

SENATE BILL NO. 36

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2093. Powers

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

\* \* \*

**(10) To adopt such rules and regulations as may be necessary to establish 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:**

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

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

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

**(d) The economic impact the standards may have on bovine, equine, ovine, caprine, porcine, and poultry farmers, the affected bovine, equine, ovine,**

1 caprine, porcine, and poultry sectors, 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 bovine, equine, ovine, caprine, porcine, and poultry bred, kept, maintained,  
 9 raised, or used for show, profit, or for the purpose of selling or otherwise  
 10 producing crops, animals, or plant or animal products for market, except as  
 11 provided in this Section.

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

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

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

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

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

27 (5) If the commissioner determines that the rules and regulations should  
 28 be amended, a rule or regulation consistent with the commissioner's  
 29 determination shall be adopted by the commission in accordance with the  
 30 Administrative Procedure Act. If the commissioner determines that the rules

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

3 C. Municipalities, parishes, and local governmental entities may petition  
4 the commissioner for approval of an ordinance establishing standards  
5 applicable to the care and well-being of bovine, equine, ovine, caprine, porcine,  
6 and poultry bred, kept, maintained, raised, or used for show, profit, or for the  
7 purpose of selling or otherwise producing crops, animals, or plant or animal  
8 products for market. The governing authority of a public or private group or  
9 association may petition the commissioner for approval of restrictions  
10 applicable to the specific geographic area over which the group or association  
11 has jurisdiction. The procedure for obtaining such approval shall be as follows:

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

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

18 (3) Upon receipt of the recommendation of the Louisiana Board of  
19 Animal Health, the commissioner shall approve or disapprove the proposed  
20 ordinance or restriction.

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

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

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

28 D. Municipalities, parishes, and local governmental entities or governing  
29 authorities of a public or private group or association, having in effect, on July  
30 1, 2010, an ordinance or restriction establishing standards applicable to the care

1           and well-being of bovine, equine, ovine, caprine, porcine, and poultry bred,  
 2           kept, maintained, raised, or used for show, profit, or for the purpose of selling  
 3           or otherwise producing crops, animals, or plant or animal products for market,  
 4           shall submit the ordinance to the commissioner on or before December 1, 2010,  
 5           for approval pursuant to this Section. Any such ordinance or restriction  
 6           received by the commissioner on or before December 1, 2010, shall continue in  
 7           full force and effect unless the commissioner disapproves the ordinance or  
 8           restriction in accordance with this Section. Any such ordinance not received by  
 9           the commissioner on or before December 1, 2010, shall be void.

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

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

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_