

1 them to exhibit natural behaviors, including scratch areas,
2 perches, nest boxes, and dust bathing areas; and within which
3 farm employees can provide care while standing within the hens'
4 usable floor space. "Cage-free housing system" includes:

- 5 (1) Multi-tiered aviaries;
- 6 (2) Partially-slatted systems; and
- 7 (3) Single-level all-litter floor systems.

8 "Cage-free housing systems" does not include systems
9 commonly described as battery cages, colony cages, enriched
10 cages, enriched colony cages, modified cages, convertible cages,
11 furnished cages, or similar cage systems.

12 "Confined in a cruel manner" means the confinement of an
13 egg-laying hen in an enclosure other than a cage-free housing
14 system with less than:

- 15 (1) One square foot of usable floor space per hen in
16 multi-tiered aviaries, partially-slatted systems, or
17 any other cage-free system that provides hens with
18 unfettered access to vertical space; or
- 19 (2) One and a half square feet of usable floor space per
20 hen in a single-level all-litter floor system, or any



1 other cage-free system that does not provide hens with
2 unfettered access to vertical space.

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

6 "Egg products" means eggs of an egg-laying hen broken from
7 the shells and intended for human food, whether in liquid,
8 solid, dried, or frozen form; whether raw or cooked; and with
9 the yolks and whites in their natural proportions, or with the
10 yolks and whites separated, mixed, or mixed and strained. The
11 term does not include combination food products, including
12 pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice
13 cream, or similar food products that consist of more than egg
14 products, sugar, salt, water, seasoning, coloring, flavoring,
15 preservatives, stabilizers, and similar food additives.

16 "Enclosure" means a structure used to confine an egg-laying
17 hen or hens.

18 "Farm" means the land, building, support facilities, and
19 other equipment that are wholly or partially used for the
20 commercial production of animals or animal products used for
21 food. The term does not include live animal markets,



1 establishments, or other official plants at which mandatory
2 inspection is maintained under the Federal Egg Products
3 Inspection Act (21 U.S.C. section 1031, et seq.).

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

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

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

14 "Person" means any individual, firm, partnership, joint
15 venture, association, limited liability company, corporation,
16 estate, trust, receiver, or syndicate.

17 "Sale" means a commercial sale by a business that sells any
18 item covered by this chapter, but does not include any sale
19 undertaken at an establishment at which mandatory inspection is
20 maintained under the Federal Egg Products Inspection Act (21
21 U.S.C. section 1031, et seq.). For purposes of this chapter, a



1 "sale" shall be deemed to occur at the location where the buyer
2 takes physical possession of the item.

3 "Shell egg" means a whole egg of an egg-laying hen in its
4 shell form that is intended for use as human food.

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

8 "Usable floor space" means the total square footage of
9 floor space provided to each egg-laying hen, as calculated by
10 dividing the total square footage of floor space provided to the
11 animals in an enclosure by the number of animals in that
12 enclosure. In the case of egg-laying hens, "usable floor space"
13 includes both ground space and elevated level or nearly level
14 flat platforms upon which hens can roost but does not include
15 perches or ramps.

16 § -B Prohibitions. (a) Notwithstanding any other
17 provision of law to the contrary, beginning December 31, 2025,
18 it shall be unlawful for a farm owner or operator within the
19 State to knowingly cause any egg-laying hen to be confined in a
20 cruel manner.



1 (b) Notwithstanding any other provision of law to the
2 contrary, beginning December 31, 2025, it shall be unlawful for
3 a business owner or operator to knowingly engage in the sale in
4 the State of any shell egg or egg product that the business
5 owner or operator knows or should know was produced by an egg-
6 laying hen that was confined in a cruel manner.

7 § **-C Exceptions.** This chapter shall not apply during:

- 8 (1) Medical research;
- 9 (2) Examination, testing, or individual treatment or
10 operation for veterinary purposes performed by or
11 under the direct supervision of a veterinarian;
- 12 (3) Transportation;
- 13 (4) State or county fair exhibitions, 4-H programs, and
14 similar exhibitions;
- 15 (5) Slaughter in accordance with any applicable laws,
16 rules, and regulations; or
- 17 (6) Temporary periods for animal husbandry purposes for no
18 more than six hours in a twenty-four hour period and
19 no more than twenty-four hours total in a thirty-day
20 period.



1 § **-D Applicability.** This chapter shall not apply to a
2 farm owner or operator who exclusively produces shell eggs, with
3 an annual egg production from a flock of ten thousand or fewer
4 egg-laying hens provided that:

- 5 (1) The farm owner or operator does not knowingly cause
6 any egg-laying hen to be confined with less than one
7 square foot of usable floor space per hen, unless such
8 confinement is exempt pursuant to section -C; and
9 (2) Any egg-laying hen added to the flock after
10 December 31, 2025, that raises the farm's total flock
11 size to more than ten thousand egg-laying hens is not
12 confined in a cruel manner.

13 § **-E Penalties.** (a) Any person who violates any
14 provision of this chapter shall be subject to a fine in an
15 amount not less than \$500 and not to exceed \$1,000 per
16 violation.

17 (b) In addition to the penalties listed in subsection (a),
18 a violation of section -B(b) shall be considered an unfair
19 method of competition and unfair or deceptive trade practice
20 under chapter 481A, upon which any person may bring an action.



1 § **-F Defense.** It shall be a defense to any action to
2 enforce this chapter that a business owner or operator relied in
3 good faith upon a written certification by the supplier that the
4 shell egg or egg product was not derived from an egg-laying hen
5 that was confined in a cruel manner.

6 § **-G Rules.** The department of agriculture shall adopt
7 rules, pursuant to chapter 91, necessary for the purposes of
8 this chapter.

9 § **-H Construction.** The provisions of this chapter shall
10 be in addition to, and not in lieu of, any other law protecting
11 animal welfare. This chapter shall not be construed to limit
12 any other state laws or rules protecting the welfare of animals
13 or to prevent the counties from adopting and enforcing
14 ordinances, laws, and rules that are more restrictive than this
15 chapter."

16 SECTION 3. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



H.B. NO. 538

1 SECTION 4. In codifying the new sections added by
2 section 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 22 2021



H.B. NO. 538

Report Title:

Egg-Laying Hens; Confinement Standards; Agriculture

Description:

Requires farm owner or operators to confine egg-laying hens in accordance with the standards established in this measure. Effective 12/31/25, prohibits a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a cruel manner.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

