

Updated material for David Favre, *Animal Law*, 3rd edition (2019)

This material may be accessed three different ways.

The first list immediately below is of new material from newest to oldest.

A [second set](#) is the table of contents with new material integrated.

A [third list](#) is an index

Farm Animals – New laws for chickens & veal calves (Dec. 2019)

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB1019>

<https://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/House%20Passed%20Legislature/2049-S.PL.pdf#page=1>

This has been occurring rather quietly with HSUS negotiating with the national United Egg Producers on a state by state basis. Michigan also just passed a new law along these same lines. They are hard to read and refer to the UEP Guidelines for confinement numbers, also, I do not understand all the exceptions yet...

Lions in Zoo's (Dec. 2019)

https://www.washingtonpost.com/cdn.ampproject.org/c/s/www.washingtonpost.com/local/public-safety/roadside-zoo-in-md-must-prepare-to-give-up-endangered-animals-after-peta-sues/2019/11/28/286018c0-0b11-11ea-a49f-9066f51640f6_story.html?outputType=amp

PETA may be able to have lions removed from zoo because of bad conditions and poor welfare, using the citizen suit provision of the federal Endangered Species Act and the prohibition on “harm”.

Cats – Declawing outlawed in state of N.Y. (Dec. 2019)

<https://www.animallaw.info/statute/ny-cruelty-consolidated-cruelty-statutes#s381>

Pigs – Intelligence (Nov. 2019)

“Thinking Pigs: A Comparative Review of Cognition, Emotion, and Personality in *Sus domesticus*,” <https://escholarship.org/uc/item/8sx4s79c> (2015)

In this paper we have identified a number of findings from studies of pig cognition, emotion, and behavior which suggest that pigs possess complex ethological traits similar, but not identical, to dogs and chimpanzees. The main conclusion from this review is that essentially every domain of research with pigs would profit from further explanation as many of the current findings are promising but only suggestive. In general, the study of pig psychology lags behind comparative research with some other species (e.g., dogs, chimpanzees, elephants, cetaceans).

Dogs – emotional tie (Sept. 2019)

Science suggest that dogs have the capacity to love their owners.

<https://www.washingtonpost.com/science/2019/09/25/what-makes-dogs-so-special-successful-love/>

Federal Animal Welfare Act

Cathy Liss, Opinion Contributor (Ex.Dir. of Animal Welfare Institute) — 09/21/19 03:00 PM EDT, “Why won't USDA enforce the Animal Welfare Act?”

(A few paragraphs from the article, see citation for full article:
<https://thehill.com/opinion/energy-environment/462348-why-wont-usda-enforce-the-animal-welfare-act>

As the national media has reported in recent weeks, since President Trump took office the number of animal welfare citations issued by the USDA has plummeted. These include “critical” or “direct” citations that historically triggered fines or other

enforcement actions. Even in the most dire situations, such as at Wilson's zoo in Virginia, the USDA has stopped initiating seizures to rescue dying animals, leaving it to local law enforcement. By the summer of 2018, the USDA stopped citing Wilson's altogether.

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According to a recent analysis of federal data by the Animal Welfare Institute, the USDA issued nearly 5,000 citations, based on 8,869 inspections, in 2016. Two years later, the number of citations plunged to fewer than 1,800 from 8,354 inspections. Data available through June suggest the USDA is on track for repeating that performance this year.

--- Animal Rights (Sept 2019)

1. No legal rights for Chimpanzees

<https://www.nationalreview.com/2019/08/chimpanzee-liberation-why-animal-rights-and-human-rights-cannot-coexist/>

Wesley Smith, Chimpanzee Liberation? Why Animal Rights and Human Rights Cannot Coexist, National Review August 15, 2019

We live in profoundly anti-human times. Progressive cultural movements across a broad array of issues, from bioethics to environmentalism, seek to push us off the pedestal of unique value in both culture and public policy....

There is no question that chimpanzees are remarkable animals, and we certainly should treat them humanely. For example, they are highly social, and so it is cruel to isolate them in cages. But the reason that we refrain from doing so is that it's *our duty* to treat all animals humanely in light of our best understanding of their natures and needs, not because chimpanzees and bonobos possess natural rights....

Please. Chimps are not civilized in the way of human beings. They don't "define their own property," have "goals," or strive to "fulfill their personal potential" as we do in the exercise of our free will. They live by instinct and according to their evolved biological capabilities and natures, over which they

have no control, and against which they have no capacity to rebel.

[Please read entire article.]

