



Animal Law Committee News

South Carolina Bar | July 2022

NATIONAL NEWS



Animals in Family Law

In *State v. Charmarki Abdi-Issa* in February, the Washington Supreme Court held that animal cruelty can be designated as a crime of domestic abuse.

Similarly, Alaska HB 325 passed both houses of the legislature in May to expand the definition of domestic violence to include animal cruelty while there

is pending legislation in New Jersey to do the same. Currently, South Carolina is among the thirty-five states that include pets in orders of protection from domestic abuse.

for plant-based products even when qualifiers like ‘veggie’ are used on the label. Several other states have passed similar laws, including Arkansas where pending litigation exists on the matter.

Animals in Medicine

On January 7, 2022, ‘xenotransplantation’, or the use of an organ from a nonhuman animal as a transplant for a human, made a breakthrough when the heart of a genetically altered pig was successfully transplanted into a patient in need who survived for two months after the procedure. Opponents of xenotransplantation pose that this practice presents legitimate concerns for unknown zoonotic diseases while more ethical and efficient alternatives like artificial or cell-cultured organs are available.

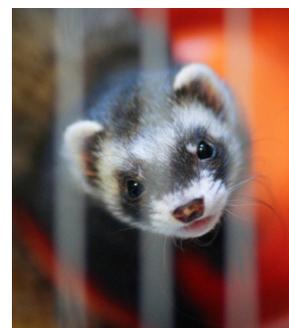


Animal Agriculture and Ag-Gag

On March 15, a U.S. District Court for the Southern District of Iowa ruled unconstitutional the state’s second attempt at an Ag-Gag law criminalizing undercover investigations at animal enterprises such as factory farms, slaughterhouses, and puppy mills. The first of such laws in Iowa was struck down in

2019. In additional ag-gag news, the Supreme Court rejected an appeal of a decision by the U.S. Court of Appeals for the Tenth Circuit ruling that the Kansas Ag-Gag law was unconstitutional.

On March 25th, The U.S. Supreme Court agreed to hear a case concerning California’s Proposition 12 on appeal from the Pork Producer’s Council. The ballot initiative prohibits the sale of pork, veal and chicken products by producers, both in and out of state, who do not meet required space requirements for the animals. Opponents argued unsuccessfully at the federal district and appellate levels that the law violates the Commerce Clause of the Constitution. Gestation and farrowing crates are common confinement methods of industrial pig farms where female pigs may be penned throughout their four-month pregnancies as well as the period of nursing.



Wildlife Issues

The COMPETES Act, H.R. 4521, passed the House on February 4th of this year. The Senate version of the bill passed in June of 2021. Differences between the bills will be resolved in conference before being sent to the president. The animal law community is particularly interested in the proposed Lacey Act Amendments of the

bills which contain provisions to ban mink farming, encourage protein alternatives, prohibit commercial sale of shark fin products, prohibit illegal wildlife trade, close wildlife markets, and protect marine life and habitats.

While awaiting trial this month in Virginia for violations of the Endangered Species Act, wildlife trafficking and animal cruelty, Tiger King’s Doc Antle of Myrtle Beach was arrested by the FBI and charged with additional federal wildlife trafficking in violation of the Lacey Act and Endangered Species Act as well as money laundering.

Animal Personhood

On Tuesday, June 14th, New York’s highest court denied a habeas corpus request for release of an elephant named Happy from solitary confinement in a one-acre enclosure at the Bronx Zoo. Traditionally, habeas corpus is used to request liberty for a person who is being wrongfully detained. The concept of ‘personhood’ in legal terms is often applied to such things as corporations and environmental entities, but this is the first

Plant-Based Labeling

In March, a U.S. District Court in Louisiana granted a motion for summary judgment on behalf of plant-based meat product company Tofurky. The decision halted enforcement of a state law which prohibited the use of words like ‘burger’ or ‘sausage’

time that a state's highest court has agreed to consider habeas corpus on behalf of an animal. The Court ruled by a margin of 5-2 with strong dissenting opinions amidst a worldwide trend toward legal acceptance of animal sentience.

SOUTH CAROLINA UPDATES



On March 20th, Waccatee Zoo of Myrtle Beach settled a \$7800 fine with the USDA for six violations of the Animal Welfare Act between March 2020 and May 2021. Violations included insufficient veterinary care for animals needing medical attention and dirty, unpotable water. Waccatee has had numerous USDA violations dating back to 2014. The zoo has

also received negative attention in the past for the deaths of a lion named Lila and a chimpanzee named Chico.



On May 25th, the South Carolina Court of Appeals reached a decision that changes permitting procedures for animal agriculture operations within the state. *Blackmon v. SCDHEC* involved applicants for eighteen broiler chicken facilities in Laurens County. The Court determined that these and other concentrated animal feeding operations, known as CAFO's, are

required to meet a "no potential to discharge" determination as opposed to the less stringent federal standard of a "no discharge" permit whereby facilities can operate while providing for offsite disposal of animal waste.



South Carolina's Rep. Nancy Mace of Congressional District One is busy working to advance animal-related concerns in D.C. Just this year, Rep. Mace sponsored the PANDA Bill and cosponsored the FDA Modernization Act pertaining to animal testing. In 2021, she introduced the Preventing Animal Abuse and Waste (PAAW) Act, another testing-related measure, as

well as a bill to create an Animal Cruelty Crimes Section in the DOJ. Rep. Mace has also brought attention to animal testing issues with a visit to 'Monkey Island' in S.C. and public letters to government agencies involved in performing laboratory tests on beagle puppies.

Shelter facilities and rescues throughout the state report an overcapacity crisis, due in part to post-pandemic owner surrenders as well as financial hardships in the current climate of the economy. Many shelter facilities are at or over capacity, calling for urgent support from the community to spay/neuter, adopt, foster, donate or even volunteer for the day to help socialize the dogs and relieve stress.

LOCAL HAPPENINGS



Since the fall of 2021 when Horry County passed a comprehensive animal ordinance to include tethering restrictions, several other South Carolina counties and municipalities have passed their own tethering ordinances to include Georgetown City, Lexington County, and the City of Greer. The City of Clemson currently has a tethering ordinance in the works,

and other counties have expressed interest in adopting their own tethering ordinances. What is the current status of city or county ordinances where you live?



Spotlight On South Carolina Rescue

[Izzie's Pond](#) is a wildlife rescue and rehabilitation facility in Liberty, S.C. with a focus on rabies vector species. The organization takes in injured or orphaned animals with the goal of and release while providing sanctuary for others. Currently, Izzie's Pond has about 100 animals in rehab including baby raccoons, foxes and skunks requiring bottle feeding every four hours around the clock. The rescue works closely with SCDNR and law enforcement when there is a need and provides information to the public to increase effective coexistence with wildlife.