

DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, “Prohibiting Force-Feeding of Birds Act,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, November 5, 2025 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003. At the hearing, the Board will not consider a version of the initiative that was filed on September 24, 2025 as that version has been withdrawn by the proposer and the Board will consider a second version of the initiative that was submitted on October 2, 2025 and that is set forth below. The Board will meet remotely. Members of the public can only access the meeting by using the following information:

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/81945347701>

Phone one-tap:

+16469313860,,81945347701# US

+13017158592,,81945347701# US (Washington DC)

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+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

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+1 312 626 6799 US (Chicago)

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+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 408 638 0968 US (San Jose)

+1 507 473 4847 US

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Webinar ID: 819 4534 7701

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In making a proper subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the

subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds.

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Thursday, October 30, 2025 at 4:00 p.m. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Individuals shall be permitted a maximum of three minutes for oral presentations. Representatives of organizations shall be permitted a maximum of five minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative, as submitted to the Board by the proposer(s) of the measure, read as follows:

SHORT TITLE

Prohibiting Force-Feeding of Birds Act

SUMMARY STATEMENT

If enacted, the Initiative would:

- (a) Prohibit any person from force-feeding a bird for the purpose of enlarging the bird’s liver beyond normal size; and
- (b) Ban the sale or distribution of any product resulting from force-feeding a bird, including foie gras. Defines force-feeding as inserting a tube into the bird’s throat to deliver excessive feed. Enforced by the Department of Energy and Environment during routine food safety inspections. Violators face civil penalties. Seeks to prevent the sale of food products made through practices widely considered inhumane, and to uphold humane food standards within the District.

LEGISLATIVE TEXT

Title 48 of the District of Columbia Official Code is amended by adding a new chapter 6B to read as follows:

Chapter 6B. Prohibiting Force-Feeding of Birds

§ 48–651. Legislative intent.

The people of the District of Columbia hereby find and declare:

- a. That fattened bird liver products are ‘luxury’ food items produced from the diseased and enlarged liver of a bird, typically a duck or goose, typically produced through systematically force-feeding the animal until their liver becomes diseased and expands up to ten times its natural size;
- b. that the method typically used to force-feed these birds for production of food items is inhumane and involves inserting a foot-long metal or plastic tube into the bird’s throat and administering excessive quantities of feed directly into the stomach, resulting in extreme pain and various health issues;
- c. that force-feeding induces liver disease in the birds, which is both painful and often fatal, causing the animals significant injury and illness, including bacterial and fungal infections, malnourishment, and/or lameness;
- d. that veterinary professionals widely regard the typical practice of force-feeding birds for food product production as inhumane;
- e. that the intensive confinement of these birds for food product production exacerbates environmental degradation and climate change through the necessitation of substantial water and energy consumption and polluting our city’s air and waterways;
- f. that runoff from fattened bird liver production facilities contains high concentrations of phosphorus and nitrogen, two of the most common forms of water pollution in the United States;
- g. that workers in fattened bird liver production facilities face occupational hazards, including exposure to respiratory irritants and zoonotic diseases, posing risks to worker health and public health; and
- h. that eliminating the production and sale of fattened bird liver products from the marketplace is in our city’s interest and authority to reduce animal cruelty, unsustainable environmental practices, and spread of zoonotic, and to uphold the District’s values of humane animal treatment, public health, and environmental stewardship.

§ 48–652. Definitions.

For the purposes of this chapter, the term:

- (a) **“Bird”** means any species of poultry, including but not limited to ducks, geese, chickens, turkeys, guineas, or squabs.
- (b) **“Director”** means the duly appointed Director of the Department of Energy and Environment, or the lawfully designated subordinate of the Director of Energy and Environment acting under the orders of the Director of the Department of Energy and Environment.
- (c) **“Fattened bird liver product”** means any food product or by-product made from the livers of birds fattened through any method or practice, including foie gras, pâtés, spreads, and processed meat products derived from such livers, regardless of marketing terminology.
- (d) **“Food service establishment”** means any place offering prepared food to be consumed by customers on or off premises, including restaurants, cafeterias, pushcarts, stands, or vehicles.
- (e) **“Force-feeding”** means any process, whether by hand or machine, by which a bird is caused to ingest more food than it would consume voluntarily, including the use of a tube or device inserted into the esophagus.
- (f) **“Person”** means any individual, corporation, partnership, joint venture, trust, government agency, organization, or other entity.
- (g) **“Retail establishment”** means any store, shop, sales outlet, farmers’ market, or other place that sells or offers for sale food products to the public.
- (h) **“Sell” or “sale”** means any act of selling, trading, distributing, bartering, or transferring for monetary or nonmonetary consideration, occurring where the recipient takes physical possession of the item.

§ 48–653. Prohibited conduct.

- (a) No person shall force-feed a bird, or hire or direct another person to force-feed a bird, for the purpose of enlarging the bird’s liver beyond its normal size. This subsection shall not apply to force-feeding directed by a licensed veterinarian solely for therapeutic purposes.
- (b) No person, food service establishment, or retail establishment shall sell, offer for sale, distribute, or otherwise provide any fattened bird liver product within the District of Columbia, whether as a standalone item or as an ingredient in any product or dish.
- (c) No person shall import, transport, or receive a fattened bird liver product into the District for sale, distribution, or any other commercial purpose, regardless of the jurisdiction where the product was produced or originated.

§ 48–654. Authority of Director.

- (a) The Director is hereby authorized to administer and enforce the provisions of this Act.

Thereby, the Department of Energy and Environment:

- (i) is authorized to adopt procedures and forms to implement the provisions of this Article;
 - (ii) shall ensure compliance with the provisions of this Article during routine inspections of retail establishments;
 - (iii) shall also have the authority to issue subpoenas for records related to the purchase, storage, and sale of poultry products;
 - (iv) shall ensure members of the public are able to submit complaints notifying the Department of possible violations; and
 - (v) shall maintain a publicly available online database of violations and penalties issued under this Article, updated quarterly.
- (b) The Director is authorized to adopt rules, procedures, and forms to implement the provisions of this Act.
- (c) The Director shall ensure compliance with this chapter during routine inspections of food service establishments and retail establishments.

§ 48–655. Enforcement and penalties.

- (d) Any person or establishment that violates any provision of this chapter shall be subject to a civil penalty of not less than \$1,000 and not more than \$5,000 per violation. Each day a violation continues shall constitute a separate violation.
- (e) Repeated violations within a 12-month period may result in suspension or revocation of the violator’s business license in accordance with applicable District law.
- (f) In addition to civil penalties, the District may enforce this chapter through a civil action, including an action for injunctive relief.

§ 48–656. Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter, and the application of its provisions to other persons or circumstances, shall not be affected.

§ 48–657. Applicability.

This chapter shall apply as of July 1, 2027.