

# SENATE BILL 690

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CF 3lr2195

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By: **Senator Lewis Young**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

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## 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 3-1106 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 2022 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 2022 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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**3-1101.**

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

(B) (1) "CAGE-FREE HOUSING SYSTEM" MEANS AN INDOOR OR OUTDOOR  
CONTROLLED ENVIRONMENT FOR EGG-LAYING HENS WITHIN WHICH HENS:

(I) ARE FREE TO ROAM UNRESTRICTED;

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

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

(2) "CAGE-FREE HOUSING SYSTEM" INCLUDES:

(I) MULTITIERED AVIARIES;

(II) PARTIALLY SLATTED SYSTEMS;

(III) SINGLE-LEVEL ALL-LITTER FLOOR SYSTEMS; 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.

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

(D) (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.

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

4           **(3) “EGG PRODUCTS” DOES NOT INCLUDE COMBINATION FOOD**  
5 **PRODUCTS THAT ARE COMPOSED OF MORE THAN JUST EGG.**

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

11           **(F) “FARM OWNER OR OPERATOR” DOES NOT INCLUDE AN OWNER OR**  
12 **OPERATOR OF A FARM THAT PRODUCES SHELL EGGS FROM FEWER THAN 3,000**  
13 **EGG-LAYING HENS.**

14           **(G) “SHELL EGGS” HAS THE MEANING STATED IN § 4-301 OF THIS ARTICLE.**

15           **(H) (1) “USABLE FLOOR SPACE” MEANS THE TOTAL SQUARE FOOTAGE OF**  
16 **FLOOR SPACE PROVIDED TO EACH EGG-LAYING HEN, AS CALCULATED BY DIVIDING**  
17 **THE TOTAL SQUARE FOOTAGE OF THE FLOOR SPACE IN THE ENCLOSURE BY THE**  
18 **NUMBER OF EGG-LAYING HENS IN THAT ENCLOSURE.**

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

21           **(3) “USABLE FLOOR SPACE” DOES NOT INCLUDE PERCHES OR RAMPS.**  
22 **3-1102.**

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

25           **(1) MEDICAL RESEARCH;**

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

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

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

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

6           **(B) ON AND AFTER JANUARY 1, 2025, A FARM OWNER OR OPERATOR MAY**  
7 **NOT KNOWINGLY CONFINED AN EGG-LAYING HEN IN AN ENCLOSURE THAT:**

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

9           **(2) HAS LESS THAN 1.0 SQUARE FOOT OF USABLE FLOOR SPACE PER**  
10 **HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES VERTICAL SPACE; OR**

11           **(3) HAS LESS THAN 1.5 SQUARE FEET OF USABLE FLOOR SPACE PER**  
12 **HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT PROVIDE VERTICAL SPACE.**

13 **3-1103.**

14           **(A) ON AND AFTER JANUARY 1, 2025, A BUSINESS OWNER OR OPERATOR OR**  
15 **FARM OWNER OR OPERATOR MAY NOT SELL SHELL EGGS OR EGG PRODUCTS:**

16           **(1) THAT THE OWNER OR OPERATOR KNOWS OR SHOULD HAVE**  
17 **KNOWN WERE PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED IN A**  
18 **MANNER IN VIOLATION OF § 3-1102 OF THIS SUBTITLE; OR**

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

20           **(B) IN ADDITION TO THE REQUIREMENTS UNDER TITLE 4, SUBTITLE 3 OF**  
21 **THIS ARTICLE, BEGINNING JANUARY 1, 2025, TO SELL SHELL EGGS OR EGG**  
22 **PRODUCTS:**

23           **(1) A FARM OWNER OR OPERATOR SHALL OBTAIN A CERTIFICATE**  
24 **FROM THE DEPARTMENT VERIFYING THAT THE SHELL EGGS OR EGG PRODUCTS ARE**  
25 **PRODUCED IN COMPLIANCE WITH § 3-1102 OF THIS SUBTITLE; AND**

26           **(2) IF A FARM OWNER OR OPERATOR IS REQUIRED TO OBTAIN A**  
27 **CERTIFICATE FROM THE DEPARTMENT UNDER ITEM (1) OF THIS SUBSECTION, A**  
28 **BUSINESS OWNER OR OPERATOR SHALL OBTAIN A COPY OF THE CERTIFICATE FROM**  
29 **THE FARM OWNER OR OPERATOR BEFORE SELLING THE SHELL EGGS OR EGG**  
30 **PRODUCTS FROM THAT FARM.**

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

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

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

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

9           **(D) (1) THE DEPARTMENT MAY NOT ISSUE A CERTIFICATE VERIFYING**  
10 **THAT THE SHELL EGGS OR EGG PRODUCTS ARE PRODUCED IN COMPLIANCE WITH §**  
11 **3-1102 OF THIS SUBTITLE TO A FARM OWNER OR OPERATOR UNLESS THE FARM**  
12 **ENCLOSURES FOR THE EGG-LAYING HENS HAVE BEEN INSPECTED OR VERIFIED IN**  
13 **ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 3-1104 OF THIS SUBTITLE.**

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

17 **3-1104.**

18           **(A) (1) THE SECRETARY SHALL:**

19                           **(I) ADMINISTER AND ENFORCE THIS SUBTITLE; AND**

20                           **(II) ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF**  
21 **THIS SUBTITLE.**

22                           **(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL**  
23 **INCLUDE PROVISIONS GOVERNING THE INSPECTION OF FARMS, SHELL EGGS, AND**  
24 **EGG PRODUCTS TO ENSURE THAT SHELL EGGS AND EGG PRODUCTS ARE PRODUCED**  
25 **IN COMPLIANCE WITH THIS SUBTITLE.**

26           **(B) ON NOTICE BY THE SECRETARY, A FARM OWNER OR OPERATOR OR A**  
27 **BUSINESS OWNER OR OPERATOR SHALL ALLOW THE SECRETARY ACCESS DURING**  
28 **REGULAR BUSINESS HOURS TO A FARM, BUSINESS, VEHICLE, OR RECORD RELATED**  
29 **TO THE ACTIVITIES REGULATED UNDER THIS SUBTITLE.**

1           **(C) THE SECRETARY MAY USE A GOVERNMENT OR PRIVATE INSPECTION OR**  
2 **PROCESS VERIFICATION PROVIDER THAT IS APPROVED BY THE SECRETARY TO**  
3 **ENSURE COMPLIANCE WITH THIS SUBTITLE.**

4 **3-1105.**

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

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

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

14 **3-1106.**

15           **(A) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE**  
16 **SECRETARY UNDER § 3-1105 OF THIS SUBTITLE, THE SECRETARY SHALL IMPOSE A**  
17 **CIVIL PENALTY OF \$5,000 FOR EACH VIOLATION OF THIS SUBTITLE.**

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

20 **4-301.**

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

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

24           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June**  
25 **1, 2023.**