

**Representative Joel Ferry** proposes the following substitute bill:

**CONFINEMENT OF EGG-LAYING HENS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: Joel Ferry

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**LONG TITLE**

**General Description:**

This bill makes changes to the Agricultural Code regarding the confinement of egg-laying hens.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ beginning January 1, 2025, prohibits farm owners and operators from confining egg-laying hens in an enclosure that is not a cage-free housing system or that has less usable floor space per hen than required by specific industry guidelines, with certain exceptions;
  - ▶ designates the Department of Agriculture and Food as the entity to enforce the provisions of this bill; and
  - ▶ requires the Department of Agriculture and Food to provide a report to the Business and Labor Interim Committee.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 ENACTS:

28 **4-4a-101**, Utah Code Annotated 1953

29 **4-4a-102**, Utah Code Annotated 1953

30 **4-4a-103**, Utah Code Annotated 1953

31 **4-4a-104**, Utah Code Annotated 1953

32 **4-4a-105**, Utah Code Annotated 1953

33 **4-4a-106**, Utah Code Annotated 1953

34 **4-4a-107**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **4-4a-101** is enacted to read:

38 **CHAPTER 4a. CONFINEMENT OF EGG-LAYING HENS**

39 **4-4a-101. Title.**

40 This chapter is known as "Confinement of Egg-Laying Hens."

41 Section 2. Section **4-4a-102** is enacted to read:

42 **4-4a-102. Definitions.**

43 As used in this chapter:

44 (1) (a) "Cage-free housing system" means an indoor or outdoor controlled environment  
45 for egg-laying hens where:

46 (i) for an indoor environment, the egg-laying hens are free to roam unrestricted except  
47 by the following:

48 (A) exterior walls; or

49 (B) interior fencing used to contain the entire egg-laying hen flock within the building  
50 or subdivide flocks into smaller groups if farm employees can walk through each contained or  
51 subdivided area to provide care to egg-laying hens and if each egg-laying hen has at least the  
52 amount of usable floor space per hen required by the 2017 edition of the United Egg Producers'  
53 Animal Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing;

54 (ii) egg-laying hens are provided enrichments that allow them to exhibit natural  
55 behaviors including, at a minimum, scratch areas, perches, nest boxes, and dust bathing areas;  
56 and

57 (iii) farm employees can provide care while standing within the egg-laying hens' usable  
58 floor space.

59 (b) "Cage-free housing system" includes, to the extent the system is a system described  
60 in Subsection (1)(a) and is not excluded by Subsection (1)(c), a multi-tiered aviary, partially  
61 slatted system, single-level all-litter floor system, and any future system that is a system  
62 described in Subsection (1)(a) and is not excluded by Subsection(1)(c).

63 (c) "Cage-free housing system" does not include systems commonly described as  
64 battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible  
65 cages, furnished cages, or similar cage systems.

66 (2) "Egg-laying hen" means a female domesticated chicken kept for the purpose of  
67 commercial egg production.

68 (3) "Enclosure" means a structure used to confine an egg-laying hen.

69 (4) (a) "Farm" means the land, buildings, support facilities, and other equipment that  
70 are wholly or partially used for the commercial production of animals or animal products used  
71 for food.

72 (b) "Farm" does not include live animal markets or official plants at which mandatory  
73 inspection is maintained under the federal Egg Products Inspection Act, 21 U.S.C. Sec. 1031 et  
74 seq.

75 (5) "Farm owner or operator" means a person that owns a controlling interest in a farm  
76 or controls the operations of a farm.

77 (6) "Multi-tiered aviary" means a cage-free housing system where egg-laying hens have  
78 unfettered access to multiple elevated flat platforms that provide the egg-laying hens with  
79 usable floor space both on top of and underneath the platforms.

80 (7) "Partially slatted system" means a cage-free housing system where egg-laying hens  
81 have unfettered access to elevated flat platforms under which manure drops through the  
82 flooring to a pit or litter removal belt below.

