

**Department of Legislative Services**

Maryland General Assembly

2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 821

(Senator Britt)

Education, Health, and Environmental Affairs

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**Agriculture - Confinement of Pigs During Pregnancy**

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This bill prohibits a person from tethering or confining a pig during pregnancy on a farm, for all or the majority of any day, in a manner that prevents the pig from lying down and fully extending its limbs or turning around freely, except under specified circumstances. A violator is guilty of a misdemeanor and subject to imprisonment for up to 90 days and/or a fine of up to \$1,000.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues due to the bill's penalty provision. Enforcement could be handled with existing resources.

**Local Effect:** Potential minimal increase in expenditures due to the bill's penalty provision. It is assumed any additional enforcement activity would not significantly affect expenditures.

**Small Business Effect:** Meaningful.

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**Analysis**

**Bill Summary:** A pig may be tethered for all or the majority of a day in a manner that prevents the pig from lying down and fully extending its limbs or turning around freely only • during the seven-day period before the pig's expected date of giving birth; • during an examination, operation, test, or individualized temporary treatment for veterinary purposes; • while transporting the pig; • during rodeos, fairs, or other similar

exhibitions; • during the killing of the pig in accordance with applicable laws and regulations; or • while engaged in lawful scientific or agricultural research.

**Current Law:** A similar prohibition does not exist under current law.

**Background:** According to the National Agricultural Statistics Service, there were approximately 7,000 breeding hogs and pigs and approximately 400 hog and pig operations in the State in 2006.

According to a 2005 task force report of the American Veterinary Medical Association, gestation stalls have been the dominant method of housing pregnant pigs in the U.S., allowing for increased caretaker productivity, requiring lower capital investment than group housing, and reducing sow aggression and injury. However, there has been public and scientific interest in moving toward group housing systems. The Maryland Department of Agriculture (MDA) indicates that market forces could be moving the industry away from use of confinement of pigs during pregnancy as a management tool.

**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 \$42 to \$120 per inmate in fiscal 2008.

The bill's prohibition could require additional enforcement activities of local humane agencies that would be asked to assist MDA with enforcement, though it is assumed any additional enforcement activities would not significantly affect expenditures.

**Small Business Effect:** Meaningful. The bill would have a negative fiscal impact on small business swine producers in Maryland. Businesses that currently confine pigs in the manner prohibited by the bill could require new housing facilities and/or remodeling and farm personnel/management changes. If neighboring states do not require similar changes, Maryland small business producers could be put at a competitive disadvantage. MDA advises the bill's prohibition could result in many producers either failing to comply with the law or ceasing operations.

## **Additional Information**

**Prior Introductions:** Several bills have been introduced in an attempt to impose a similar prohibition. SB 470 of 2005 was unfavorably reported by the Senate Education, Health, and Environmental Affairs Committee. SB 417 of 2004 was favorably reported by Education, Health, and Environmental Affairs but failed second reading. SB 271 of 2003 received a hearing from Education, Health, and Environmental Affairs, but was subsequently withdrawn. HB 755 of 2003 was unfavorably reported by the House Environmental Matters Committee.

**Cross File:** HB 1246 (Delegate Ali, *et al.*) – Environmental Matters.

**Information Source(s):** Maryland Department of Agriculture, U.S. Department of Agriculture (National Agricultural Statistics Service), American Veterinary Medical Association, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2007  
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Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510