

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



1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) For the purpose of this act, the term  
3 "livestock" shall include, but is not limited to, bovines,  
4 swine, sheep, goats, equine or equidae, ratites, poultry,  
5 pen-raised livestock such as quail, deer, pheasants, or  
6 similar livestock, and other farm animals.

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

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

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

23 (e) Except as provided in subsection (f), no county  
24 or municipal governing body may adopt or continue in effect  
25 any ordinance, rule, or resolution concerning the care and  
26 handling of livestock or animal husbandry practices involved

1 in the production of agricultural and farm products on private  
2 property.

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

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

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

14 "§2-4-1.

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

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

18 "§13A-11-14.

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

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

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

25 "(3) Kills or injures without good cause any animal  
26 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 Recompilation of  
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Agriculture and  
Forestry ..... 11-FEB-10

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 11-MAR-10

Read for the third time and passed  
as amended ..... 01-APR-10

Yeas 92, Nays 0, Abstains 1

Greg Pappas  
Clerk