

SENATE BILL 193

M4
SB 690/23 – EEE

(PRE-FILED)

4r0569
CF 4r2061

By: **Senator Lewis Young**

Requested: August 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Confinement of Egg-Laying Hens in Commercial Egg Production –**
3 **Prohibitions**

4 FOR the purpose of prohibiting a farm owner or operator from knowingly confining certain
5 egg-laying hens in an enclosure in a certain manner, subject to certain exceptions,
6 on or after a certain date; prohibiting a business owner or operator or a farm owner
7 or operator from selling shell eggs or egg products under certain circumstances on or
8 after a certain date; specifying that a certain certification be obtained in a certain
9 manner to sell shell eggs and egg products; and generally relating to confinement of
10 egg-laying hens in commercial egg production.

11 BY adding to

12 Article – Agriculture

13 Section 3–1101 through 3–1107 to be under the new subtitle “Subtitle 11.
14 Confinement of Egg-Laying Hens in Commercial Egg Production”

15 Annotated Code of Maryland

16 (2016 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Agriculture

19 Section 4–301(a) and (h)

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2023 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

24 **Article – Agriculture**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 11. CONFINEMENT OF EGG-LAYING HENS IN COMMERCIAL EGG**
 2 **PRODUCTION.**

3 **3-1101.**

4 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 5 **INDICATED.**

6 **(B) (1) “CAGE-FREE HOUSING SYSTEM” MEANS AN INDOOR OR OUTDOOR**
 7 **CONTROLLED ENVIRONMENT FOR EGG-LAYING HENS WITHIN WHICH HENS:**

8 **(I) ARE FREE TO ROAM UNRESTRICTED;**

9 **(II) ARE PROVIDED ENRICHMENTS THAT ALLOW THE HENS TO**
 10 **EXHIBIT NATURAL BEHAVIORS, INCLUDING, AT A MINIMUM, SCRATCH AREAS,**
 11 **PERCHES, NEST BOXES, AND DUST BATHING AREAS; AND**

12 **(III) MAY BE PROVIDED CARE BY EMPLOYEES WHILE WITHIN**
 13 **THE HENS’ USABLE FLOOR SPACE.**

14 **(2) “CAGE-FREE HOUSING SYSTEM” INCLUDES:**

15 **(I) MULTITIERED AVIARIES IN WHICH EGG-LAYING HENS HAVE**
 16 **UNFETTERED ACCESS TO MULTIPLE ELEVATED PLATFORMS THAT PROVIDE THE**
 17 **EGG-LAYING HENS WITH USABLE FLOOR SPACE ON TOP OF AND BELOW THE**
 18 **PLATFORMS;**

19 **(II) PARTIALLY SLATTED SYSTEMS IN WHICH EGG-LAYING**
 20 **HENS HAVE UNFETTERED ACCESS TO ELEVATED PLATFORMS UNDER WHICH**
 21 **MANURE DROPS THROUGH THE FLOORING TO A PIT OR LITTER REMOVAL BELT**
 22 **BELOW;**

23 **(III) SINGLE-LEVEL FLOOR SYSTEMS BEDDED WITH LITTER IN**
 24 **WHICH EGG-LAYING HENS HAVE LIMITED OR NO ACCESS TO ELEVATED PLATFORMS;**
 25 **AND**

26 **(IV) ANY OTHER SYSTEM THAT MEETS THE REQUIREMENTS OF**
 27 **THIS SUBTITLE.**

28 **(3) “CAGE-FREE HOUSING SYSTEM” DOES NOT INCLUDE SYSTEMS**
 29 **COMMONLY DESCRIBED AS BATTERY CAGES, COLONY CAGES, ENRICHED CAGES,**
 30 **ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES, FURNISHED**
 31 **CAGES, OR SIMILAR CAGE SYSTEMS.**

1 (C) "EGG-LAYING HEN" MEANS ANY LIVING FEMALE DOMESTICATED BIRD
2 KEPT FOR THE PURPOSE OF COMMERCIAL EGG PRODUCTION.

