

HOUSE No. 4194

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 5, 2021.

The committee on Ways and Means, to whom was referred the Bill upgrading hen welfare and establishing uniform cage-free standards (Senate, No. 2481), reports recommending that the same ought to pass with amendments by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4194; inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure hen welfare and establish uniform cage-free standards, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and

By striking out the title and inserting in place thereof the following title: “An Act further regulating hen welfare and establishing uniform cage-free standards.”.

For the committee,

AARON MICHLEWITZ.

HOUSE No. 4194

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Clause (A) of section 3 of chapter 333 of the acts of 2016 is hereby
2 amended by inserting after the word “egg” the following words:- and other egg products.

3 SECTION 2. Clause (G) of section 4 of said chapter 333 is hereby amended by inserting
4 after the word “period” the following words:- ; provided, however, that in the case of egg-laying
5 hens, for not more than 24 hours total in any 30-day period.

6 SECTION 3. Said chapter 333 is hereby further amended by striking out section 5 and
7 inserting in place thereof the following section:-

8 Section 5. For purposes of this act, the following words shall have the following
9 meanings:

10 “Breeding pig”, any female pig of the porcine species kept for the purpose of commercial
11 breeding.

12 “Business owner or operator”, any person who owns or controls the operations of a
13 business.

CORRECTED

14 “Cage-free housing system”, an indoor or outdoor controlled environment for egg-laying
15 hens within which hens are free to roam unrestricted, are provided enrichments that allow them
16 to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest boxes and dust
17 bathing areas, and within which farm employees can provide care while standing within the
18 hens’ usable floor space; provided, however, that “cage-free housing system” shall include, to
19 the extent that such systems comply with the requirements of this definition, multi-tiered
20 aviaries, partially-slatted systems, single-level all litter floor systems and any future systems that
21 will comply with the requirements of this definition; provided further, that “cage-free housing
22 system” shall not include systems commonly described as “battery cages”, “colony cages”,
23 “enriched cages”, “enriched colony cages”, “modified cages”, “convertible cages” or “furnished
24 cages” or other similar cage systems.

25 “Calf raised for veal”, any calf of the bovine species kept for the purpose of commercial
26 production of veal meat.

27 “Confined in a cruel manner”, confining: (i) a calf raised for veal or a breeding pig in a
28 manner that prevents the animal from lying down, standing up, fully extending the animal’s
29 limbs or turning around freely; or (ii) an egg-laying hen in an enclosure other than a cage-free
30 housing system or with less than:

31 (A) 1 square foot of usable floor space per hen in multi-tiered aviaries, partially-slatted
32 cage-free housing systems or any other cage-free housing system that provides hens with
33 unfettered access to vertical space; or

CORRECTED

34 (B) 1.5 square feet of usable floor space per hen in single-level, all-litter floor cage-free
35 housing systems or any other cage-free housing system that does not provide hens with
36 unfettered access to vertical space.

37 “Covered animal”, any breeding pig, calf raised for veal or egg-laying hen that is kept on
38 a farm.

39 “Egg-laying hen”, any female domesticated chicken, turkey, duck, goose or guinea fowl
40 kept for the purpose of commercial egg production.

41 “Egg products”, eggs of an egg-laying hen broken from the shells, intended for human
42 food, whether in liquid, solid, dried or frozen form, whether raw or cooked, and with the yolks
43 and whites in their natural proportions or with the yolks and whites separated, mixed or mixed
44 and strained; provided, however, that “egg products” shall not include combination food
45 products, including pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream or
46 other similar food products.

47 “Enclosure”, any cage, crate or other structure used to confine a covered animal or
48 animals; provided, however, that “enclosure” shall include what is commonly described as a
49 “gestation crate” or “stall” for pigs during pregnancy, a “veal crate” for calves raised for veal and
50 a “battery cage”, “enriched cage” or “colony cage” for egg-laying hens.

51 “Farm”, the land, building, support facilities and other equipment that are wholly or
52 partially used for the commercial production of animals or animal products used for food;
53 provided, however, that “farm” shall not include live animal markets, establishments at which
54 inspection is provided under the federal Meat Inspection Act or official plants at which
55 mandatory inspection is maintained under the federal Egg Products Inspection Act.

CORRECTED

56 “Farm owner or operator”, any person who owns or controls the operations of a farm.

57 “Fully extending the animal’s limbs”, fully extending all limbs without touching the side
58 of an enclosure.

59 “Meat”, the part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or
60 which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without
61 the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood
62 vessels which normally accompany the muscle tissue and which are not separated from it in the
63 process of dressing; provided, however, that “meat” shall not include the muscle found in the
64 lips, snout or ears.

65 “Multi-tiered aviary”, a cage-free housing system in which hens have unfettered access to
66 multiple elevated platforms that provide hens with usable floor space both on top of and
67 underneath the platforms.

