

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.

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## 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

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## 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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