3 (D) (1) "EGG PRODUCTS" MEANS RAW OR TREATED POULTRY EGGS THAT
4 HAVE BEEN REMOVED FROM THE SHELL, IN LIQUID, SOLID, DRIED, OR FROZEN
5 FORM, AND ARE INTENDED FOR HUMAN FOOD.

6 (2) "EGG PRODUCTS" INCLUDES RAW AND COOKED EGGS, EGGS WITH
7 THE YOLKS AND WHITES IN THEIR NATURAL PROPORTIONS, AND EGGS WITH THE
8 YOLKS AND WHITES SEPARATED, MIXED, OR MIXED AND STRAINED.

9 (3) "EGG PRODUCTS" DOES NOT INCLUDE COMBINATION FOOD
10 PRODUCTS THAT ARE COMPOSED OF MORE THAN JUST EGG PRODUCTS AND FOOD
11 ADDITIVES, SUCH AS SUGAR, SALT, WATER, SEASONING, COLORING, FLAVORING,
12 PRESERVATIVES, STABILIZERS, OR SIMILAR FOOD ADDITIVES.

13 (E) "FARM" MEANS THE LAND, BUILDINGS, SUPPORT FACILITIES, AND
14 OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL
15 PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR FOOD, NOT INCLUDING
16 LIVE ANIMAL MARKETS AND OFFICIAL PLANTS AT WHICH MANDATORY INSPECTION
17 IS MAINTAINED UNDER 21 U.S.C. § 1031 ET SEQ.

18 (F) "FARM OWNER OR OPERATOR" DOES NOT INCLUDE AN OWNER OR
19 OPERATOR OF A FARM THAT ANNUALLY PRODUCES SHELL EGGS FROM FEWER THAN
20 3,000 EGG-LAYING HENS, IF ALL SHELL EGGS SOLD IN THE STATE BY THE FARM
21 OWNER OR OPERATOR ARE DERIVED FROM THE 3,000 OR FEWER EGG-LAYING HENS.

22 (G) "SALE" DOES NOT INCLUDE A SALE:

23 (1) OCCURRING AT A PLANT AT WHICH MANDATORY INSPECTION IS
24 MAINTAINED UNDER 21 U.S.C. § 1031 ET SEQ.; OR

25 (2) DURING WHICH THE BUYER DOES NOT TAKE IMMEDIATE
26 PHYSICAL POSSESSION OF THE ITEM.

27 (H) "SHELL EGGS" HAS THE MEANING STATED IN § 4-301 OF THIS ARTICLE.

28 (I) (1) "USABLE FLOOR SPACE" MEANS THE TOTAL SQUARE FOOTAGE OF
29 FLOOR SPACE PROVIDED TO EACH EGG-LAYING HEN, AS CALCULATED BY DIVIDING
30 THE TOTAL SQUARE FOOTAGE OF THE FLOOR SPACE PROVIDED TO THE EGG-LAYING
31 HENS IN THE ENCLOSURE BY THE NUMBER OF EGG-LAYING HENS IN THAT
32 ENCLOSURE.

1 **(2) “USABLE FLOOR SPACE” INCLUDES GROUND AND ELEVATED**
2 **LEVEL OR NEARLY LEVEL FLAT PLATFORMS UPON WHICH HENS CAN ROOST.**

3 **(3) “USABLE FLOOR SPACE” DOES NOT INCLUDE PERCHES OR RAMPS.**

4 **3–1102.**

5 **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE REGULATION OF**
6 **EGG PRODUCTION ON FARMS IN THE STATE AND OF THE SALE OF EGGS AND EGG**
7 **PRODUCTS IN THE STATE WILL FURTHER THE GENERAL ASSEMBLY’S GOALS TO**
8 **PROTECT THE PUBLIC HEALTH AND WELFARE OF CONSUMERS, TO PROMOTE FOOD**
9 **SAFETY, AND TO ADVANCE ANIMAL WELFARE.**

