

Outline of Research Issues/Tasks

1. Overview of State AgGag Laws

- Compile Relevant Authority
 - All existing statutes
 - Pending/proposed bills
 - Administrative Regulations
 - Judicial & Administrative Decisions
- Summary/Typology of AgGag Statutes
 - Places covered (i.e. farms, other specified places, any private property)
 - Activity covered (i.e. photography, audio recording, video recording, etc.)
 - Enforcement (i.e. private civil action; administrative enforcement; public civil or criminal enforcement)
 - Remedies (i.e. money damages, injunctive or other equitable relief, evidentiary exclusion, etc.)
 - Other provisions

2. Origin & Diffusion of AgGag Laws

- Role of industry/trade associations
- Role of ALEC and other advocacy organizations

3. Conflict with Federal Labor & Employment Law

- Federal laws
 - NLRA
 - FLSA
 - OSHA
 - Title VII, ADA, etc.
- Issues
 - Employee photographs & recordings as protected Activity
 - Admissibility of photographs & recordings in proceedings against employer
- Conflict/Pre-Emption
 - Cf. Cases involving state wiretap laws?