REPORT ON LEGISLATION BY THE
COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS

A.1656          M. of A. Rosenthal
S.4987          Sen. Boyle

AN ACT to amend the agriculture and markets law, in relation to the confinement of certain animals for food producing purposes. The effective date of the act would be January 1, 2017.

THIS BILL IS APPROVED

The Animal Law Committee of the New York City Bar Association supports the passage of A.1656/S.4987. The Animal Law Committee regularly addresses legal, regulatory and policy issues on a local, state and national level affecting non-human animals, both wild and domestic.

Nationally, about one million calves raised for veal and six million breeding sows (female pigs) are confined in small crates. Veal calves may be tethered or confined for as long as sixteen weeks in two-foot-wide crates which do not permit them to walk or exercise, leading to such physical ailments as digestive problems, discomfort, impaired locomotion, and a greater susceptibility to disease. Gestation crates for breeding sows are individual, concrete-floored metal stalls measuring 2 – 2.3 feet wide by 6.6 – 6.9 feet long, which is only slightly larger than the animal and so severely restrictive of her movement that sows are unable to turn around within the crate.

1 Our Committee supported an earlier version of this legislation (A.1928, 234th Session (2011)) in which the confinement of egg-laying hens would also be prohibited. The Committee supports the current legislation, however would also support codifying the protection of egg-laying hens into law.


Confinement of calves or sows, within these types of crates and cages is inherently cruel, as it deprives these animals of the ability to engage in natural behaviors, such as lying down, standing up, fully extending their limbs, or turning around freely.

The proposed law would amend the Agriculture and Markets Law by adding a new Section 353-e to make it unlawful for any person to confine such an animal in this manner, and would make violation of the law a Class A misdemeanor.

Six other states – Florida, Arizona, Oregon, Colorado, California, and Maine -- have enacted reforms similar to some or all of those proposed in this bill. The changes proposed by this piece of legislation, which allow for a gradual phase-out of these confinement methods between now and January 1, 2016, would require relatively modest changes, but would result in an alleviation of the needless discomfort and suffering of calves and sows which would otherwise be kept in these extreme confining conditions. A 2008 New York Times editorial in support of the California initiative averred that the law would “not just improve the square footage available to these suffering animals. Reducing the concentration of animals will also help reduce the water and air pollution created by factory farms. It will also begin to redress the imbalance between small farmers and the huge corporations that have acquired vertical, and fundamentally anti-competitive, control over the meat industry.”

Prohibiting producers from keeping calves and sows in these extreme confinement conditions would result in more humane treatment of these animals, by reducing the physical stresses attendant to such confinement. Accordingly, the Animal Law Committee recommends passage of A.1656/S.4987.

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6 2007 Or. Laws Chapter 722.
9 LD 1021, passed both houses of Maine legislature and was signed into law by Governor John Baldacci May 12, 2009.