10 **3–1103.**

11 **(A) THIS SECTION DOES NOT APPLY TO THE CONFINEMENT OF EGG-LAYING**
12 **HENS FOR THE PURPOSES OF:**

13 **(1) MEDICAL RESEARCH;**

14 **(2) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR**
15 **OPERATION FOR VETERINARY PURPOSES PERFORMED BY OR UNDER THE DIRECT**
16 **SUPERVISION OF A LICENSED VETERINARIAN;**

17 **(3) TRANSPORTING EGG-LAYING HENS;**

18 **(4) STATE OR COUNTY FAIR EXHIBITIONS, 4-H PROGRAMS, OR**
19 **SIMILAR EXHIBITIONS; OR**

20 **(5) ANIMAL HUSBANDRY, PROVIDED THAT THE CONFINEMENT IS FOR**
21 **NOT MORE THAN 6 HOURS IN A 24-HOUR PERIOD AND 24 HOURS IN A 30-DAY**
22 **PERIOD.**

23 **(B) ON AND AFTER JANUARY 1, 2026, A FARM OWNER OR OPERATOR MAY**
24 **NOT KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN ENCLOSURE THAT:**

25 **(1) IS NOT A CAGE-FREE HOUSING SYSTEM;**

26 **(2) HAS LESS THAN 1.0 SQUARE FOOT OF USABLE FLOOR SPACE PER**
27 **HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES EGG-LAYING HENS WITH**
28 **UNFETTERED ACCESS TO VERTICAL SPACE; OR**

1 **(3) HAS LESS THAN 1.5 SQUARE FEET OF USABLE FLOOR SPACE PER**
2 **HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT PROVIDE EGG-LAYING**
3 **HENS WITH UNFETTERED ACCESS TO VERTICAL SPACE.**

4 **3-1104.**

5 **(A) ON AND AFTER JANUARY 1, 2026, A BUSINESS OWNER OR OPERATOR OR**
6 **FARM OWNER OR OPERATOR MAY NOT SELL SHELL EGGS OR EGG PRODUCTS:**

7 **(1) THAT THE OWNER OR OPERATOR KNOWS OR SHOULD HAVE**
8 **KNOWN WERE PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED IN A**
9 **MANNER IN VIOLATION OF § 3-1103 OF THIS SUBTITLE; OR**

10 **(2) IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.**

11 **(B) IN ADDITION TO THE REQUIREMENTS UNDER TITLE 4, SUBTITLE 3 OF**
12 **THIS ARTICLE, BEGINNING JANUARY 1, 2026, TO SELL SHELL EGGS OR EGG**
13 **PRODUCTS:**

14 **(1) A FARM OWNER OR OPERATOR SHALL OBTAIN A CERTIFICATE**
15 **FROM THE DEPARTMENT VERIFYING THAT THE SHELL EGGS OR EGG PRODUCTS ARE**
16 **PRODUCED IN COMPLIANCE WITH § 3-1103 OF THIS SUBTITLE; AND**

17 **(2) A BUSINESS OWNER OR OPERATOR SHALL OBTAIN A COPY OF THE**
18 **CERTIFICATE FROM THE FARM OWNER OR OPERATOR BEFORE SELLING THE SHELL**
19 **EGGS OR EGG PRODUCTS FROM THAT FARM.**

20 **(C) (1) A BUSINESS OWNER OR OPERATOR SHALL:**

21 **(I) RETAIN A COPY OF ALL CERTIFICATES OBTAINED UNDER**
22 **SUBSECTION (B)(2) OF THIS SECTION; AND**

23 **(II) ON REQUEST, PROVIDE A COPY OF A CERTIFICATE TO THE**
24 **DEPARTMENT.**

25 **(2) IT IS A DEFENSE TO ANY ACTION TO ENFORCE THIS SUBTITLE**
26 **THAT A BUSINESS OWNER OR OPERATOR RELIED IN GOOD FAITH ON A WRITTEN**
27 **CERTIFICATION OBTAINED UNDER SUBSECTION (B) OF THIS SECTION.**

