CORRECTED

HOUSE . . . . . No. 4194

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 5, 2021.

The committee on Ways and Means, to whom was referred the Bill upgrading hen welfare and establishing uniform cage-free standards (Senate, No. 2481), reports recommending that the same ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4194; inserting before the enacting clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to ensure hen welfare and establish uniform cage-free standards, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and

By striking out the title and inserting in place thereof the following title: "An Act further regulating hen welfare and establishing uniform cage-free standards.".

For the committee,

AARON MICHLEWITZ.

CORRECTED

HOUSE . . . . . No. 4194

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

By striking out all after the enacting clause and inserting in place thereof the following:–

SECTION 1. Clause (A) of section 3 of chapter 333 of the acts of 2016 is hereby amended by inserting after the word “egg” the following words:- and other egg products.

SECTION 2. Clause (G) of section 4 of said chapter 333 is hereby amended by inserting after the word “period” the following words:- ; provided, however, that in the case of egg-laying hens, for not more than 24 hours total in any 30-day period.

SECTION 3. Said chapter 333 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. For purposes of this act, the following words shall have the following meanings:

“Breeding pig”, any female pig of the porcine species kept for the purpose of commercial breeding.

“Business owner or operator”, any person who owns or controls the operations of a business.

"Cage-free housing system", an indoor or outdoor controlled environment for egg-laying hens within which hens are free to roam unrestricted, are provided enrichments that allow them to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest boxes and dust bathing areas, and within which farm employees can provide care while standing within the hens' usable floor space; provided, however, that "cage-free housing system" shall include, to the extent that such systems comply with the requirements of this definition, multi-tiered aviaries, partially-slatted systems, single-level all litter floor systems and any future systems that will comply with the requirements of this definition; provided further, that "cage-free housing system" shall not include systems commonly described as "battery cages", "colony cages", "enriched cages", "enriched colony cages", "modified cages", "convertible cages" or "furnished cages" or other similar cage systems.

"Calf raised for veal", any calf of the bovine species kept for the purpose of commercial production of veal meat.

"Confined in a cruel manner", confining: (i) a calf raised for veal or a breeding pig in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs or turning around freely; or (ii) an egg-laying hen in an enclosure other than a cage-free housing system or with less than:

(A) 1 square foot of usable floor space per hen in multi-tiered aviaries, partially-slatted cage-free housing systems or any other cage-free housing system that provides hens with unfettered access to vertical space; or

(B) 1.5 square feet of usable floor space per hen in single-level, all-litter floor cage-free housing systems or any other cage-free housing system that does not provide hens with unfettered access to vertical space.

"Covered animal", any breeding pig, calf raised for veal or egg-laying hen that is kept on a farm.

"Egg-laying hen", any female domesticated chicken, turkey, duck, goose or guinea fowl kept for the purpose of commercial egg production.

"Egg products", eggs of an egg-laying hen broken from the shells, intended for human food, whether in liquid, solid, dried or frozen form, whether raw or cooked, and with the yolks and whites in their natural proportions or with the yolks and whites separated, mixed or mixed and strained; provided, however, that "egg products" shall not include combination food products, including pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream or other similar food products.

"Enclosure", any cage, crate or other structure used to confine a covered animal or animals; provided, however, that "enclosure" shall include what is commonly described as a "gestation crate" or "stall" for pigs during pregnancy, a "veal crate" for calves raised for veal and a "battery cage", "enriched cage" or "colony cage" for egg-laying hens.

"Farm", the land, building, support facilities and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food; provided, however, that "farm" shall not include live animal markets, establishments at which inspection is provided under the federal Meat Inspection Act or official plants at which mandatory inspection is maintained under the federal Egg Products Inspection Act.

"Farm owner or operator", any person who owns or controls the operations of a farm.

"Fully extending the animal's limbs", fully extending all limbs without touching the side of an enclosure.

"Meat", the part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; provided, however, that "meat" shall not include the muscle found in the lips, snout or ears.

"Multi-tiered aviary", a cage-free housing system in which hens have unfettered access to multiple elevated platforms that provide hens with usable floor space both on top of and underneath the platforms.

"Partially-slatted system", a cage-free housing system in which hens have unfettered access to elevated flat platforms under which manure drops through the flooring to a pit or litter removal belt below.

"Person", any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association or other legal entity.

"Pork meat", meat of a pig of the porcine species intended for use as human food.

"Sale", a commercial sale by a business that sells any item covered by section 3; provided, however, that "sale" shall not include any sale undertaken at an establishment at which inspection is provided under the federal Meat Inspection Act or any sale undertaken at an official

plant at which mandatory inspection is maintained under the federal Egg Products Inspection Act; provided further, that for purposes of this section, a "sale" shall be deemed to occur at the location where the buyer takes physical possession of an item covered by said section 3.

"Shell egg", a whole egg of an egg-laying hen in its shell form and intended for use as human food.

"Single-level all litter floor system", a cage-free housing system bedded with litter and in which hens have limited or no access to elevated flat platforms.

"Turning around freely", turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

"Uncooked", requiring cooking prior to human consumption.

"Usable floor space", the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to the hens in an enclosure by the number of hens in that enclosure; provided, however, that "usable floor space" shall include both ground space and elevated level or nearly level flat platforms upon which hens can roost; provided further, that "usable floor space" shall not include perches or ramps.

"Veal meat", meat of a calf raised for veal and intended for use as human food.

"Whole pork meat", any uncooked cut of pork, including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet, that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives; provided, however, that "whole pork meat" shall not include combination food products, including soups, sandwiches, pizzas, hot dogs or other similar processed or prepared food

products, that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

"Whole veal meat", any uncooked cut of veal, including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet, that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives; provided, however, that "whole veal meat" shall not include combination food products, including soups, sandwiches, pizzas, hot dogs or similar processed or prepared food products, that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

SECTION 4. Said chapter 333 is hereby further amended by striking out sections 6 and 7 and inserting in place thereof the following 2 sections:-

Section 6. The department of agricultural resources shall enforce the provisions of this act and may refer violations of this act for enforcement to the attorney general. Any such violation shall be punished by a civil fine not to exceed $1,000. The attorney general may also seek injunctive relief to prevent further violations of this act.

Section 7. It shall be a defense to any action to enforce this act that a business owner or operator relied in good faith upon a written certification or guarantee by the supplier that the shell egg, egg products, whole pork meat or whole veal meat at issue was not derived from a covered animal that was confined in a cruel manner or from the immediate offspring of a female pig that was confined in a cruel manner.

SECTION 5. Said chapter 333 is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. The department of agricultural resources, in consultation with the attorney general, shall promulgate rules and regulations for the implementation of this act regarding the respective authority of the department and attorney general not more than 6 months after the effective date of this act or December 1, 2021, whichever is sooner. Any authorized use of third-party validators in such rules or regulations to assist with compliance under this act shall be jointly approved by the secretary of energy and environmental affairs and the attorney general.

SECTION 6. Said chapter 333 is hereby further amended by striking out section 11 and inserting in place thereof the following 2 sections:-

Section 11. Section 2, clause (A) and clause (B) of section 3, and sections 4 to 7, inclusive, shall take effect on January 1, 2022.

Section 12. Clause (C) of section 3 shall take effect on January 1, 2023.;

By inserting before the enacting clause an emergency preamble: "*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to ensure hen welfare and establish uniform cage-free standards, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and

By striking out the title and inserting in place thereof the following title: "An Act further regulating hen welfare and establishing uniform cage-free standards".