

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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____