

SENATE No. 2470

The Commonwealth of Massachusetts

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

SENATE, June 10, 2021.

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petitions (accompanied by bill, Senate, No. 36) of Jason M. Lewis, Jack Patrick Lewis, Angelo J. Puppolo, Jr., Sheila C. Harrington and other members of the General Court for legislation to further regulate the prevention of cruelty to farm animals; and (accompanied by bill, House, No. 864) of Daniel Cahill and others for legislation to further regulate the prevention of cruelty to farm animals, reports the accompanying bill (Senate, No. 2470).

For the committee,
Rebecca L. Rausch

SENATE No. 2470

The Commonwealth of Massachusetts

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

An Act to upgrade hen welfare and establish uniform cage-free standards.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 333 of the acts of 2016, as so appearing, is hereby
2 amended by adding in paragraph (A) after the words, “Shell egg” the words: -“and other egg
3 products”.

4 SECTION 2. Subsection (G) of section 4 of chapter 333 of the acts of 2016, as so
5 appearing, is hereby amended by inserting after the word ‘period’ the words:- , and in addition,
6 in the case of egg-laying hens, no more than twenty-four (24) hours total in any thirty (30) day
7 period

8 SECTION 3. Section 5 of said chapter 333 of the acts of 2016, as so appearing, is hereby
9 amended by striking section 5 and inserting in its place thereof the following:-

10 Section 5. For purposes of this Act, the following terms shall have the following
11 meanings:

12 (A) “Breeding pig” means any female pig of the porcine species kept for the purpose of
13 commercial breeding.

(B) “Business owner or operator” means any person who owns or controls the operations of a business.

(C) “Calf raised for veal” means any calf of the bovine species kept for the purpose of commercial production of veal meat.

(D) “Cage-free housing system” means 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, cage-free housing system includes, to the extent that such systems comply with the requirements of this subsection, multi-tiered aviaries, partially-slatted systems, single-level all litter floor systems and any future systems that will comply with the requirements of this paragraph; provided, however, cage-free housing system does not include systems commonly described as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, or furnished cages, or similar cage systems.

(E) “Covered animal” means any breeding pig, calf raised for veal, or egg-laying hen that is kept on a farm.

(F) “Confined in a cruel manner” means any of the following acts:

(1) Confining 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

(2) Confining an egg-laying hen:

(a) in an enclosure other than a cage-free housing system; or

(b) with less than:

(i) 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

(ii) 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.

(G) “Egg-laying hen” means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.

(H) “Egg products” means 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. “Egg products” do not include combination food products (including pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream, or similar food products)

(I) “Enclosure” means any cage, crate, or other structure used to confine a covered animal or animals. “Enclosure” includes 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.

(J) “Farm” means 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; and does 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.

(K) “Farm owner or operator” means any person who owns or controls the operations of a farm.

(L) “Fully extending the animal’s limbs” means fully extending all limbs without touching the side of an enclosure.

(M) “Multi-tiered aviary” means 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.

(N) “Partially-slatted system” means 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.

(O) “Person” means any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association, or other legal entity.

(P) “Pork meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig of the porcine species, intended for use as human food.

(Q) “Sale” means a commercial sale by a business that sells any item covered by Section 3, but does 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. 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 Section 3.

(R) “Shell egg” means a whole egg of an egg-laying hen in its shell form, intended for use as human food.

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

(T) “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

(U) “Uncooked” means requiring cooking prior to human consumption.

(V) “Usable floor space” means 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, usable floor space shall include both ground space and elevated level or nearly level flat platforms upon which hens can roost; provided, however, usable floor space shall not include perches or ramps.

(W) “Veal meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a calf raised for veal, intended for use as human food.

(X) “Whole pork meat” means 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. Whole pork meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

(Y) “Whole veal meat” means 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. Whole veal meat does 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.

106 SECTION 4. Chapter 333 of the acts of 2016, as so appearing, is hereby further amended
107 by striking section 7 and inserting in its place thereof the following:-

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

113 SECTION 5. Chapter 333 of the acts of 2016, as so appearing, is hereby further amended
114 by striking section 10, and inserting in its place thereof the following:-

115 Section 10. The department of agricultural resources shall, with the advice and consent of
116 the attorney general, promulgate rules and regulations for the implementation of this Act,
117 concerning each department's respective authority, within six months after the effective date of
118 this Act, and no later than December 1, 2021. Any authorized use of third-party validators in
119 such rules or regulations to assist with compliance under this Act shall be jointly approved by the
120 secretary of the executive office of energy and environmental affairs and the Attorney General.

121 SECTION 6. Sections 2 to 5, inclusive, shall take effect on January 1, 2022.