

SENATE BILL 806

M4
SB 193/24 – EEE

5lr1434
CF HB 834

By: **Senator Kramer**

Introduced and read first time: January 28, 2025

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; and generally relating to confinement of egg-laying hens in
9 commercial egg production.

10 BY adding to

11 Article – Agriculture
12 Section 3–1101 through 3–1108 to be under the new subtitle “Subtitle 11.
13 Confinement of Egg-Laying Hens in Commercial Egg Production”
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Agriculture
18 Section 4–301(a) and (h)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2024 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Agriculture**

24 **SUBTITLE 11. CONFINEMENT OF EGG-LAYING HENS IN COMMERCIAL EGG**
25 **PRODUCTION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **3-1101.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) (1) “BUSINESS OWNER OR OPERATOR” MEANS ANY PERSON THAT
5 OWNS OR CONTROLS THE OPERATIONS OF A BUSINESS.

6 (2) “BUSINESS OWNER OR OPERATOR” INCLUDES A PERSON THAT
7 OWNS OR CONTROLS THE OPERATIONS OF:

8 (I) A RETAIL BUSINESS;

9 (II) A WHOLESALE BUSINESS;

10 (III) A DISTRIBUTION BUSINESS; OR

11 (IV) A FOOD SERVICE BUSINESS.

12 (C) (1) “CAGE-FREE HOUSING SYSTEM” MEANS AN INDOOR OR OUTDOOR
13 CONTROLLED ENVIRONMENT FOR EGG-LAYING HENS WITHIN WHICH HENS:

14 (I) ARE FREE TO ROAM UNRESTRICTED;

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

18 (III) MAY BE PROVIDED CARE BY EMPLOYEES WHILE WITHIN
19 THE HENS’ USABLE FLOOR SPACE.

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

21 (I) MULTITIERED AVIARIES IN WHICH EGG-LAYING HENS HAVE
22 UNFETTERED ACCESS TO MULTIPLE ELEVATED PLATFORMS THAT PROVIDE THE
23 EGG-LAYING HENS WITH USABLE FLOOR SPACE ON TOP OF AND BELOW THE
24 PLATFORMS;

25 (II) PARTIALLY SLATTED SYSTEMS IN WHICH EGG-LAYING
26 HENS HAVE UNFETTERED ACCESS TO ELEVATED PLATFORMS UNDER WHICH
27 MANURE DROPS THROUGH THE FLOORING TO A PIT OR LITTER REMOVAL BELT
28 BELOW;

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

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

(3) "CAGE-FREE HOUSING SYSTEM" DOES NOT INCLUDE SYSTEMS COMMONLY DESCRIBED AS BATTERY CAGES, COLONY CAGES, ENRICHED CAGES, ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES, FURNISHED CAGES, OR SIMILAR CAGE SYSTEMS.

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

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

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

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

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

(G) "SALE" MEANS A COMMERCIAL SALE OF SHELL EGGS OR EGG PRODUCTS.

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

(I) (1) "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 THE FLOOR SPACE PROVIDED TO THE EGG-LAYING

HENS IN THE ENCLOSURE BY THE NUMBER OF EGG-LAYING HENS IN THAT ENCLOSURE.

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

(3) "USABLE FLOOR SPACE" DOES NOT INCLUDE PERCHES OR RAMPS.

3-1102.

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

3-1103.

THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO THE PRODUCTION IN THE STATE OR THE SALE IN THE STATE OF SHELL EGGS BY A FARM OWNER OR OPERATOR THAT ANNUALLY PRODUCES SHELL EGGS FROM FEWER THAN 5,000 EGG-LAYING HENS, IF ALL SHELL EGGS SOLD IN THE STATE BY THE FARM OWNER OR OPERATOR ARE DERIVED FROM THE 5,000 OR FEWER EGG-LAYING HENS.

3-1104.

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

(1) MEDICAL RESEARCH;

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

(3) TRANSPORTING EGG-LAYING HENS;

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

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

(B) ON AND AFTER JANUARY 1, 2030, A FARM OWNER OR OPERATOR MAY NOT KNOWINGLY CONFINED AN EGG-LAYING HEN IN AN ENCLOSURE THAT:

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

(2) HAS LESS THAN 1.0 SQUARE FOOT OF USABLE FLOOR SPACE PER HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES EGG-LAYING HENS WITH UNFETTERED ACCESS TO VERTICAL SPACE, SUCH AS A MULTITIERED AVIARY OR A PARTIALLY SLATTED SYSTEM; OR

(3) HAS LESS THAN 1.5 SQUARE FEET OF USABLE FLOOR SPACE PER HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT PROVIDE EGG-LAYING HENS WITH UNFETTERED ACCESS TO VERTICAL SPACE, SUCH AS A MULTITIERED AVIARY OR A PARTIALLY SLATTED SYSTEM.

3-1105.

(A) IN THIS SECTION, A SALE IS DEEMED TO OCCUR AT THE LOCATION WHERE THE BUYER TAKES PHYSICAL POSSESSION OF THE SHELL EGGS OR EGG PRODUCTS.

(B) ON AND AFTER JANUARY 1, 2030, A BUSINESS OWNER OR OPERATOR OR FARM OWNER OR OPERATOR MAY NOT SELL SHELL EGGS OR EGG PRODUCTS THAT THE OWNER OR OPERATOR KNOWS OR SHOULD HAVE KNOWN WERE PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED IN A MANNER INCONSISTENT WITH § 3-1104 OF THIS SUBTITLE.

(C) IT IS A DEFENSE TO ANY ACTION TO ENFORCE THIS SUBTITLE THAT A BUSINESS OWNER OR OPERATOR RELIED IN GOOD FAITH ON A WRITTEN CERTIFICATION OBTAINED THAT THE SHELL EGGS OR EGG PRODUCTS AT ISSUE WERE NOT DERIVED FROM EGG-LAYING HENS THAT WERE CONFINED IN A MANNER INCONSISTENT WITH § 3-1104 OF THIS SUBTITLE.

3-1106.

THE SECRETARY SHALL:

(1) ADMINISTER AND ENFORCE THIS SUBTITLE; AND

(2) ON OR BEFORE JULY 1, 2027, ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

3-1107.

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

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

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

3-1108.

(A) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE SECRETARY UNDER § 3-1107 OF THIS SUBTITLE, THE SECRETARY SHALL IMPOSE A CIVIL PENALTY FOR EACH VIOLATION IN AN AMOUNT NOT EXCEEDING:

(1) \$500 FOR A FIRST VIOLATION;

(2) \$1,000 FOR A SECOND VIOLATION; AND

(3) \$2,000 FOR A THIRD OR SUBSEQUENT VIOLATION.

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

4-301.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2025.