

Animal Welfare

This Act creates a Equine Health and Welfare Council, a Equine Health and Welfare Fund, and a Livestock Care Standards Commission.

Submitted as:

Kentucky

[Chapter 106 of 2010](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Short Title.*] This Act shall be cited as “The Animal Welfare Act.”
2
- 3 Section 2. [*Equine Health and Welfare Council.*]
4 (1) The [state equine health and welfare council] is hereby established and attached to the
5 [department of agriculture] for administrative purposes.
6 (2) This [council] shall be composed of [thirteen (13)] voting members and [two (2)]
7 nonvoting ex officio members as follows:
8 (a) The [commissioner of agriculture] or their designee;
9 (b) The [state veterinarian] or their designee;
10 (c) [One (1)] representative of the [college of agriculture equine initiative] at
11 [insert state university] to be designated by the [dean of the college of agriculture] at [insert state
12 university];
13 (d) [One (1)] representative of the [equine industry program] at [insert state
14 university] to be designated by the [dean of the college of business] at [insert state university];
15 (e) [One (1)] representative of [equine education programs] chosen by [insert state
16 university] on a rotating basis at the pleasure of the [university] to serve a [one (1)] year term;
17 (f) The [executive director of the state university livestock disease diagnostic
18 center], or their designee, or the [executive director of the university veterinary center], or their
19 designee, who shall serve [one (1)] year terms on a rotating basis;
20 (g) [One (1)] representative of the [Farm Bureau Federation] with an interest in
21 equine issues;
22 (h) [One (1)] veterinarian representing the [Equine Health and Welfare Alliance
23 Inc.];
24 (i) [One (1)] member representing the state [Veterinary Medical Association];
25 (j) [One (1)] member to be appointed by the [governor] from a list of [three (3)]
26 nominees submitted by the [state horse council];
27 (k) [One (1)] member representing organized horse rescue entities to be selected
28 by the [governor] from a listing of those who apply for membership on the [council];
29 (l) [Two (2)] members at large who live in diverse regions of the state to be
30 appointed by the [governor]. Each member at large shall primarily represent [one (1)] of the
31 following:
32 1. Equine breeders and owners; and
33 2. Agricultural interests;
34 (m) The [chair of the senate standing committee on agriculture], who shall serve
35 as a nonvoting ex officio member; and

36 (n) The [chair of the house standing committee on agriculture and small business],
37 who shall serve as a nonvoting ex officio member.

38 (3) Initial terms of members serving under subsection (2)(c), (d), and (g) to (l) of this
39 section shall be staggered by the [governor]. Thereafter, terms shall be for [four (4)] years or
40 until their successors are duly appointed and qualified. Vacancies on the [council] shall be filled
41 for the remainder of the unexpired term in the same manner as the original appointment.

42 (4) Consideration shall be given to racial and gender equity in the appointment of
43 [council] members.

44 (5) The [council] shall elect [one (1)] of its members to serve as chair for a term of [two
45 (2)] years.

46 (6) The [council] shall meet [quarterly] or upon the call of the chair. The first meeting of
47 the [council] shall occur at the beginning of the [quarter] following appointments to the
48 [council].

49 (7) A quorum of the [council] shall consist of [seven (7)] voting members. A majority of
50 the voting members present may act upon matters before the [council].

51 (8) Members of the [council] shall serve without compensation.

52 (9) The [council] shall assist, advise, and consult with the [commission] created by
53 Section 4 of this Act on equine health and welfare issues and act to maintain the health, welfare,
54 and safety of equines in the state.

