



SPONSOR: Rep. Bennett & Sen. Peterson
Reps. Baumbach Keeley Kowalko Longhurst Lynn
Mulrooney Viola K. Williams ; Sen. Henry
Sen. Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 189

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DAIRY CATTLE TAIL DOCKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1328, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ § 1328 Dairy cattle tail docking; class A misdemeanor.

(a) For the purposes of this section:

(1) "Dairy cattle" means any cow or calf, regardless of breed or age, used or intended to be used in the commercial production of milk or other dairy products.

(2) "Dock" means to cut or remove any portion of the flesh or bone of a bovine's tail.

(3) "Person" shall have the meaning set forth in section 222 of this Title.

(4) "Therapeutic" means for the purpose of treating a sick or injured animal, where such treatment is deemed medically necessary by a licensed veterinarian, and not merely prophylactic.

(b) Notwithstanding any provision of law to the contrary, a person shall not dock the tail of any dairy cattle, or procure the same to be done, except as provided in subsection (c) of this section.

(c) Dairy cattle tail docking may be performed if:

(1) Such procedure is performed for a therapeutic purpose;

(2) The procedure is performed by a licensed veterinarian using suitable instruments and under hygienic conditions;

(3) The dairy cattle has been adequately anesthetized to minimize the animal's pain and suffering during the operation; and

(4) The procedure is conducted in such a way as to minimize any long-term pain and suffering of the animal.

(d) Any person who violates any of the provisions of this section shall be guilty of a class A misdemeanor.

22 (e) It is not an affirmative defense to alleged violations of this section that the tail of any dairy cattle was docked in
23 accordance with customary animal husbandry or farming practices.

24 (f) The provisions of this section are in addition to, and not in lieu of, any other laws protecting animal welfare.
25 This section may not be construed to limit any other state laws or rules protecting the welfare of animals or to prevent a
26 local governing body from adopting and enforcing its own animal welfare laws and regulations.

27 § 1329. [Reserved.]

28 Section 2. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid or
29 unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this act that can be
30 given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are
31 severable.

32 Section 3. This Act becomes effective one year after its enactment.

SYNOPSIS

This bill establishes the crime of Dairy Cattle Tail Docking as a class A misdemeanor.