

1 HB561
2 119706-5
3 By Representative Howard
4 RFD: Agriculture and Forestry
5 First Read: 11-FEB-10

1
2 ENROLLED, An Act,

3 Relating to agriculture; to prohibit a county or
4 municipal government from adopting any ordinance, rule, or
5 resolution concerning the care and handling of livestock or
6 animal husbandry practices on any private property and to
7 reserve the entire subject of care, handling, or animal
8 husbandry to the Department of Agriculture and Industries and
9 the State Board of Agriculture and Industries; to provide for
10 exceptions; to amend Section 2-4-1 of the Code of Alabama
11 1975, relating to the State Veterinarian, to further specify
12 the enforcement by the state laws relating to livestock and
13 the control of infectious disease in livestock; to amend
14 Section 13A-11-14 of the Code of Alabama 1975, relating to
15 cruelty to animals, to further provide for the penalties; and
16 in connection therewith would have as its purpose or effect
17 the requirement of a new or increased expenditure of local
18 funds within the meaning of Amendment 621 of the Constitution
19 of Alabama of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) For the purpose of this act, the term
24 "livestock" shall include, but is not limited to, bovines,
25 swine, sheep, goats, equine or equidae, ratites, poultry,

1 pen-raised livestock such as quail, deer, pheasants, or
2 similar livestock, and other farm animals.

3 (b) This section shall not affect the authority or
4 the responsibility of any law enforcement agency or its
5 officers to investigate or prosecute any violation of the law.

6 (c) Nothing in this section shall be construed as
7 relieving a farm or farm operation from complying with public
8 health and sanitation statutes, rules, and orders administered
9 or enforced by or through the Department of Public Health and
10 any county health department.

11 (d) Except as otherwise provided by state or federal
12 law or as provided in subsection (f), the entire subject
13 matter concerning the care and handling of livestock and
14 animal husbandry practices involved in the production of
15 agricultural and farm products on private property shall be
16 reserved to the Department of Agriculture and Industries and
17 the State Board of Agriculture and Industries and shall be
18 subject to the sole jurisdiction of the department and board.

19 (e) Except as provided in subsection (f), no county
20 or municipal governing body may adopt or continue in effect
21 any ordinance, rule, or resolution concerning the care and
22 handling of livestock or animal husbandry practices involved
23 in the production of agricultural and farm products on private
24 property.

1 (f) This section shall not affect, repeal,
2 supersede, or override any ordinance heretofore enacted by a
3 county or municipal governing body, or preclude or prohibit a
4 county or municipal governing body from hereinafter enacting
5 an ordinance, concerning zoning, business licenses, or the
6 enforcement of public nuisances.

7 (g) The State Board of Agriculture and Industries
8 may adopt rules necessary to carry out the intent and purpose
9 of this section.

10 Section 2. Sections 2-4-1 and 13A-11-14 of the Code
11 of Alabama 1975, are amended to read as follows:

12 "§2-4-1.

13 "The State Veterinarian of Alabama shall be
14 appointed by the Commissioner of Agriculture and Industries,
15 the Governor of Alabama and the president of the Alabama
16 Veterinary Medical Association, or majority of them, from the
17 list of qualified applicants who have passed the official
18 examination and who have been certified to the aforesaid
19 appointing authorities by the State Personnel Department. The
20 State Veterinarian appointed under the provisions of this
21 section shall be subject to the provisions of the Merit
22 System, and his salary shall be fixed by the State Personnel
23 Board, upon recommendation of the Commissioner of Agriculture
24 and Industries with approval of the State Board of Agriculture
25 and Industries, which salary shall be paid out of the

1 appropriation provided by law for payment of salaries and
2 expenses of the employees of the Department of Agriculture and
3 Industries. The State Veterinarian appointed under this
4 section shall be a graduate of a college of veterinary
5 medicine, which institution has been approved and accredited
6 by the American Veterinary Medical Association and by the
7 federal Secretary of Agriculture. The State Veterinarian
8 appointed under this section shall also be a licensed
9 veterinarian and a member in good standing of the Alabama
10 Veterinary Medical Association, and he or she shall exercise
11 all the powers vested in the Commissioner of Agriculture and
12 Industries in the administration and enforcement of the
13 provisions of the state livestock ~~sanitary~~ laws relating to
14 the care of livestock or the control of contagious and
15 infectious diseases in livestock and rules ~~and regulations~~
16 promulgated thereunder.

17 "§13A-11-14.

18 "(a) A person commits the crime of cruelty to
19 animals if, except as otherwise authorized by law, he
20 intentionally or recklessly:

21 "(1) Subjects any animal to cruel mistreatment; or

22 "(2) Subjects any animal in his custody to cruel
23 neglect; or

24 "(3) Kills or injures without good cause any animal
25 belonging to another.

1 "(b) Cruelty to animals is a Class B misdemeanor,
2 ~~except on a second conviction of a violation of this section,~~
3 ~~the defendant shall be subject to a mandatory minimum fine of~~
4 ~~five hundred dollars (\$500) and on a third or subsequent~~
5 ~~conviction of a violation of this section, the defendant shall~~
6 ~~be subject to a minimum fine of one thousand dollars~~
7 ~~(\$1,000)."~~ and on the first conviction of a violation of this
8 section shall be punished by a fine of not more than three
9 thousand dollars (\$3,000) or imprisonment in the county jail
10 for not more than six months, or both fine and imprisonment;
11 on a second conviction of a violation of this section, shall
12 be punished by a fine of not less than five hundred dollars
13 (\$500) nor more than three thousand dollars (\$3,000) or
14 imprisonment in the county jail for not more than six months,
15 or both fine and imprisonment; and on a third or subsequent
16 conviction of a violation of this section, shall be punished
17 by a fine of not less than one thousand dollars (\$1,000) nor
18 more than three thousand dollars (\$3,000) or imprisonment in
19 the county jail for not more than six months, or both fine and
20 imprisonment."

21 Section 3. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompile of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

4 Section 4. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 01-APR-10, as amended.

Greg Pappas
Clerk

Senate

14-APR-10

Passed