

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2438

By: Lowe (Jason)

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; creating the  
8 Oklahoma Pregnant Pigs Pilot Program Act of 2023;  
9 establishing duties for the Oklahoma Pregnant Pigs  
10 Pilot Program; authorizing expenditures; creating the  
11 Oklahoma Pregnant Pigs Pilot Program Revolving Fund;  
12 providing for expenditures; requiring the submission  
13 of certain information and forms; providing for  
14 approving of or denying grant funds; providing  
15 criteria to be considered in order to receive grant  
16 funds; providing for confidentiality; providing for  
17 the composition of review committees; providing for  
18 codification; and providing an effective date.

19  
20  
21  
22  
23  
24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5087 of Title 74, unless there  
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma  
Pregnant Pigs Pilot Program Act of 2023".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5087.1 of Title 74, unless there  
is created a duplication in numbering, reads as follows:

1 A. The Oklahoma Department of Commerce is hereby authorized to  
2 establish and administer the Oklahoma Pregnant Pigs Pilot Program.

3 B. The purpose of the Oklahoma Pregnant Pigs Pilot Program is  
4 to create investment and jobs in the pig industry to align its  
5 husbandry practices with responsible animal-care values and to  
6 offset the costs of compliance with government and corporate  
7 policies designed to forbid extreme confinement gestation stalls or  
8 crates for pregnant pigs, through the allocation of funds to farms,  
9 cooperatives, business entities and other agricultural entities to:

10 1. Update breeding sow pig facilities currently using  
11 individual gestation crates (typically measuring 6.6 feet by 2.0  
12 feet per sow) into group housing pens, of a minimum 24 square feet  
13 of usable floor space per sow, for pregnant pigs;

14 2. Fund complete removal of gestation crates;

15 3. Fund renovation of existing space and construction of group  
16 housing pens of a minimum 24 square feet of usable space per  
17 pregnant sow pig, and related structures, meeting minimum space  
18 standard; and

19 4. Fund training of workers on methods of Humane Farm Animal  
20 Care Standard group housing techniques for pregnant pigs.

21 C. The Program shall consist of the following categories:

22 1. Removal of gestation crates;

23 2. Installation of group housing pens and related technology;

24

1           3. Training of management teams on humane methods, technology,  
2 and humane husbandry skills;

3           4. Pledge from grant recipient that all uses of individual  
4 gestation crates shall be phased out permanently and in perpetuity  
5 within three years of accepting funds. Evidence of gestation crate  
6 use at any point in the future shall require all grant funds to be  
7 returned to the State of Oklahoma. The pledge applies to all  
8 breeding sow pig entities, corporations, cooperatives, and farms  
9 associated with an individual applicant;

10          5. Additional rebates/incentives for participating farms that  
11 make the complete conversions within one (1) year of grant  
12 application approval; to be established by the Department in its  
13 regulations governing the program, based on a per sow scheme; and

14          6. Credits per sow for sow farms of four pigs or more with pre-  
15 existing group, pasture-raised, hoop barns, or Certified Humane  
16 housing, prior to November 1, 2023, not to exceed more than ten  
17 (10%) percent of the fund total at beginning balance or first come,  
18 first serve basis.

19          D. The Oklahoma Department of Commerce shall promulgate rules  
20 governing the Oklahoma Pregnant Pigs Pilot Program.

21          SECTION 3.           NEW LAW           A new section of law to be codified  
22 in the Oklahoma Statutes as Section 5087.2 of Title 74, unless there  
23 is created a duplication in numbering, reads as follows:

24

1       A. There is hereby created in the State Treasury a revolving  
2 fund for the Oklahoma Department of Commerce to be designated the  
3 "Oklahoma Pregnant Pigs Pilot Program Revolving Fund". The fund  
4 shall be a continuing fund, not subject to fiscal year limitations,  
5 and shall consist of all monies received by the Oklahoma Department  
6 of Commerce to implement and maintain the Oklahoma Pregnant Pigs  
7 Pilot Program.

8       B. The Oklahoma Pregnant Pigs Pilot Program Revolving Fund  
9 shall consist of:

10       1. Money received by the Oklahoma Department of Commerce in the  
11 form of a one-time \$4 Million Dollar (\$4,000,000.00) appropriation  
12 allocated by the State of Oklahoma for renovation and improvement of  
13 breeding sow pig housing facilities and such other monies  
14 specifically designated for the Oklahoma Pregnant Pigs Pilot  
15 Program. All monies accruing to the credit of the fund are hereby  
16 appropriated and may be budgeted and expended by the Oklahoma  
17 Department of Commerce for the Oklahoma Pregnant Pigs Pilot Program;  
18 and

19       2. Interest attributable to investment of money in the fund.

