
By: **Senators Grosfeld, Britt, Jones, Pinsky, and Stone**
Introduced and read first time: February 4, 2005
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Confinement of Pregnant Sows and Gilts - Minimum**
3 **Enclosure Size**

4 FOR the purpose of prohibiting a person from confining or tethering a pregnant sow
5 or gilt for a certain amount of time in a certain manner; providing certain
6 exceptions to the prohibition; establishing certain penalties for a violation of this
7 Act; establishing that each instance of confining or tethering a single sow or gilt
8 constitutes a separate offense; and generally relating to the prohibition against
9 confining or tethering pregnant sows or gilts.

10 BY adding to
11 Article - Agriculture
12 Section 3-404.1
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2004 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Agriculture**

18 3-404.1.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) (I) "ENCLOSURE" MEANS ANY CAGE, CRATE, OR OTHER PEN IN
22 WHICH A PIG IS KEPT ALONE FOR ALL OR THE MAJORITY OF ANY DAY.

23 (II) "ENCLOSURE" INCLUDES WHAT IS COMMONLY CALLED A
24 "GESTATION CRATE".

25 (3) "GILT" MEANS A FEMALE PIG THAT HAS NOT GIVEN BIRTH TO A
26 FIRST LITTER OF PIGS.

27 (4) "PIG" MEANS ANY SWINE.

1 (5) "PREBIRTHING PERIOD" MEANS THE 7-DAY PERIOD BEFORE THE
2 DATE ON WHICH A SOW OR GILT IS EXPECTED TO GIVE BIRTH.

3 (6) "SOW" MEANS A PIG THAT HAS GIVEN BIRTH TO AT LEAST ONE
4 LITTER OF PIGS.

5 (7) "TO TURN AROUND FREELY" MEANS:

6 (I) WITHIN AN ENCLOSURE, TO TURN IN A COMPLETE CIRCLE
7 WITHOUT TOUCHING ANY SIDE OF THE ENCLOSURE; OR

8 (II) WHEN TETHERED TO AN OBJECT, TO TURN IN A COMPLETE
9 CIRCLE WITHOUT TOUCHING THE OBJECT.

10 (B) THIS SECTION DOES NOT APPLY TO THE ACT OF KEEPING A SOW AND ITS
11 PIGLETS FOR A REASONABLE TIME IN WHAT IS COMMONLY CALLED A "FARROWING
12 CRATE".

13 (C) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (F) OF THIS SECTION, A
14 PERSON MAY NOT:

15 (1) CONFINE OR ALLOW TO BE CONFINED FOR ALL OR A MAJORITY OF
16 ANY DAY A PREGNANT SOW OR GILT IN ANY ENCLOSURE SO THAT THE SOW OR GILT
17 IS UNABLE TO TURN AROUND FREELY; OR

18 (2) TETHER OR ALLOW TO BE TETHERED A PREGNANT SOW OR GILT TO
19 AN OBJECT SO THAT THE SOW OR GILT IS UNABLE TO TURN AROUND FREELY.

20 (D) A PERSON MAY PERFORM AN ACT DESCRIBED IN SUBSECTION (C) OF THIS
21 SECTION:

22 (1) DURING THE PREBIRTHING PERIOD OF THE SOW OR GILT BEING
23 CONFINED OR TETHERED;

24 (2) FOR A REASONABLY NECESSARY PERIOD OF TIME IF THE ACT IS IN
25 THE COURSE OF A VETERINARY EXAMINATION, OPERATION, TEST, OR TREATMENT;

26 (3) FOR A REASONABLE PERIOD OF TIME WHILE FEEDING THE SOW OR
27 GILT BEING CONFINED OR TETHERED; OR

28 (4) WHILE TRANSPORTING THE SOW OR GILT BEING CONFINED OR
29 TETHERED.

30 (E) (1) AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF THIS
31 SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT FOR
32 NOT MORE THAN 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

33 (2) EACH INSTANCE OF CONFINING OR TETHERING A SINGLE SOW OR
34 GILT IN VIOLATION OF THIS SECTION CONSTITUTES A SEPARATE OFFENSE.

1 (F) (1) A PERSON WHO RAISES SOWS OR GILTS AND HAS BEFORE APRIL 30,
2 2005 KEPT THEM CONFINED OR TETHERED BY A METHOD PROHIBITED UNDER
3 SUBSECTION (C) OF THIS SECTION MAY CONTINUE TO USE THOSE SAME
4 CONFINEMENT OR TETHERING METHODS UNTIL THE FIRST OF:

5 (I) THE DATE THE USEFULNESS OF THOSE METHODS EXPIRES; OR

6 (II) JANUARY 1, 2015.

7 (2) A PERSON WHO RAISES SOWS OR GILTS AND HAS BEFORE OCTOBER
8 1, 2005 KEPT THEM CONFINED OR TETHERED BY A METHOD PROHIBITED UNDER
9 SUBSECTION (C) OF THIS SECTION MAY NOT INCREASE THE NUMBER OF SOWS OR
10 GILTS BEING SO CONFINED OR TETHERED BY THAT PERSON ON OR AFTER OCTOBER
11 1, 2005.

12 (3) ANY PERSON WHO RAISES SOWS OR GILTS AND HAS BEFORE
13 OCTOBER 1, 2005 KEPT THEM CONFINED OR TETHERED BY A METHOD PROHIBITED
14 UNDER SUBSECTION (C) OF THIS SECTION MAY NOT REPLACE ANY ENCLOSURES OR
15 TETHERS PROHIBITED UNDER SUBSECTION (C) OF THIS SECTION WITH ANY OTHER
16 ENCLOSURES OR TETHERS PROHIBITED UNDER SUBSECTION (C) OF THIS SECTION
17 ON OR AFTER OCTOBER 1, 2005.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2005.