

# FARM PROTECTION LEGISLATION

This is a summary of current farm protection legislation that is either passed, pending or was introduced and failed prepared by the Animal Agriculture Alliance.

Updated: June 2020

## Passed/in effect

### United States

- **Alabama:** Ala. Code [1975 § 13A-11-150](#), “Farm Animal, Crop, and Research Facilities Protection Act.” This makes it unlawful for any person to intentionally release, steal, destroy, or otherwise cause loss of any animal or crop from an animal or crop facility without the consent of the owner. Other illegal actions include vandalizing obtaining access by false pretenses for the purpose of performing acts not authorized by the facility, and possession of records obtained by theft or deception without authorization of the facility. Violation results in a Class C felony if the loss \$250 or more or a Class A misdemeanor if the loss is less \$250.
- **Arkansas:** Passed in 2017, [HB 1665](#) makes a person who knowingly gains access to a nonpublic area of an agricultural production and engages in an act that exceeds their authority to enter the nonpublic area liable to the owner/operator for any damages sustained by the owner/operator. The bill also defines acts that exceed a person’s authority. The law was challenged by The Animal Legal Defense Fund, Animal Equality, the Center for Biological Diversity and Food Chain Workers Alliance in March 2020. New law — Ark. Code Ann. §16-118-113 — simply makes unauthorized access to property another “cause of action” for civil litigation.
- **Iowa:** Passed in June 2020, [SF 2413](#), states that “For a first offense, a person who commits food operation trespass as provided in Section 716.7A is guilty of an aggravated misdemeanor. For a second or subsequent offense, a person who commits food operation trespass as provided in Section 716.7A is guilty of a class “D” felony.
- **Montana:** Passed in 1991, the [Farm Animal and Research Facilities Protection Act](#) states “unlawful acts include exercising control over a facility without consent, damaging or destroying the property of an animal facility, entering an animal facility with the intent to commit a prohibited act, entering an animal facility to take pictures by photograph, video camera, or other means with the intent to commit criminal defamation, and entering an animal facility if the person knows entry is forbidden.”
- **Missouri:** Passed in July 2012, [578.013](#), states “whenever any farm animal professional videotapes or otherwise makes a digital recording of what he or she believes to depict a farm animal subjected to abuse or neglect under sections 578.009 or 578.012, such farm animal professional shall have a duty to submit such videotape or digital recording to a law enforcement agency **within twenty-four hours** of the recording” and “no videotape or digital recording submitted under subsection 1 of this section shall be spliced, edited, or manipulated in any way prior to its submission.”
- **North Dakota:** The [Animal Research Facility Damage Act](#) was enacted in 1991. It states “a person may not intentionally damage or destroy an animal facility or the property or animals located therein; exercise control over the animals or property; enter an animal facility not open to the public with the intent on committing prohibited acts; enter a facility and remain concealed to commit prohibited acts; or intentionally release an animal at a facility.”
- **South Carolina:** [Farm Animal and Research Facilities Protection Act](#) passed in 2012.
- **West Virginia:** [SB 490](#) was introduced to to protect animal and crop facilities from damage and destructive acts. The bill provides definitions and establishes that acts that damage, destroy, or deprive the owner or operator of an animal or crop facility of animals, crops, equipment, or records are prohibited and constitute a criminal offense.



### International

- **Australia:**

- [Right To Farm Bill 2019](#), in New South Wales, implements financial and other punishments for unlawful entry and trespass on agricultural land.
- A new Animal Welfare and Trespass Legislation Amendment Bill was introduced on June 24, 2020. The proposed reforms amend three separate Acts, namely the Animal Welfare Act 2002, Criminal Code (WA) and Restraining Orders Act 1997. The charge is increased to aggravated trespass, with a proposed maximum penalty of two years' imprisonment and a \$24,000 fine.
- **Canada:** Ontario [Bill 156](#), also known as the Security from Trespass and Protecting Food Safety Act, was passed in June of 2020. This bill states that it is intended to protect farm animals, the food supply, farmers and others from risks that are created when trespassers enter places where farm animals are kept or when persons engage in unauthorized interactions with farm animals. The risks include the risk of exposing farm animals to disease and stress, as well as the risk of introducing contaminants into the food supply.
- **United Kingdom:** [Trespass to Land - Briefing Paper](#), states the entire trespass laws for the United Kingdom. Notably, agricultural trespass is criminal when they damage the land, are using threatening or insulting language, or there are 6 or more vehicles on the property.

## Challenged/Overtaken

- **Idaho:** [Agricultural Security Act](#), signed by Gov. Otter into law in 2014, then ruled unconstitutional in 2015.
- **Iowa:** [SF 519 Iowa Code 717A.3B](#), challenged by the Animal Legal Defense Fund in April 2019 and in December 2019 a judge placed a preliminary injunction on the law, [HF 589](#), ruled unconstitutional in 2018.
- **Kansas:** [Farm Animal and Field Crop and Research Facilities Protection Act](#), ruled unconstitutional in January 2020, a permanent injunction was passed in April 2020.
- **North Carolina:** [HB 405 Property Protection Act](#) was vetoed, but veto was overridden by House and Senate and passed on 6/4/2015. A Lawsuit was brought by PETA and ADLF. On June 16, 2020, Federal District Court Judge Thomas Schroeder ruled “The court will grant in part and deny in part the parties’ motions for summary judgment, finding that the challenged provisions of the law fail to pass muster under the First Amendment – two provisions fail facially, and the remaining two provisions fail as applied to plaintiffs.” North Carolina also introduced two other farm protection bills in 2013 and 2014, but both failed.
- **Utah:** [HB 187](#), ruled unconstitutional in 2017
- **Wyoming:** [SF 12](#), overturned 2018

## Pending

- **Iowa:** [SF 2389](#) was introduced in February 2020 to create a criminal offense for those who trespass on a food operation.
- **Maryland:** [SB 286](#) was introduced in January 2020 to “prohibit a person from willfully and maliciously interfering with, injuring, destroying, or tampering with livestock used for racing or breeding.” Referred to committee.
- **Missouri:** [HB 1583](#) was introduced in January 2020 to prohibit the inspection of certain grounds or facilities in Missouri to enforce the laws of a state other than Missouri. Placed on informal calendar.

## Failed

- **Arizona:** [HB 2587](#)
- **Arkansas:** SB 13, passed once investigative restrictions were removed, [SB 14](#) failed in 2013.
- **California:** [AB 343](#)
- **Colorado:** [S 42](#)
- **Florida:** [SB 1246](#) was introduced in 2011, died in committee in 2012.
- **Illinois:** [SB 1532](#)
- **Iowa:** HB 649
- **Indiana:** [SB 184](#) introduced 2012 and died. [SB 373](#) and [SB 391](#)
- **Minnesota:** [SF 1118](#)
- **Missouri:** [HB 1204](#)
- **Nebraska:** LB 204, [LB 915](#)
- **New Hampshire:** HB 110
- **New Mexico:** HB 560, [SB 221](#), [SB 522](#)

- New York: S 5172,
- Oklahoma: [SB 1716](#)
- Pennsylvania: HB 683
- Tennessee: [HB 1838](#), [HB 1191](#), [HB 3620](#), [SB 1248](#)
- Vermont: SB 162
- Washington: [HB 1104](#)