55 (10) Additional duties and functions of the [council] include but are not limited to:

56 (a) Undertaking research, conducting public hearings, and collecting data to
57 determine the prevalent equine health and welfare issues;

58 (b) Striving to develop regional centers of care for unwanted, abused, neglected,
59 or confiscated equines. The development of the centers may be undertaken in cooperation with
60 state and local governments, private entities, universities, or other groups;

61 (c) Creating a system of voluntary certification of equine rescue and retirement
62 operations that includes, at a minimum, industry-accepted standards of care for equines;

63 (d) Researching and offering suggestions to the [commission] for statutory
64 changes affecting equine health, welfare, abuse, and neglect issues;

65 (e) Assisting veterinarians and others in maintaining the health and welfare of
66 equines by identifying and referring to the appropriate authorities critical areas of need; and

67 (f) Submitting a written report annually to the [governor], the [department of
68 agriculture], and the [Legislative Research Commission] about its administrative, financial, and
69 programmatic activities.

70 (11) Nothing in this section shall be construed to infringe upon the regulatory authority
71 of:

72 (a) The [state horse racing authority] to inspect, investigate, and supervise horses
73 and other participants in horse racing and breeders incentive funds as provided by [insert
74 citation], administrative regulations promulgated under [insert citation], or any other law
75 applicable to the regulation of horse racing in the state;

76 (b) The [state board of veterinary examiners] to license and certify veterinarians
77 as provided by [insert citation], administrative regulations promulgated under [insert citation], or
78 any other law applicable to the regulation of veterinarians in the state; or

79 (c) The [livestock care standards commission] created by this Act to make
80 recommendations to the [board of agriculture] to establish, maintain, or revise standards
81 governing the care and well-being of on-farm livestock and poultry.

82

83 Section 3. *[Equine Health and Welfare Fund.]*

84 (1) An [Equine Health and Welfare Fund] is created in the [state treasury] as a trust and
85 agency account to be administered by the [council] for the purposes provided in this Act.

86 (2) Notwithstanding [insert citation], any money accruing to this [fund] in any fiscal year,
87 including state appropriations, gifts, grants, federal funds, interest, and any other funds both
88 public and private, shall not lapse but shall be carried forward to the next fiscal year.

89 (3) Any interest earnings of the [fund] shall become a part of the [fund] and shall not
90 lapse.

91 (4) Money received in the [fund] shall be used for carrying out the provisions of this Act.

92
93 Section 4. *[Livestock Care Standards Commission.]*

94 (1) A [livestock care standards commission] is hereby created and attached to the
95 [department of agriculture] for administrative purposes.

96 (2) This [commission] shall consist of [sixteen (16)] members as follows:

97 (a) The [state veterinarian], who shall be a nonvoting member;

98 (b) The [co-chairs of the interim joint committee on agriculture], who shall be
99 nonvoting, ex officio members; and

100 (c) [Thirteen (13)] voting members as follows:

101 1. The [commissioner or their designee], who shall serve as chair;

102 2. The [dean of the state university college of agriculture] or the [dean's
103 designee];

104 3. The [chair of the animal control advisory board] or the [chair's
105 designee];

106 4. The [director of the state university livestock disease diagnostic center]
107 or the [director of the state university veterinary center]. Each director shall serve [one (1)] year
108 terms on a rotating basis;

109 5. [Four (4)] members appointed by the [governor] as follows:

110 (A) [One (1)] person selected from a list of [three (3)] submitted by
111 the [Farm Bureau];

112 (B) [One (1)] person selected from a list of [three (3)] submitted by
113 the [state County Judge/Executive Association];

114 (C) [One (1)] veterinarian selected from a list of [three (3)]
115 submitted by the [state Veterinary Medical Association]. The veterinarian's practice shall include
116 working on [one (1)] or more of the species named in paragraph 6 of this subsection (c); and

117 (D) [One (1)] citizen at large with an interest in food safety; and

118 6. [Five (5)] members actively engaged in farming and appointed by the
119 [governor] with assistance by the [department]. The [department] shall contact commodity
120 organizations named in this paragraph, collect a list of potential representatives from the
121 organizations, and deliver the list to the [governor]. The [governor] shall appoint:

122 (A) [One (1)] active producer from the list submitted by
123 commodity organizations representing bovine species in this state;

124 (B) [One (1)] active producer from the list submitted by
125 commodity organizations representing ovine and caprine species in this state;

126 (C) [One (1)] active producer from the list submitted by
127 commodity organizations representing porcine species in this state;

128 (D) [One (1)] active producer from the list submitted by
129 commodity organizations representing equine species in this state; and

130 (E) [One (1)] active producer from the list submitted by
131 commodity organizations representing poultry species in this state.

