions applicable to the specific geographic
4 area over which the group or association has jurisdiction. The procedure for
5 obtaining such approval shall be as follows:

6 (1) Any proposed ordinance or restriction shall be sent to the
7 commissioner who shall refer the ordinance to the Louisiana Board of Animal
8 Health for a hearing.

9 (2) The Louisiana Board of Animal Health shall make a preliminary
10 determination as to the advisability of amending the state rules and regulations
11 and shall transmit its determination to the commissioner.

12 (3) Upon receipt of the recommendation of the Louisiana Board of
13 Animal Health, the commissioner shall approve or disapprove the proposed
14 ordinance or restriction.

15 (4) Both the Louisiana Board of Animal Health and the commissioner
16 shall be guided by the provisions of this Section in making their respective
17 determinations.

18 (5) The requesting party shall be notified by the decision in writing.

19 (6) Any governing authority aggrieved by a final decision of the
20 commissioner shall have a right of judicial review of the administrative process
21 pursuant to the provisions of the Administrative Procedure Act.

22 D. Municipalities, parishes, and local governmental entities or governing
23 authorities of a public or private group or association, having in effect, on July
24 1, 2010, an ordinance or restriction establishing standards applicable to the care
25 and well-being of livestock and poultry shall submit the ordinance to the
26 commissioner on or before December 1, 2010, for approval pursuant to this
27 Section. Any such ordinance or restriction received by the commissioner on or
28 before December 1, 2010, shall continue in full force and effect unless the
29 commissioner disapproves the ordinance or restriction in accordance with this

1 **Section. Any such ordinance not received by the commissioner on or before**
 2 **December 1, 2010, shall be void.**

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Curry Johnson.

DIGEST

Proposed law requires the Louisiana Board of Animal Health to adopt rules and regulations establishing standards governing the care and well-being of livestock and poultry. The board shall consider the following when adopting the standards:

- (1) The health and husbandry of the livestock and poultry.
- (2) Generally accepted farm management practices.
- (3) Generally accepted veterinary standards and practices.
- (4) The economic impact the standards may have on livestock and poultry farmers, the affected livestock and poultry sector, and consumers.

Proposed law prohibits municipalities, parishes, local governmental entities or governing authorities of any group or association, private or public, having jurisdiction over a specific geographic area from enacting ordinances, laws, subdivision restrictions or regulations establishing standards applicable to the care and well-being of livestock and poultry.

Proposed law provides that municipalities, parishes, and local governmental entities or governing authorities of any group or association may request that the rules and regulations establishing standards applicable to the care and well-being of livestock and poultry be amended to provide for specific problems encountered in or by the entity, group or association. The following provisions shall govern any such request:

- (1) The request shall be addressed to the commissioner.
- (2) The Board of Animal Health shall conduct a hearing.
- (3) The Board of Animal Health shall make a preliminary determination as to the advisability of amending the state rules and regulations and shall transmit its determination to the commissioner.
- (4) The commissioner shall make the final determination as to the desirability of amending the state rules and regulations.
- (5) If the commissioner determines that the rules and regulations should be amended, a rule or regulation consistent with the commissioner's determination shall be adopted by the commission in accordance with the APA. If the commissioner determines that

the rules or regulations should not be amended, a written notice of the decision shall be provided to the requesting party.

Proposed law allows municipalities, parishes, and local governmental entities to petition the commissioner for approval of an ordinance establishing standards applicable to the care and well-being of livestock and poultry. The governing authority of a public or private group or association may petition the commissioner for approval of restrictions applicable to the specific geographic area over which the group or association has jurisdiction. Provides a procedure for obtaining such approval.

Proposed law provides that municipalities, parishes, and local governmental entities or governing authorities of a public or private group or association, having in effect, on July 1, 2010, an ordinance or restriction establishing standards applicable to the care and well-being of livestock and poultry shall submit the ordinance to the commissioner on or before December 1, 2010, for approval. Any such ordinance or restriction received by the commissioner on or before December 1, 2010, shall continue in full force and effect unless the commissioner disapproves the ordinance or restriction in accordance with proposed law. Voids any such ordinance not received by the commissioner on or before December 1, 2010.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:2093(10) and 2095.1)