

Department of Legislative Services  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 417

(Senator Grosfeld, *et al.*)

Education, Health, and Environmental Affairs

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**Agriculture - Confinement of Pregnant Sows and Gilts - Prohibition**

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This bill prohibits a person from: (1) confining for all or a majority of any day a pregnant sow or gilt in any enclosure so that the sow or gilt is unable to turn around freely; or (2) tethering a pregnant sow or gilt to an object so that the sow or gilt is unable to turn around freely. Those actions would be permitted during the prebirthing period, for a reasonably necessary period of time if the act is in the course of a veterinary examination, for a reasonable period of time while feeding the sow or gilt, or while transporting the sow or gilt. The bill does not apply to the act of keeping a sow and its piglets for a reasonable time in what is commonly called a farrowing crate. The bill establishes provisions allowing for the continued use of confinement and tethering methods by swine producers under specified conditions. Finally, the bill establishes criminal penalties for violations of the bill's provisions.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues beginning in FY 2005 due to the bill's monetary penalty provision.

**Local Effect:** Potential minimal increase in expenditures beginning in FY 2005 due to the bill's incarceration provision.

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Bill Summary:** A person who raises sows or gilts and has, before April 30, 2004, kept them confined or tethered by a method prohibited under the bill may continue to use those methods until either the date the usefulness of those methods expires or January 1,

2014, whichever comes first. Beginning October 1, 2004, no such person may: (1) increase the number of sows or gilts being confined or tethered in such a manner; or (2) replace any enclosures or tethers prohibited under the bill.

A person who violates the bill's provisions is guilty of a misdemeanor and on conviction is subject to imprisonment for up to 90 days or a fine of up to \$1,000 or both. Each instance of confining or tethering a single sow or gilt in violation of the bill constitutes a separate offense.

**Background:** A sow is an adult female swine. A gilt is a young female swine. In the U.S., sows are typically not tethered, as they are in Europe. Instead, they are typically kept in gestation crates for most of their productive lives (typically, three to five years). Just before giving birth, the sow is moved into a farrowing crate, where she spends about a month (until her piglets are weaned); then she is re-impregnated and returned to the gestation crate. This type of housing system was developed to allow for economically efficient pork production.

**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 \$29 to \$97 per inmate in fiscal 2005.

**Small Business Effect:** According to the Maryland Agricultural Statistics Service, in 2002 Maryland had a total of 7,000 breeding hogs; 80,000 hogs were marketed, and 70,000 pigs were born. Gross income from hog sales totaled \$6 million. According to the 1997 Maryland Agriculture Census, there were 302 farms in the State with breeding hogs. By limiting the methods by which swine producers may house their pregnant sows and gilts, the bill could have a negative impact on existing swine producers and discourage new swine producers from establishing their businesses in the State.

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### **Additional Information**

**Prior Introductions:** Similar legislation was introduced as SB 271/HB 755 of 2003. The Senate Education, Health, and Environmental Affairs Committee held a hearing on SB 271, but the bill was subsequently withdrawn. HB 755 received an unfavorable report by the House Environmental Matters Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 11, 2004  
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