

SENATE No. 2481

The Commonwealth of Massachusetts

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

SENATE, June 21, 2021.

The committee on Senate Ways and Means, to whom was referred the Senate Bill to upgrade hen welfare and establish uniform cage-free standards (Senate, No. 2470),- reports, recommending that the same ought to pass with an amendment substituting a new draft entitled “An Act upgrading hen welfare and establishing uniform cage-free standards” (Senate, No. 2481).

For the committee,
Michael J. Rodrigues

SENATE No. 2481

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

An Act upgrading hen welfare and establishing uniform cage-free standards.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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 its place thereof the following section:-

8 Section 5. For purposes of this act, the following terms 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.

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

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

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

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

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

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

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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

124 SECTION 6. Sections 2 to 5, inclusive, shall take effect on January 1, 2022.