

Regular Session, 2010

SENATE BILL NO. 36

BY SENATORS THOMPSON, LONG, NEVERS, RISER, SMITH AND WALSWORTH

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 bovine, equine, ovine, caprine, porcine, and poultry; to
5 prohibit local ordinances, laws, subdivision restrictions or regulations establishing
6 standards applicable to the care and well-being of bovine, equine, ovine, caprine,
7 porcine, and poultry; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §2093. Powers

11 The Louisiana Board of Animal Health shall have the following powers and
12 duties:

13 * * *

14 (10) To adopt such rules and regulations as may be necessary to
15 establish standards governing the care and well-being of bovine, equine, ovine,
16 caprine, porcine, and poultry bred, kept, maintained, raised, or used for show,
17 profit, or for the purpose of selling or otherwise producing crops, animals, or

1 plant or animal products for market. The board shall consider the following
2 when adopting the standards:

3 (a) The health and husbandry of the bovine, equine, ovine, caprine,
4 porcine, and poultry.

5 (b) Generally accepted farm management practices.

6 (c) Generally accepted veterinary standards and practices.

7 (d) The economic impact the standards may have on bovine, equine,
8 ovine, caprine, porcine, and poultry farmers, the affected bovine, equine, ovine,
9 caprine, porcine, and poultry sectors, and consumers.

10 * * *

11 §2095.1. Local regulations

12 A. No municipality, parish, local governmental entity or governing
13 authority of any group or association, private or public, having jurisdiction over
14 a specific geographic area shall enact ordinances, laws, subdivision restrictions
15 or regulations establishing standards applicable to the care and well-being of
16 bovine, equine, ovine, caprine, porcine, and poultry bred, kept, maintained,
17 raised, or used for show, profit, or for the purpose of selling or otherwise
18 producing crops, animals, or plant or animal products for market, except as
19 provided herein.

20 B. Municipalities, parishes, and local governmental entities or governing
21 authorities of any group or association may request that the rules and
22 regulations establishing standards applicable to the care and well-being of
23 bovine, equine, ovine, caprine, porcine, and poultry bred, kept, maintained,
24 raised, or used for show, profit, or for the purpose of selling or otherwise
25 producing crops, animals, or plant or animal products for market be amended
26 to provide for specific problems encountered in or by the entity, group or
27 association. The following provisions shall govern any such request:

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

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

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

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

6 **(5) If the commissioner determines that the rules and regulations should**
7 **be amended, a rule or regulation consistent with the commissioner's**
8 **determination shall be adopted by the commission in accordance with the**
9 **Administrative Procedure Act. If the commissioner determines that the rules**
10 **or regulations should not be amended, a written notice of the decision shall be**
11 **provided to the requesting party.**

12 **C. Municipalities, parishes, and local governmental entities may petition**
13 **the commissioner for approval of an ordinance establishing standards**
14 **applicable to the care and well-being of bovine, equine, ovine, caprine, porcine,**
15 **and poultry bred, kept, maintained, raised, or used for show, profit, or for the**
16 **purpose of selling or otherwise producing crops, animals, or plant or animal**
17 **products for market. The governing authority of a public or private group or**
18 **association may petition the commissioner for approval of restrictions**
19 **applicable to the specific geographic area over which the group or association**
20 **has jurisdiction. The procedure for obtaining such approval shall be as follows:**

21 **(1) Any proposed ordinance or restriction shall be sent to the**
22 **commissioner who shall refer the ordinance to the Louisiana Board of Animal**
23 **Health for a hearing.**

24 **(2) The Louisiana Board of Animal Health shall make a preliminary**
25 **determination as to the advisability of amending the state rules and regulations**
26 **and shall transmit its determination to the commissioner.**

27 **(3) Upon receipt of the recommendation of the Louisiana Board of**
28 **Animal Health, the commissioner shall approve or disapprove the proposed**
29 **ordinance or restriction.**

1 **(4) Both the Louisiana Board of Animal Health and the commissioner**
2 **shall be guided by the provisions of this Section in making their respective**
3 **determinations.**

4 **(5) The requesting party shall be notified of the decision in writing.**

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

8 **D. Municipalities, parishes, and local governmental entities or governing**
9 **authorities of a public or private group or association, having in effect, on July**
10 **1, 2010, an ordinance or restriction establishing standards applicable to the care**
11 **and well-being of bovine, equine, ovine, caprine, porcine, and poultry bred,**
12 **kept, maintained, raised, or used for show, profit, or for the purpose of selling**
13 **or otherwise producing crops, animals, or plant or animal products for market,**
14 **shall submit the ordinance to the commissioner on or before December 1, 2010,**
15 **for approval pursuant to this Section. Any such ordinance or restriction**
16 **received by the commissioner on or before December 1, 2010, shall continue in**
17 **full force and effect unless the commissioner disapproves the ordinance or**
18 **restriction in accordance with this Section. Any such ordinance not received by**
19 **the commissioner on or before December 1, 2010, shall be void.**

20 **E. Nothing contained in this Section shall prohibit a municipality,**
21 **parish, local governmental entity or governing authority of any group or**
22 **association, private or public, having jurisdiction over a specific geographic**
23 **area from enacting ordinances, laws, subdivision restrictions or regulations**
24 **regarding possession of bovine, equine, ovine, caprine, porcine, or poultry.**

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

The original instrument was prepared by Curry Johnson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Thompson (SB 36)

Proposed law requires the Louisiana Board of Animal Health to adopt rules and regulations establishing standards governing the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry bred, kept, maintained, raised, or used for show, profit or for the purpose of selling or otherwise producing crops, animals, or plant or animal products for market. The board shall consider the following when adopting the standards:

- (1) The health and husbandry of the bovine, equine, ovine, caprine, porcine, and poultry.
- (2) Generally accepted farm management practices.
- (3) Generally accepted veterinary standards and practices.
- (4) The economic impact the standards may have on bovine, equine, ovine, caprine, porcine, and poultry farmers, the affected bovine, equine, ovine, caprine, porcine, 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 bovine, equine, ovine, caprine, porcine, 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 bovine, equine, ovine, caprine, porcine, 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 bovine, equine, ovine, caprine, porcine, 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 bovine, equine, ovine, caprine, porcine, 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.

Proposed law specifies that the local governing authorities are still authorized to enact laws, ordinances, subdivision restrictions or regulations regarding the possession of such animals.

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

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Replaces "livestock" with "bovine, equine, ovine, caprine, and porcine."
2. Specifies that these animals are bred, kept, maintained, raised, or used for show, profit, or for the purpose of selling or otherwise producing crops, animals, or plant or animal products for market.
3. Specifies that the local governing authorities are still authorized to enact laws, ordinances, subdivision restrictions or regulations regarding the possession of such animals.