

Senator Scott D. Sandall 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

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;
 - ▶ provides a defense for a person who relies in good faith upon a written certification that eggs or egg products are not derived from egg-laying hens confined in conflict with the prescribed standards; and
 - ▶ designates the Department of Agriculture and Food as the entity to enforce the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **4-4a-101**, Utah Code Annotated 1953

30 **4-4a-102**, Utah Code Annotated 1953

31 **4-4a-103**, Utah Code Annotated 1953

32 **4-4a-104**, Utah Code Annotated 1953

33 **4-4a-105**, Utah Code Annotated 1953

34 **4-4a-106**, Utah Code Annotated 1953

35 **4-4a-107**, Utah Code Annotated 1953



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

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

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

40 **4-4a-101. Title.**

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

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

43 **4-4a-102. Definitions.**

44 As used in this chapter:

45 (1) "Business owner or operator" means a person who owns a controlling interest in or
46 controls the operations of a business.

47 (2) (a) "Cage-free housing system" means an indoor or outdoor controlled environment
48 for egg-laying hens where:

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

51 (A) exterior walls; or

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

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

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

62 (b) "Cage-free housing system" includes, to the extent the system is a system described
63 in Subsection (2)(a) and is not excluded by Subsection (2)(c), a multi-tiered aviary, partially
64 slatted system, single-level all-litter floor system, and any future system that is a system
65 described in Subsection (2)(a) and is not excluded by Subsection(2)(c).

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

69 (3) "Egg-laying hen" means a female domesticated chicken kept for the purpose of
70 commercial egg production.

71 (4) (a) "Egg products" means eggs of an egg-laying hen broken from the shells that:

72 (i) is intended for use as human food;

73 (ii) is in liquid, solid, dried, or frozen form;

74 (iii) is raw or cooked; and

75 (iv) has the yolks and whites in their natural proportions, or has the yolks and whites
76 separated, mixed, or mixed and strained.

77 (b) "Egg products" does not include combination food products, including:

78 (i) pancake mix, cake mix, cookies, pizza, cookie dough, ice cream; or

79 (ii) a similar food product that contains an ingredient other than a product described in
80 Subsection (4)(a), sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers, or
81 similar food additives.

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

83 (6) (a) "Farm" means the land, buildings, support facilities, and other equipment that
84 are wholly or partially used for the commercial production of animals or animal products used
85 for food.

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

88 seq.

89 (7) "Farm owner or operator" means a person that owns a controlling interest in a farm
90 or controls the operations of a farm.

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

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

97 (10) "Sale" means the commercial sale, by a business, of a shell egg or egg products
98 that is subject to this chapter, but does not include a sale undertaken at an official plant at
99 which mandatory inspection is maintained under the federal Egg Products Inspection Act, 21
100 U.S.C. Sec. 1031 et seq.

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

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

105 (13) (a) "Usable floor space" means the total square footage of floor space provided to
106 each egg-laying hen, as calculated by dividing the total square footage of floor space provided
107 to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.

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

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

111 **4-4a-103. Prohibitions.**

112 (1) Beginning on January 1, 2025, a farm owner or operator may not knowingly
113 confine an egg-laying hen in an enclosure:

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

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

118 (2) (a) Beginning on January 1, 2025, a business owner or operator may not knowingly

119 sell or transport for end sale in the state a shell egg or egg products that the business owner or
120 operator knows or should know was produced by an egg-laying hen that was confined in a
121 manner that conflicts with the standards described in Subsection (1).

122 (b) For purposes of this chapter, a sale occurs at the location where a buyer takes
123 physical possession of the item.

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

125 **4-4a-104. Confinement exemptions.**

126 (1) Subsection 4-4a-103(1) does not apply to an egg-laying hen:

127 (a) used for medical research;

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

130 (c) during transportation;

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

132 (e) during slaughter conducted in accordance with applicable laws, rules, and
133 regulations; or

134 (f) kept for temporary animal husbandry purposes of no more than six hours in any
135 24-hour period and no more than 24 hours total in any 30-day period.

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

137 **4-4a-105. De minimis exemptions for shell eggs.**

138 (1) This chapter does not apply to the production in the state, sale in the state, or
139 transport for end sale in the state of shell eggs sourced from a farm with fewer than 3,000
140 egg-laying hens.

141 (2) This chapter does not apply to the sale of uncooked, one-dozen carton packed,
142 medium size shell eggs as defined in the July 20, 2000, United States Standards, Grades, and
143 Weight Classes for Shell Eggs, AMS 56.200 et seq., if:

144 (a) a business owner or operator sells the eggs directly to a household consumer
145 exclusively for offsite use by the consumer, a member of the consumer's household, or the
146 consumer's nonpaying guest or employee; and

147 (b) (i) the eggs described in this Subsection (2) are 10% or less of the business owner
148 or operator's total number of eggs sold each year in Utah; or

149 (ii) the eggs described in this Subsection (2) are sold from a business location that sells

150 fewer than 15 cases of 30 dozen shell eggs per week.

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

152 **4-4a-106. Defense.**

153 It is a defense to an action to enforce this chapter that a business owner or operator
154 relied in good faith upon a written certification by the farm owner or operator that the shell egg
155 or egg product was not derived from an egg-laying hen that was confined in a manner that
156 conflicts with the standards described in Subsection [4-4a-103\(1\)](#).

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

158 **4-4a-107. Enforcement.**

159 (1) The department shall enforce this chapter.

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

162 (3) The department shall, in accordance with Title 63G, Chapter 3, Utah
163 Administrative Rulemaking Act, make rules governing the inspection of farms, shell eggs, and
164 egg products to ensure compliance with this chapter.

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

167 (b) To rely on an inspection provider or process verification provider, the department
168 must approve the specific inspection provider or process verification provider as competent to
169 ensure compliance with this chapter during both production and handling of shell eggs and egg
170 products.

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

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

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

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

180 (c) If a violation is not cured after the department provides a person with written notice

181 of the violation and a reasonable opportunity to cure, the department may seek a temporary
182 restraining order or permanent injunction to prevent further violation of this chapter.