2. Animal rights – India

CRR-533-2013 High Court of Punjab & Haryana at Chandigarh

Decision on May 31 2019.

https://www.livelaw.in/pdf_upload/pdf_upload-361239.pdf

Karnail Singh and others v. State of Haryana

[It is hard to understand the legal context of the paragraph at the end of this 104 page opinion. The fact of the case arose in 2004 and related the transportation of cows from one province to another in violation of restrictions on the export of cows for meat slaughter. An opinion on that case was given in 2013, then a revised petition was submitted to this court, and several years later this opinion was given. Much of the 100 pages did not deal with the events of the case, but with the jurisprudence of animal rights. The ultimate holding of the judge directed a state agency to enforce a number of very specific standards for the transportation of animals (which to me did not seem relevant to the initial facts at all). After these specific instruction, at the very end of the opinion, the following paragraph appeared:

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Judge Rajiv Sharma

[I have no idea of the legal consequences of this paragraph. What might it mean? Stay tuned.]

--- Best Interest Cases:

1. Cat, Replevin, New York

Finn v. Anderson, 2019 WL 1984091 (City Court, New York, Jamestown, Chautauqua County.) Purported cat owners, who found cat and took care of him, brought replevin action against neighbor who alleged original ownership of the cat.

Quotes from the case:

Under New York Law, irrespective of how strongly people feel about their

pets, cats and dogs have been viewed as “personal property—sometimes referred to as “chattel”—just like a car or a table”.

Nevertheless, there has been a slow evolution in New York case law towards the “de-chattelization” of household pets, and away from the “overly reductionist and utilitarian” view. *Id.* New York Courts, as well as most Courts across the United States, are unwilling to go so far as to adopt a child custody or “best interests” standard.

The “best interests” standard has been rejected for several reasons. First, it is difficult if not impossible to truly determine what is in a pet’s best interests as there is no proven or practical means of gauging an animal’s happiness or “its feelings about a person or a place other than, perhaps, resorting to the entirely unscientific method of watching its tail wag.” *Travis v. Murray*, ¶¶ 9-10, 42 Misc. 3d 447, 459, 977 N.Y.S.2d 621, 630-31 (Sup. Ct.). The subjective factors that are “key to a best interests analysis in child custody—particularly those concerning a child’s feelings or perceptions as evidenced by statements, conduct and forensic evaluations—are, for the most part, unascertainable when the subject is an animal rather than a human.” Second, even if it were possible to ascertain a pet’s feelings, and even if a Court could make a finding of a pet’s best interests, it is “highly questionable whether significant resources should be expended and substantial time spent on such endeavors ... [t]o allow full-blown dog custody cases, complete with canine forensics and attorneys representing not only the parties but the dog itself, would further burden the courts to the detriment of children”.

Where a “best interests” standard cannot reasonably be applied, and a strict property analysis is neither desirable nor appropriate, New York Courts have developed a “quasi-interests based standard” that “takes into consideration, and gives paramount importance to, the intangible, highly subjective factors that are called into play when a cherished pet is the property at issue.” *Travis v. Murray*,

In accordance with that standard, this Court will analyze proof offered by each party that they will benefit from having the animal in their life, and why the animal has a better chance of living, prospering, loving and being loved in their care. In this way, the Court hopes to take the intangible needs and interests of a pet into account along with the ordinary indicia of ownership or right to possession (title, purchase, gift, expenses, etc.).

--- Animal Abuser Registry

An example of the criminal law providing increasing consideration to the importance of animals is the creation of an Animal Abuser Registry. These state registries parallel the registries for those who have been convicted of sex abuse crimes. For example, see the provision from the Tennessee Animal Abuser Registration Act adopted by Tennessee in 2015. (Tenn. Code Ann. Sec. 40-39-103) The Registry is a public internet database with the name, addresses and

animal crimes of defendants. <https://www.tn.gov/tbi/tennessee-animal-abuse-registry.html>.

--- Animal in Divorces

In 2019 the State Of New Hampshire adopted amended their divorce law to address the issue of animals:

An Act relative to property settlement including animals. HB 361
2019 SESSION (19-0820)

(II-a). Tangible property shall include animals. In such cases, the property settlement shall address the care and ownership of the parties' animals, taking into consideration the animals' wellbeing.

Question: Is “animals’ wellbeing” a different standard from “best interest”?
There is no definition of the term. How would define this for a judge?

Third Set

[Animal Abuser Registry](#)

[Animal Welfare Act – Enforcement shortcomings](#)

[Best Interest of Animals](#)

[Cat Replevin](#)

[Chickens](#)

[Chimpanzee, mag. article – no rights](#)

[Dogs – capacity to love owners](#)

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[India case – legal rights for all animals](#)

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Ownership – best interest/“quasi-interests based standard”

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New Book – dogs have the capacity to love their owners, and it is built into their DNA.
<https://www.washingtonpost.com/science/2019/09/25/what-makes-dogs-so-special-successful-love/>

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[Please read entire article.]

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1. Cases for animal rights

Case from India

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