20       C. All appropriations received by the Department of Commerce  
21 pursuant to the provisions of this section shall be deposited with  
22 the State Treasurer to be created or credited to the Oklahoma  
23 Pregnant Pigs Pilot Program Revolving Fund. Expenditures from the  
24 fund shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of the  
2 Office of Management and Enterprise Services for approval and  
3 payment.

4 D. The monies deposited in the fund shall at no time become  
5 part of the general budget of the Department or any other state  
6 agency. Except for any administration costs incurred in development  
7 and implementation of the Oklahoma Pregnant Pigs Pilot Program, no  
8 monies from the fund shall be transferred for any purpose to any  
9 other state agency or to any account of the Oklahoma Department of  
10 Commerce or be used for the purpose of contracting with any other  
11 state agency or reimbursing any other state agency for any expense.

12 SECTION 4. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 5087.3 of Title 74, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. The Oklahoma Department of Commerce shall require eligible  
16 applicants to submit information, forms and reports as are necessary  
17 to properly and efficiently administer the Oklahoma Pregnant Pigs  
18 Pilot Program.

19 B. Persons may apply to the Department of Commerce for grant  
20 funds in accordance with rules promulgated by the Oklahoma  
21 Department of Commerce. Applications for grant funds shall be  
22 approved or denied by the Department of Commerce in accordance with  
23 criteria promulgated by the Department of Commerce pursuant to the  
24

1 Oklahoma Rural Investment for Pregnant Pigs Pilot Program and hewing  
2 to the standards set forth by Humane Animal Farm Care.

3 C. Grant funds may be made available to eligible applicants  
4 pursuant to evaluation by the Department based on the following  
5 criteria:

6 1. Preference may be given to the applicants whose:

7 a. swine operations are licensed or registered with the  
8 State of Oklahoma,

9 b. employee or contractor qualifications include Oklahoma  
10 career-tech certification, or higher education  
11 degrees, including associate degrees, or

12 c. commitment to humane treatment of farm animals, with  
13 respect to their lives and habits, has been  
14 demonstrated, or desire to commit to humane facilities  
15 for pregnant pigs has been well documented and  
16 expressed.

17 2. Consideration shall not be given to applications for:

18 a. the construction of individual gestation crates,  
19 farrowing crates, or any farm facilities unrelated to  
20 the humane housing of breeding sow pigs,

21 b. farms outside of Oklahoma,

22 c. foreign-owned farms,

23 d. farms owned by corporations outside of Oklahoma,  
24

1 e. individual or group pens smaller than 24 square feet  
2 of usable floor space per sow pig,

3 f. facilities, companies, farms, and cooperatives that  
4 will or plan to co-produce or co-locate pregnant sow  
5 pigs in confinement gestation stalls in other or  
6 associated barns in Oklahoma,

7 g. facilities, companies, farms, and cooperatives that do  
8 not pledge to phase out completely and in perpetuity  
9 within three (3) years of grant application date, and

10 h. entities, facilities, corporations, or farms less than  
11 three (3) years old as of November 1, 2023.

12 D. 1. Any information submitted to or compiled by the  
13 Department of Commerce with respect to the financial statements,  
14 trade secrets, or any other proprietary information of persons,  
15 firms, associations, partnerships, agencies, corporations,  
16 institutions of higher education, nonprofit research institutions or  
17 other entities pursuant to the Oklahoma Pregnant Pigs Pilot Program  
18 shall not be disclosed pursuant to the Oklahoma Open Records Act or  
19 in public hearings and shall be kept confidential, except to the  
20 extent that the person or entity which provided such information or  
21 which is the subject of such information consents to disclosure.

22 2. An independent committee of reviewers, no fewer than three  
23 and no more than seven, comprised entirely and equally of qualified  
24 veterinarians, farmers, and experienced animal wellbeing experts,

1 appointed by the Governor, shall be designated to analyze and  
2 recommend projects for approval by the Department of Commerce. This  
3 review committee shall not be exempt from the Oklahoma Open Meeting  
4 Act.

5 SECTION 5. This act shall become effective November 1, 2023.

6

7 59-1-6631 JL 01/18/23

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24