132 (3) Initial terms of appointed members shall be staggered by the [governor]. Thereafter,
133 terms shall be for [four (4)] years or until their successors are duly appointed and qualified.
134 Vacancies on the [commission] shall be filled for the remainder of the unexpired term in the
135 same manner as the original appointment.

136 (4) The [commission] shall meet at the call of the chair or a majority of the voting
137 members.

138 (5) The [governor] shall name the appointed members of the [commission] by [date].

139 (6) No members of the [commission] shall be a lobbyist as defined by [insert citation].

140 (7) No appointed member of the [commission] shall concurrently serve on this [board] as
141 defined under [insert citation].

142 (8) A majority of the voting members shall constitute a quorum for conducting business
143 and be required in order for the [commission] to take any action.

144 (9) The [commission] shall make recommendations to the [state board of agriculture] to
145 establish, maintain, or revise standards governing the care and well-being of on-farm livestock
146 and poultry. The [state board of agriculture] shall approve or reject recommendations within
147 [ninety (90)] days of receiving recommendations. If approved, the [state board of agriculture]
148 shall promulgate administrative regulations establishing the standards within [thirty (30)] days of
149 approval. If rejected, the [state board of agriculture] shall notify the [commission] in writing
150 within [thirty (30)] days of the rejection, and shall list the reasons for the rejection. The [state
151 board of agriculture] shall not establish, maintain, or revise on-farm livestock and poultry care
152 standards without a recommendation by the [commission].

153 (10) Before recommending on-farm livestock and poultry care standards to the [state
154 board of agriculture], the [commission] may consult with agricultural representatives from
155 [insert universities].

156 (11) When developing recommendations for on-farm livestock and poultry care standards
157 to the [state board of agriculture], the [commission] shall consider factors that include but are not
158 limited to:

159 (a) Animal well-being and agricultural best management practices;

160 (b) Herd health; and

161 (c) Safe, affordable, healthy food supplies for consumers.

162 (12) (a) A city, town, county, urban-county, charter county, consolidated local
163 government, unified local government, or other political subdivision of the state shall not adopt
164 any ordinance, resolution, rule, or regulation regarding on-farm livestock or poultry care that is
165 more stringent than the administrative regulations promulgated by the [state board of agriculture]
166 under subsection (9) of this section. Local legislation in violation of this subsection is void and
167 unenforceable.

168 (b) Nothing in this subsection shall be construed to preempt any local ordinance
169 or regulation affecting planning and zoning adopted in accordance with [insert citation].

170 (c) The provisions of paragraph (a) of this subsection shall not affect ordinances,
171 resolutions, rules, or regulations adopted before the effective date of this Act.

172 (13) Nothing in this section shall be construed to abrogate the regulatory authority of:

173 (a) The [state horse racing authority] to inspect, investigate, and supervise horses
174 and other participants in horse racing as provided by [insert citation] and the administrative
175 regulations promulgated under [insert citation], or any other law applicable to the regulation of
176 horse racing in the state;

177 (b) The [state board of veterinary examiners] to license and certify veterinarians
178 as provided by [insert citation] and the administrative regulations promulgated under [insert
179 citation], or any other law applicable to the regulation of veterinarians in the state; or

180 (c) The [state board of agriculture] to prevent, control, or eradicate any
181 communicable disease of on-farm livestock or poultry as provided by [insert citation] and the
182 administrative regulations promulgated under [insert citation], or any other law applicable to the
183 prevention, control, or eradication of communicable diseases of on-farm livestock or poultry.
184

185 Section 5. [*Severability*.] [Insert severability clause.]

186
187 Section 6. [*Repealer*.] [Insert repealer clause.]

188
189 Section 7. [*Effective Date*.] [Insert effective date.]