

2021 -- H 5761

LC001908

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- FAMILY FARM PROTECTION ACT

Introduced By: Representatives Potter, Kazarian, Kislak, Morales, Cortvriend, Henries, Ajello, and Felix

Date Introduced: February 24, 2021

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 23.3

4 FAMILY FARM PROTECTION ACT

5 **2-23.3-1. Definitions.**

6 As used in this chapter:

7 (1) "Agronomic requirement" means the quantity of nutrient necessary to achieve a
8 reasonable yield goal for a crop, as determined based on land grant university fertility rates, soil
9 testing for available nutrients, manure analysis, and other planned nutrient applications.
10 "Agronomic requirement" does not mean planned nutrient applications, nutrient indices, risk
11 indices, or other methods that allow land application of manure in excess of crop need.

12 (2) "Animal feeding operation" or "AFO" means a lot or facility at which:

13 (i) For not less than a total of forty-five (45) days in any twelve (12) month period, animals
14 (other than aquatic animals) are stabled or confined; and fed or maintained; and

15 (ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the
16 normal growing season over any portion of the lot or facility. Two (2) or more lots or facilities shall
17 constitute a single animal feeding operation if the lots or facilities are located within three (3) miles
18 of each other and are under common ownership or control.

19 The term "animal feeding operation" or "AFO" does not include a stockyard (as that term

1 is defined in section 302(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 202(a)).

2 (3) "Contract grower" means an owner of an AFO that raises live-stock or poultry pursuant
3 to a written contract, marketing arrangement, or other arrangement with an integrator.

4 (4) "Integrator" means an individual or entity that contracts with a contract grower under a
5 grow out contract, marketing arrangement, or other arrangement under which the contract grower
6 raises and cares for live-stock or poultry at an AFO in accordance with the instructions of the
7 integrator for the purpose of slaughtering the livestock or poultry or selling the livestock or poultry
8 for slaughter, if the livestock or poultry is sold or shipped in commerce (as described in section
9 2(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 183)).

10 (5) "Large concentrated animal feeding operation" or "large CAFO" means an AFO at
11 which are present not less than:

12 (i) Five hundred (500) mature dairy cows, milked or dry;

13 (ii) One hundred (100) veal calves;

14 (iii) Two hundred fifty (250) cattle (including heifers, steers, bulls, cows, and calves) other
15 than mature dairy cows or veal calves;

16 (iv) One thousand (1,000) swine, each weighing not less than fifty-five (55) pounds;

17 (v) Three thousand (3,000) swine, each weighing not more than fifty-five (55) pounds;

18 (vi) Five hundred (500) horses;

19 (vii) Five hundred (500) sheep or lambs;

20 (viii) One thousand (1,000) turkeys;

21 (ix) Fifteen thousand (15,000) chickens (including laying hens or broilers) for existing
22 businesses;

23 (x) Four thousand (4,000) chickens (including laying hens or broilers) for newly licensed
24 businesses;

25 (xi) Five hundred (500) ducks.

26 **2-23.3-2. Moratorium on large concentrated animal feeding operations.**

27 (a) In general. No large CAFO may commence or expand operations on or after the date of
28 enactment of this chapter.

29 (b) Cessation of operations. No large CAFO may continue to operate as a large CAFO after
30 January 1, 2040.

31 (c) Penalties. Any person that violates subsection (a) or (b) of this section may be assessed
32 a civil penalty of up to ten thousand dollars (\$10,000) per violation, per day, in addition to any
33 other applicable statutory civil penalty or monetary damages assessed pursuant to any state
34 common law judgment.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would prohibit industrial sized factory farming.
- 2 This act would take effect upon passage.

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