

**ARTICLE X SECTION 21 | LIMITING CRUEL AND INHUMANE CONFINEMENT OF PIGS DURING PREGNANCY**

Inhumane treatment of animals is a concern of Florida citizens. To prevent cruelty to certain animals and as recommended by The Humane Society of the United States, the people of the State of Florida hereby limit the cruel and inhumane confinement of pigs during pregnancy as provided herein.

(a) It shall be unlawful for any person to confine a pig during pregnancy in an enclosure, or to tether a pig during pregnancy, on a farm in such a way that she is prevented from turning around freely.

(b) This section shall not apply:

(1) when a pig is undergoing an examination, test, treatment or operation carried out for veterinary purposes, provided the period during which the animal is confined or tethered is not longer than reasonably necessary.

(2) during the prebirthing period.

(c) For purposes of this section:

(1) "enclosure" means any cage, crate or other enclosure in which a pig is kept for all or the majority of any day, including what is commonly described as the "gestation crate."

(2) "farm" means the land, buildings, support facilities, and other appurtenances used in the production of animals for food or fiber.

(3) "person" means any natural person, corporation and/or business entity.

(4) "pig" means any animal of the porcine species.

(5) "turning around freely" means turning around without having to touch any side of the pig's enclosure.

(6) "prebirthing period" means the seven day period prior to a pig's expected date of giving birth.

(d) A person who violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine of not more than \$5000, or by both imprisonment and a fine, unless



and until the legislature enacts more stringent penalties for violations hereof. On and after the effective date of this section, law enforcement officers in the state are authorized to enforce the provisions of this section in the same manner and authority as if a violation of this section constituted a violation of Section 828.13, Florida Statutes (1999). The confinement or tethering of each pig shall constitute a separate offense. The knowledge or acts of agents and employees of a person in regard to a pig owned, farmed or in the custody of a person, shall be held to be the knowledge or act of such person.

(e) It is the intent of this section that implementing legislation is not required for enforcing any violations hereof.

(f) If any portion of this section is held invalid for any reason, the remaining portion of this section, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force and application.

(g) This section shall take effect six years after approval by the electors.

***History.*** – *Proposed by Initiative Petition filed with the Secretary of State August 5, 2002; adopted 2002.*

***<sup>1</sup>Note.*** – *This section, originally designated section 19 by Amendment No. 10, 2002, proposed by Initiative Petition filed with the Secretary of State August 5, 2002, adopted 2002, was redesignated section 21 by the editors in order to avoid confusion with already existing section 19, relating to the high speed ground transportation system, and section 20, relating to prohibiting workplace smoking, as contained in Amendment No. 6, proposed by Initiative Petition filed with the Secretary of State May 10, 2002, and adopted in 2002.*

