

112TH CONGRESS
1ST SESSION

H. R. 3704

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mr. ACKERMAN (for himself, Mr. KING of New York, Mr. MORAN, Ms. JACKSON LEE of Texas, Mr. GEORGE MILLER of California, Mrs. LOWEY, Mr. KUCINICH, Ms. BORDALLO, Mr. BLUMENAUER, Mr. MICHAUD, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Downed Animal and
5 Food Safety Protection Act”.

1 **SEC. 2. FINDING AND DECLARATION OF POLICY.**

2 (a) FINDING.—Congress finds that the humane
3 euthanization of nonambulatory livestock in interstate and
4 foreign commerce—

5 (1) prevents needless suffering;

6 (2) results in safer and better working condi-
7 tions for persons handling livestock;

8 (3) brings about improvement of products and
9 reduces the likelihood of the spread of diseases that
10 have a great and deleterious impact on interstate
11 and foreign commerce in livestock; and

12 (4) produces other benefits for producers, proc-
13 essors, and consumers that tend to expedite an or-
14 derly flow of livestock and livestock products in
15 interstate foreign commerce.

16 (b) DECLARATION OF POLICY.—It is the policy of the
17 United States that all nonambulatory livestock in inter-
18 state and foreign commerce shall be immediately and hu-
19 manely euthanized when such livestock become non-
20 ambulatory.

21 **SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**
22 **NONAMBULATORY LIVESTOCK.**

23 (a) IN GENERAL.—Public Law 85–765 (commonly
24 known as the “Humane Methods of Slaughter Act of
25 1958”) (7 U.S.C. 1901 et seq.) is amended by inserting
26 after section 2 (7 U.S.C. 1902) the following:

1 **“SEC. 3. NONAMBULATORY LIVESTOCK.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COVERED ENTITY.—The term ‘covered en-
4 tity’ means—

5 “(A) a stockyard;

6 “(B) a market agency;

7 “(C) a dealer;

8 “(D) a packer;

9 “(E) a slaughter facility; or

10 “(F) an establishment.

11 “(2) ESTABLISHMENT.—The term ‘establish-
12 ment’ means an establishment that is covered by the
13 Federal Meat Inspection Act (21 U.S.C. 601 et
14 seq.).

15 “(3) HUMANELY EUTHANIZE.—The term ‘hu-
16 manely euthanize’ means to immediately render an
17 animal unconscious by mechanical, chemical, or
18 other means, with this state remaining until the
19 death of the animal.

20 “(4) NONAMBULATORY LIVESTOCK.—The term
21 ‘nonambulatory livestock’ means any cattle (includ-
22 ing calves), sheep, swine, goats, or horses, mules, or
23 other equines, that will not stand and walk unas-
24 sisted.

25 “(5) SECRETARY.—The term ‘Secretary’ means
26 the Secretary of Agriculture.

1 “(b) HUMANE TREATMENT, HANDLING, AND DIS-
2 POSITION.—The Secretary shall promulgate regulations to
3 provide for the humane treatment, handling, and disposi-
4 tion of all nonambulatory livestock by covered entities, in-
5 cluding a requirement that nonambulatory livestock be hu-
6 manely euthanized.

7 “(c) HUMANE EUTHANASIA.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 when an animal becomes nonambulatory, a covered
10 entity shall immediately humanely euthanize the
11 nonambulatory livestock.

12 “(2) DISEASE TESTING.—Paragraph (1) shall
13 not limit the ability of the Secretary to test non-
14 ambulatory livestock for a disease, such as Bovine
15 Spongiform Encephalopathy, provided that such live-
16 stock are humanely euthanized immediately after
17 such livestock are tested for such disease.

18 “(d) MOVEMENT.—

19 “(1) IN GENERAL.—Subject to paragraph (2), a
20 covered entity shall not move nonambulatory live-
21 stock.

22 “(2) DISEASE TESTING.—Notwithstanding
23 paragraph (1), a covered entity may humanely move
24 nonambulatory livestock if required for a specific

1 test for disease if the livestock is unconscious until
2 euthanized in accordance with subsection (c).

3 “(e) INSPECTIONS.—

4 “(1) IN GENERAL.—It shall be unlawful for an
5 inspector at an establishment to pass through in-
6 spection any nonambulatory livestock or carcass (in-
7 cluding parts of a carcass) of nonambulatory live-
8 stock.

9 “(2) LABELING.—An inspector shall label,
10 mark, stamp, or tag as ‘inspected and condemned’
11 any material described in paragraph (1).

12 “(f) VIOLATIONS.—A covered entity who violates a
13 provision of this section shall upon conviction be fined not
14 more than \$5,000, imprisoned not more than one year,
15 or both.

16 “(g) EFFECT ON STATE LAW.—This section shall not
17 be construed to preempt any law or regulation of a State
18 or a political subdivision of a State containing require-
19 ments that are greater than the requirements of this sec-
20 tion, or which create penalties for conduct regulated by
21 this section.”.

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendment made by subsection (a)

1 takes effect on the date that is 1 year after the date
2 of enactment of this Act.

3 (2) REGULATIONS.—Not later than 1 year after
4 the date of enactment of this Act, the Secretary of
5 Agriculture shall promulgate final regulations to im-
6 plement the amendment made by subsection (a).

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