



State and National Animal Welfare Law For Dairy Producers*

The purpose of this document is to provide dairy producers with a brief review of state and federal animal welfare law as it pertains to dairy animals. *The information included represents a lay interpretation. It should not be construed to be legal advice. Producers with questions related to livestock welfare law should seek legal counsel.*

Historical: Torture, Torment, and Deprivation of Food, Water or Shelter

Some of the oldest laws in the United States relate to animal cruelty. As early as 1872 the California penal codes made it illegal for a person to torture or deprive an animal of food, water, or shelter. Since then, depriving an animal of veterinary care has been added to the code. While few farmers would argue with this law, sometimes there are instances (particularly with untrained or troubled employees) of animals beaten or left without food or water. This can be a felony and carries up to a \$20,000 fine.

Cattle Transportation and the “28-hour” Rule

The federal and California Food and Ag code states that cattle may not be confined in a truck or trailer for longer than 28 hours from the time the animal was last fed and watered.

Tail Docking

The most recent welfare law applicable to dairy producers is the tail docking ban enacted in 2009. This law bars the cutting off of the solid part of the cow's tail, although the switch hair may be trimmed. You or your veterinarian may dock a tail in the course of treating a medical condition or emergency (such as a bleeding, broken or infected tail).

Federal Law Related to Non-ambulatory or “Downer” Cattle

The federal laws regulate the transportation, sale or slaughter of non-ambulatory cattle. The Federal definition of what constitutes a downer cow is simply “any livestock that cannot rise or walk on its own”, for whatever reason, from broken bones to nerve paralysis following calving. After the first case of BSE (“Mad Cow Disease”) was introduced into the US in Washington State, and again after the Hallmark packing house incident, federal law was strengthened, now requiring that all non-ambulatory cattle presented for slaughter are to be condemned.

State Law Related to Non-ambulatory or “Downer” Cattle

California state law related to downer cattle is stricter than federal law. The California Penal Code states that “no person shall sell, consign, or ship any non-ambulatory animal for the purpose of delivering a non-ambulatory animal to a slaughterhouse, stockyard, auction, market agency, or dealer.” This means that producers could potentially be in violation if they loaded downers onto a truck for delivery to any destination, including a slaughterhouse or auction barn. Under the law, if a slaughterhouse, stockyard, auction market or dealer, buys, sells, or receives a “downer”, if one of their workers drags or pushes a downer, or if the management fails either to provide immediate veterinary care or euthanasia, then they are subject to up to one year in jail and a \$20,000 fine.

* This information was prepared with the assistance of Dr. Carolyn Stull of the UC Davis School of Veterinary Medicine.