28 **(D) (1) THE DEPARTMENT MAY NOT ISSUE A CERTIFICATE VERIFYING**
29 **THAT THE SHELL EGGS OR EGG PRODUCTS ARE PRODUCED IN COMPLIANCE WITH §**
30 **3-1103 OF THIS SUBTITLE TO A FARM OWNER OR OPERATOR UNLESS THE FARM**

1 ENCLOSURES FOR THE EGG-LAYING HENS HAVE BEEN INSPECTED OR VERIFIED IN
2 ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 3-1105 OF THIS SUBTITLE.

3 (2) A CERTIFICATE ISSUED BY THE DEPARTMENT IN ACCORDANCE
4 WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL EXPIRE AT THE END OF EACH
5 CALENDAR YEAR AND MUST BE RENEWED.

6 3-1105.

7 (A) (1) THE SECRETARY SHALL:

8 (I) ADMINISTER AND ENFORCE THIS SUBTITLE; AND

9 (II) ON OR BEFORE JULY 1, 2025, ADOPT REGULATIONS TO
10 CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

11 (2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL
12 INCLUDE PROVISIONS GOVERNING THE INSPECTION OF FARMS, SHELL EGGS, AND
13 EGG PRODUCTS TO ENSURE THAT SHELL EGGS AND EGG PRODUCTS ARE PRODUCED
14 IN COMPLIANCE WITH THIS SUBTITLE.

15 (B) ON NOTICE BY THE SECRETARY, A FARM OWNER OR OPERATOR OR A
16 BUSINESS OWNER OR OPERATOR SHALL ALLOW THE SECRETARY ACCESS DURING
17 REGULAR BUSINESS HOURS TO A FARM, BUSINESS, VEHICLE, OR RECORD RELATED
18 TO THE ACTIVITIES REGULATED UNDER THIS SUBTITLE.

19 (C) THE SECRETARY MAY USE A GOVERNMENT OR PRIVATE INSPECTION OR
20 PROCESS VERIFICATION PROVIDER THAT IS APPROVED BY THE SECRETARY TO
21 ENSURE COMPLIANCE WITH THIS SUBTITLE.

22 3-1106.

23 (A) IF THE SECRETARY FINDS THAT SHELL EGGS OR EGG PRODUCTS ARE
24 BEING SOLD IN VIOLATION OF THIS SUBTITLE, THE SECRETARY MAY ISSUE A
25 WRITTEN OR PRINTED "STOP-SALE" ORDER TO THE PERSON VIOLATING THIS
26 SUBTITLE.

27 (B) AFTER RECEIPT OF AN ORDER ISSUED UNDER THIS SECTION, THE
28 RECIPIENT OF THE ORDER MAY NOT SELL ANY SHELL EGGS OR EGG PRODUCTS
29 SUBJECT TO THE ORDER.

30 (C) A PERSON WHO HAS BEEN ISSUED A "STOP-SALE" ORDER UNDER THIS
31 SECTION MAY APPEAL TO THE SECRETARY.

1 3-1107.

2 (A) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE
3 SECRETARY UNDER § 3-1106 OF THIS SUBTITLE, THE SECRETARY SHALL IMPOSE A
4 CIVIL PENALTY OF \$5,000 FOR EACH VIOLATION OF THIS SUBTITLE.

5 (B) THE CRIMINAL PENALTIES UNDER TITLE 12, SUBTITLE 1 OF THIS
6 ARTICLE DO NOT APPLY TO THIS SUBTITLE.

7 4-301.

8 (a) In this subtitle the following words have the meanings indicated.

9 (h) "Shell eggs" means raw or treated poultry eggs that are still in the shell and
10 intended for human consumption.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2024.