83 (8) "Shell egg" means a whole egg of an egg-laying hen in the egg's shell form,  
84 intended for use as human food.

85 (9) "Single-level all-litter floor system" means a cage-free housing system bedded with  
86 litter where egg-laying hens have limited or no access to elevated flat platforms.

87 (10) (a) "Usable floor space" means the total square footage of floor space provided to

88 each egg-laying hen, as calculated by dividing the total square footage of floor space provided  
89 to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.

90 (b) "Usable floor space" includes both ground space and elevated level or nearly level  
91 flat platforms upon which hens can roost, but does not include perches or ramps.

92 Section 3. Section **4-4a-103** is enacted to read:

93 **4-4a-103. Prohibitions.**

94 Beginning on January 1, 2025, a farm owner or operator may not knowingly confine an  
95 egg-laying hen in an enclosure:

96 (1) that is not a cage-free housing system; or

97 (2) that has less than the amount of usable floor space per hen as required by the 2017  
98 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-Laying  
99 Flocks: Guidelines for Cage-Free Housing.

100 Section 4. Section **4-4a-104** is enacted to read:

101 **4-4a-104. Confinement exemptions.**

102 Section 4-4a-103 does not apply to an egg-laying hen:

103 (1) used for medical research;

104 (2) during examination, testing, individual treatment, or operation for veterinary  
105 purposes, but only if performed by or under the direct supervision of a licensed veterinarian;

106 (3) during transportation;

107 (4) at state or county fair exhibitions, 4-H programs, and similar exhibitions;

108 (5) during slaughter conducted in accordance with applicable laws, rules, and  
109 regulations; or

110 (6) kept for temporary animal husbandry purposes of no more than six hours in any  
111 24-hour period and no more than 24 hours total in any 30-day period.

112 Section 5. Section **4-4a-105** is enacted to read:

113 **4-4a-105. De minimis exemptions for shell eggs.**

114 This chapter does not apply to the production of shell eggs in the state by a farm with  
115 fewer than 3,000 egg-laying hens.

116 Section 6. Section **4-4a-106** is enacted to read:

117 **4-4a-106. Enforcement.**

118 (1) The department shall enforce this chapter.

119 (2) A person subject to this chapter shall allow the department access during regular  
120 business hours to facilities and records pertinent to activities subject to this chapter.

121 (3) The department shall, in accordance with Title 63G, Chapter 3, Utah  
122 Administrative Rulemaking Act, make rules governing the inspection of farms to ensure  
123 compliance with this chapter.

124 (4) (a) The department may use an inspection provider or process verification provider  
125 to ensure compliance with this chapter.

126 (b) To rely on an inspection provider or process verification provider, the department  
127 must approve the specific inspection provider or process verification provider as competent to  
128 ensure compliance with this chapter.

129 (5) (a) If the department determines that a person subject to this chapter is in violation  
130 of a provision of this chapter or a rule adopted under this chapter, the department shall provide  
131 the person with a written notice that:

132 (i) describes each violation identified by the department; and

133 (ii) states a reasonable deadline by which the person is required to cure the violation.

134 (b) If a person who receives a notice issued under Subsection (5)(a) does not cure a  
135 violation identified in the notice before the deadline stated in the notice, the department may  
136 impose a civil fine of \$100 per written notice, regardless of the number of violations identified  
137 in the notice.

138 (c) If a violation is not cured after the department provides a person with written notice  
139 of the violation and a reasonable opportunity to cure, the department may seek a temporary  
140 restraining order or permanent injunction to prevent further violation of this chapter.

141 Section 7. Section **4-4a-107** is enacted to read:

142 **4-4a-107. Report.**

143 (1) The department shall provide a report on this chapter to the Business and Labor  
144 Interim Committee during or before the November interim meeting in 2023.

145 (2) The report described in Subsection (1) shall include an update on:

146 (a) efforts taken by farm owners and operators to come into compliance with Section  
147 4-4a-103; and

148 (b) the retail demand for and conditions related to the sale of cage-free eggs.