68 “Partially-slatted system”, a cage-free housing system in which hens have unfettered
69 access to elevated flat platforms under which manure drops through the flooring to a pit or litter
70 removal belt below.

71 “Person”, any individual, firm, partnership, joint venture, limited liability corporation,
72 estate, trust, receiver, syndicate, association or other legal entity.

73 “Pork meat”, meat of a pig of the porcine species intended for use as human food.

74 “Sale”, a commercial sale by a business that sells any item covered by section 3;
75 provided, however, that “sale” shall not include any sale undertaken at an establishment at which
76 inspection is provided under the federal Meat Inspection Act or any sale undertaken at an official

CORRECTED

77 plant at which mandatory inspection is maintained under the federal Egg Products Inspection
78 Act; provided further, that for purposes of this section, a “sale” shall be deemed to occur at the
79 location where the buyer takes physical possession of an item covered by said section 3.

80 “Shell egg”, a whole egg of an egg-laying hen in its shell form and intended for use as
81 human food.

82 “Single-level all litter floor system”, a cage-free housing system bedded with litter and in
83 which hens have limited or no access to elevated flat platforms.

84 “Turning around freely”, turning in a complete circle without any impediment, including
85 a tether, and without touching the side of an enclosure or another animal.

86 “Uncooked”, requiring cooking prior to human consumption.

87 “Usable floor space”, the total square footage of floor space provided to each egg-laying
88 hen, as calculated by dividing the total square footage of floor space provided to the hens in an
89 enclosure by the number of hens in that enclosure; provided, however, that “usable floor space”
90 shall include both ground space and elevated level or nearly level flat platforms upon which hens
91 can roost; provided further, that “usable floor space” shall not include perches or ramps.

92 “Veal meat”, meat of a calf raised for veal and intended for use as human food.

93 “Whole pork meat”, any uncooked cut of pork, including bacon, ham, chop, ribs, riblet,
94 loin, shank, leg, roast, brisket, steak, sirloin or cutlet, that is comprised entirely of pork meat,
95 except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives;
96 provided, however, that “whole pork meat” shall not include combination food products,
97 including soups, sandwiches, pizzas, hot dogs or other similar processed or prepared food

CORRECTED

98 products, that are comprised of more than pork meat, seasoning, curing agents, coloring,
99 flavoring, preservatives and similar meat additives.

100 “Whole veal meat”, any uncooked cut of veal, including chop, ribs, riblet, loin, shank,
101 leg, roast, brisket, steak, sirloin or cutlet, that is comprised entirely of veal meat, except for
102 seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives; provided,
103 however, that “whole veal meat” shall not include combination food products, including soups,
104 sandwiches, pizzas, hot dogs or similar processed or prepared food products, that are comprised
105 of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar
106 meat additives.

107 SECTION 4. Said chapter 333 is hereby further amended by striking out sections 6 and 7
108 and inserting in place thereof the following 2 sections:-

109 Section 6. The department of agricultural resources shall enforce the provisions of this act
110 and may refer violations of this act for enforcement to the attorney general. Any such violation
111 shall be punished by a civil fine not to exceed \$1,000. The attorney general may also seek
112 injunctive relief to prevent further violations of this act.

113 Section 7. It shall be a defense to any action to enforce this act that a business owner or
114 operator relied in good faith upon a written certification or guarantee by the supplier that the
115 shell egg, egg products, whole pork meat or whole veal meat at issue was not derived from a
116 covered animal that was confined in a cruel manner or from the immediate offspring of a female
117 pig that was confined in a cruel manner.

118 SECTION 5. Said chapter 333 is hereby further amended by striking out section 10 and
119 inserting in place thereof the following section:-

CORRECTED

120 Section 10. The department of agricultural resources, in consultation with the attorney
121 general, shall promulgate rules and regulations for the implementation of this act regarding the
122 respective authority of the department and attorney general not more than 6 months after the
123 effective date of this act or December 1, 2021, whichever is sooner. Any authorized use of third-
124 party validators in such rules or regulations to assist with compliance under this act shall be
125 jointly approved by the secretary of energy and environmental affairs and the attorney general.

126 SECTION 6. Said chapter 333 is hereby further amended by striking out section 11 and
127 inserting in place thereof the following 2 sections:-

128 Section 11. Section 2, clause (A) and clause (B) of section 3, and sections 4 to 7,
129 inclusive, shall take effect on January 1, 2022.

130 Section 12. Clause (C) of section 3 shall take effect on January 1, 2023.;

131 By inserting before the enacting clause an emergency preamble: “*Whereas*, The deferred
132 operation of this act would tend to defeat its purpose, which is to ensure hen welfare and
133 establish uniform cage-free standards, therefore it is hereby declared to be an emergency law,
134 necessary for the immediate preservation of the public convenience.”; and

135 By striking out the title and inserting in place thereof the following title: “An Act further
136 regulating hen welfare and establishing uniform cage-free standards”.