

In 2016, Massachusetts voters passed a ballot initiative (An Act to Prevent Cruelty to Farm Animals) mandating that all pork, veal, and eggs sold in Massachusetts must come from animals not confined cruelly. Cruel confinement was defined as “confined so as to prevent a covered animal from lying down, standing up, fully extending the animal’s limbs, or turning around freely.” For hens, “fully extending the animal’s limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.5 square feet of usable floor space per hen.” The law was set to go into effect on January 1, 2022, with the Attorney General’s office in charge of enforcement. However, warnings of shortages and drastic price increases from those in the egg and pork industries sparked the Massachusetts Legislature to amend the voter-passed law before it went into effect. Lobbyists claimed that the law would make Massachusetts an outlier and that in the five years since the ballot initiative, acceptable standards for hens had shifted to focus on the availability of vertical space. The amended legislation would allow just 1 square foot of floor space per hen, as long as the hens are 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.” Enclosures without vertical space would still require 1.5 square feet per hen.

In June 2021, the Senate unanimously approved a bill (S 2481) amending the hen requirements during an unrecorded voice vote. In October 2021, the House passed a similar bill (H 4194) with a 156-1 vote. The House’s bill made the same change regarding hens, but also shifted the law’s enforcement from the Attorney General to the Department of Agricultural Resources and delayed the ban on pork from cruelly confined pigs until January 1, 2023. In mid-October, a six-person conference committee was appointed to negotiate the differences in the two bills.

The conference committee negotiated for months, sparking public attention and warnings about the potential egg shortage that could result if they did not reach a solution. The committee reported the final bill (S 2603) just weeks before the original law was set to go into effect, on December 20, 2021. The final bill included the hen square footage amendment, delayed the pork ban until August 15, 2022, and shifted enforcement from the Attorney General to the Department of Agricultural Resources, who would consult with the Attorney General. The bill was enacted by the House and Senate on December 20, 2021, and signed by Gov. Baker on December 22, 2021.

In May 2021, the Joint Committee on Environment, Natural Resources, and Agriculture heard testimony from several proponents of the bill's modified standards at a hearing. William Bell, the general manager of the New England Brown Egg Council, and Stephanie Harris, the Senior Legislative Affairs Manager for the Animal League Defense Fund, both spoke in support of the bill. According to Harris' testimony, the bill's reform brought together former opponents of the ballot initiative and had the support of more than a dozen animal protection organizations and all 10 of initial signers of the petition. In addition, Bell testified that only one commercial-grade egg producer in Massachusetts, The Country Hen, would meet the cage-free standards, and that they submitted written testimony in support of the bill.

I am awaiting further documents from the Committee on Environment, Natural Resources, & Agriculture. A contact from Senator Rebecca Rausch's office said they will send the information after the Senate budget deliberations.