

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1148

Introduced by Schimek, 27; Chambers, 11.

Read first time January 23, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 28-101,
2 Revised Statutes Supplement, 2007; to prohibit
3 confinement of a pig as prescribed; to provide a
4 penalty; to harmonize provisions; to provide for
5 severability; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For the purposes of this section:

2 (a) Enclosure means any cage, crate, or other structure,
3 including a gestation crate, used to confine a pig during
4 pregnancy;

5 (b) Farm means the land, building, support facilities,
6 and other equipment that are wholly or partially used for the
7 commercial production of animals or animal products used for food
8 or fiber;

9 (c) Person means an individual, corporation, partnership,
10 limited liability company, association, or any other legal entity;
11 and

12 (d) Pig during pregnancy means any pregnant pig of the
13 porcine species kept for the primary purpose of breeding.

14 (2) Notwithstanding any other provision of law, beginning
15 January 1, 2014, a person shall not confine a pig during pregnancy,
16 on a farm, for all or the majority of any day, in a manner that
17 prevents such animal from:

18 (a) Lying down, standing up, and fully extending all
19 limbs without touching the side of an enclosure; and

20 (b) Turning in a complete circle without any impediment,
21 including a tether, and without touching the side of an enclosure.

22 (3) Subsection (2) of this section shall not apply:

23 (a) During scientific or agricultural research;

24 (b) During examination, testing, individual treatment, or
25 operation for veterinary purposes;

1 (c) During transportation;

2 (d) During rodeo exhibitions, state or county fair
3 exhibitions, 4-H programs, and similar exhibitions;

4 (e) During the slaughter of a pig in accordance with laws
5 relating to humane methods of slaughter, and other applicable laws
6 and regulations; or

7 (f) To a pig during the seven-day period prior to the
8 pig's expected date of giving birth.

9 (4) A violation of this section is a Class II
10 misdemeanor.

11 (5) This section is in addition to, and not in lieu of,
12 any other laws protecting animal welfare. This section shall not
13 be construed to limit any state law or regulations protecting the
14 welfare of animals, nor shall anything in this section prevent a
15 local governing body from adopting and enforcing its own animal
16 welfare laws and regulations.

17 Sec. 2. Section 28-101, Revised Statutes Supplement,
18 2007, is amended to read:

19 28-101 Sections 28-101 to 28-1350 and section 1 of this
20 act shall be known and may be cited as the Nebraska Criminal Code.

21 Sec. 3. If any section in this act or any part of any
22 section is declared invalid or unconstitutional, the declaration
23 shall not affect the validity or constitutionality of the remaining
24 portions.

25 Sec. 4. Original section 28-101, Revised Statutes

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1 Supplement, 2007, is repealed.