

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 755 (Delegate Hubbard, *et al.*)
Environmental Matters

Agriculture - Confinement of Pregnant Sows and Gilts - Prohibition

This bill prohibits a person from: (1) confining for all or a majority of any day a pregnant sow or gilt in a cage, gestation crate, or other enclosure so that the sow or gilt is unable to turn around in a circle without having to touch the side of the enclosure; or (2) tethering a pregnant sow or gilt against an object so that the sow or gilt is unable to turn around in a circle without having to touch the object. Those actions would be permitted during the seven-day period before the date on which the sow or gilt is expected to give birth, while feeding or transporting the sow or gilt, or for a reasonably necessary period of time if the act is in the course of a veterinary examination, test, treatment, or operation.

A person who violates the bill's provisions is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both. Each instance of confining or tethering a single sow in violation of the bill constitutes a separate offense.

The bill takes effect October 1, 2008.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues beginning in FY 2009 due to the bill's monetary penalty provision.

Local Effect: Potential minimal increase in expenditures beginning in FY 2009 due to the bill's incarceration provision.

Small Business Effect: Potential meaningful. The extent to which sows and gilts are currently confined in a manner that would be prohibited under the bill is unknown. Accordingly, any impacts on swine producers cannot be reliably estimated at this time.

Analysis

Background: A sow is an adult female swine. A gilt is a young female swine. According to the Maryland Agricultural Statistics Service, in 2001 Maryland had a total of 52,000 hogs and pigs on 520 farms, including 7,000 breeding hogs. According to the 1997 Maryland Agriculture Census, there were 302 farms in the State with breeding hogs. The Maryland Department of Agriculture advises that this number is probably lower today. The number of farms that confine pregnant sows and gilts is unknown.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence. Per diem operating costs of local detention facilities are expected to range from \$28 to \$84 per inmate in fiscal 2004; costs will likely be higher in fiscal 2009.

Additional Information

Prior Introductions: None.

Cross File: SB 271 (Senator Grosfeld, *et al.* – Education, Health, and Environmental Affairs) is identified as a cross file although it is not identical.

Information Source(s): Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2003
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