

110TH CONGRESS
2D SESSION

H. R. 6202

To promote the well-being of animals held for commercial use by providing such animals protection from cruelty and abuse.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2008

Mr. MORAN of Virginia (for himself, Mr. SHAYS, Mr. PAYNE, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To promote the well-being of animals held for commercial use by providing such animals protection from cruelty and abuse.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farm Animals Anti-
5 Cruelty Act”.

6 **SEC. 2. FINDING AND DECLARATION OF POLICY.**

7 (a) FINDINGS.—Congress finds that—

8 (1) prohibiting cruelty to and abuse of animals
9 held for commercial use promotes public health and

1 responsible stewardship, reduces animal suffering,
2 and is necessary given the industrialization of ani-
3 mal food production; and

4 (2) animals held for commercial use are in
5 interstate or foreign commerce or substantially af-
6 fect such commerce or the free flow thereof, and reg-
7 ulation of the treatment of animals held for commer-
8 cial use prevents and eliminates burdens upon such
9 commerce.

10 (b) DECLARATION OF POLICY.—It is the policy of the
11 United States that the raising, handling, transport, and
12 slaughter of animals held for commercial use shall be car-
13 ried out only by humane methods.

14 **SEC. 3. PROHIBITED ACTS.**

15 (a) PROHIBITED ACTS.—Whoever, without justifica-
16 tion, kills, mutilates, disfigures, tortures, or intentionally
17 causes an animal held for commercial use pain or suf-
18 fering, or has responsibility for an animal held for com-
19 mercial use and fails to provide food, water, shelter, and
20 health care as is necessary to assure the animal's health
21 and well-being appropriate to the animal's age and species,
22 shall be subject to the penalties provided in section 5.

1 **SEC. 4. EXEMPTIONS.**

2 (a) EXEMPTED TREATMENT.—Nothing in this Act
3 shall apply to the treatment of an animal held for commer-
4 cial use—

5 (1) in lawful scientific or agricultural research;

6 (2) while undergoing an examination, test,
7 treatment, or operation for veterinary purposes to
8 improve the well-being of the animal; or

9 (3) in exhibition at a state or county fair, or at
10 similar exhibitions.

11 (b) EXEMPTED ACTS.—Any act in compliance with
12 the Humane Slaughter Act (7 U.S.C. 1901 et seq.) is not
13 prohibited under this Act.

14 **SEC. 5. ENFORCEMENT.**

15 (a) ACTION BY ATTORNEY GENERAL.—The Attorney
16 General may bring an action in an appropriate United
17 States district court to obtain relief under this Act, includ-
18 ing seeking declaratory or injunctive relief for any alleged
19 violation of section 3.

20 (b) CIVIL ACTIONS AND PENALTIES.—

21 (1) 100 ANIMALS OR FEWER.—The civil penalty
22 for a violation of this Act involving 100 animals or
23 fewer shall be not less than \$500 and not more than
24 \$10,000.

25 (2) MORE THAN 100 ANIMALS.—The civil pen-
26 alty for a violation of this Act involving more than

1 100 animals shall be not less than \$5000 and not
2 more than \$100,000.

3 (c) CRIMINAL PENALTIES.—

4 (1) 100 ANIMALS OR FEWER.—For an incident
5 involving 100 animals or fewer, a person who know-
6 ingly violates this Act shall be subject to a fine of
7 not less than \$500 and not more than \$10,000, or
8 imprisonment for not more than one year, or both.

9 (2) MORE THAN 100 ANIMALS.—For an incident
10 involving more than 100 animals, a person who
11 knowingly violates this Act shall be subject to a fine
12 of not less than \$5,000 and not more than
13 \$100,000, or imprisonment for not more than one
14 year, or both.

15 **SEC. 6. EFFECT ON STATE LAWS.**

16 Nothing in this Act shall be construed to preempt any
17 provision of the law of any State or political subdivision
18 of that State prohibiting animal cruelty or regulating or
19 promoting animal welfare.

20 **SEC. 7. DEFINITIONS.**

21 In this Act:

22 (1) ANIMAL.—The term “animal” means any
23 animal being held for commercial use and not as a
24 pet, including livestock such as cattle, calves, swine,

1 chickens, turkeys, ducks, geese, goats, sheep, lambs,
2 rabbits, and other non-aquatic animals.

3 (2) COMMERCIAL USE.—The term “commercial
4 use” means use, or intended for use, as food or fiber
5 or for food or fiber production.

6 (3) PERSON HAVING RESPONSIBILITY FOR AN
7 ANIMAL.—The term “person having responsibility
8 for an animal” refers to an animal’s owner, a person
9 who has charge, custody, or control of an animal, or
10 an employee or agent of either.

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