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# A BILL FOR AN ACT

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RELATING TO FARM ANIMALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to improve the  
2 regulation of egg production and sales to protect the health and  
3 welfare of consumers, promote food safety, advance animal  
4 welfare, and protect against the negative fiscal effects on the  
5 State associated with the lack of effective regulation of egg  
6 production and sales.

7       SECTION 2. Chapter 147, Hawaii Revised Statutes, is  
8 amended by adding two new sections to part V to be appropriately  
9 designated and to read as follows:

10       "§147-A United States Department of Agriculture certified  
11 cage free grademark or seal; sale of shell eggs in the State.

12       (a) Beginning January 1, 2028, notwithstanding any other  
13 provision of law to the contrary, it shall be unlawful for a  
14 farm owner or operator, or a business owner or operator, to sell  
15 or offer for sale for human consumption any shell egg in the  
16 State that has not been certified by the United States  
17 Department of Agriculture as being cage free, as evidenced by



1 the United States Department of Agriculture grademark or shield  
2 indicating that the shell egg is certified cage free.

3 (b) This section shall not apply to:

4 (1) Commercial caged premises with a table-egg layer flock  
5 of less than seventy-five thousand egg-laying hens;

6 (2) Commercial cage free premises with a table-egg layer  
7 flock of less than seventy-five thousand egg-laying  
8 hens; or

9 (3) A business owner or operator who knowingly purchases  
10 any shell egg generated from a commercial premises  
11 that is exempt from this section.

12 (c) Any person who violates any provision of this section  
13 shall be subject to a fine in an amount not less than \$500 and  
14 not to exceed \$1,000 per violation.

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

19 (e) The department of agriculture shall adopt rules  
20 pursuant to chapter 91 necessary for the purposes of this  
21 section.



1        (f) As used in this section:

2        "Business owner or operator" means any person who owns or  
3 controls the operations of a business.

4        "Egg-laying hen" means a female domesticated chicken kept  
5 for the purpose of commercial egg production.

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

8        "Sale" means a commercial sale by a business that sells any  
9 item covered by this section, but does not include any sale  
10 undertaken at an establishment at which mandatory inspection is  
11 maintained under the Federal Egg Products Inspection Act (21  
12 U.S.C. section 1031, et seq.).

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

15        "Table-egg layer" shall have the same meaning as contained  
16 in title 9 Code of Federal Regulations section 146.21.

17        **\$147-B Cage free matching grant program; establishment.**

18        (a) There is established the cage free matching grant program  
19 within the department to provide farm owners or operators and  
20 business owners or operators with matching grants to assist the  
21 farm owner or operator or business owner or operator in



1 converting their operations to meet the cage free certification  
2 requirements under section 147-A.

3 (b) The department shall receive and review grant  
4 applications and award grants to qualifying farm owners or  
5 operators and business owners or operators.

6 (c) No funds shall be made available or provided under the  
7 cage free matching grant program unless matched dollar for  
8 dollar with funds provided by the qualifying farm owner or  
9 operator or business owner or operator.

10 (d) The department of agriculture shall adopt rules  
11 pursuant to chapter 91 establishing requirements and procedures  
12 necessary for implementing the cage free matching grant  
13 program."

14 SECTION 3. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so  
16 much thereof as may be necessary for fiscal year 2022-2023 for  
17 the cage free matching grant program established by section  
18 147-B, Hawaii Revised Statutes.

19 The sum appropriated shall be expended by the department of  
20 agriculture for the purposes of this Act.



1       SECTION 4. If any provision of this Act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the Act that can be given effect without the  
5 invalid provision or application, and to this end the provisions  
6 of this Act are severable.

7       SECTION 5. In codifying the new sections added by section  
8 2 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11       SECTION 6. New statutory material is underscored.

12       SECTION 7. This Act shall take effect upon its approval  
13 and shall be repealed on June 30, 2032; provided that:

14       (1) Section 3 of this Act shall take effect on July 1,  
15       2022; and

16       (2) Section 147-B, Hawaii Revised Statutes, shall be  
17       repealed on June 30, 2027.

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# S.B. NO. 346 S.D. 2 H.D. 1

**Report Title:**

USDA Grademark; USDA Shield; Sale of Shell Eggs; Certified Cage Free; Cage Free Matching Grant Program; Appropriation

**Description:**

Effective 1/1/2028, makes it unlawful for farm owners or operators and business owners or operators to sell or offer for sale any shell egg in the State that is not USDA certified cage free, as evidenced by a USDA certified cage free grademark or shield. Exempts certain commercial table-egg layer premises. Establishes the cage free matching grant program until 6/30/2027. Establishes penalties. Requires DOA to establish rules. Appropriates funds. Repeals on 6/30/2032. (HD1)

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

