

SENATE No. 36

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to upgrade hen welfare and establish uniform cage-free standards.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/1/2021</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/1/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/9/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/10/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/11/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/18/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/19/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/23/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/1/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/1/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/8/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/10/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/7/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>5/10/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>6/2/2021</i>

SENATE No. 36

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 36) of Jason M. Lewis, Jack Patrick Lewis, Angelo J. Puppolo, Jr., Sheila C. Harrington and other members of the General Court for legislation to further regulate the prevention of cruelty to farm animals. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4146 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to upgrade hen welfare and establish 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. Section 3 of chapter 333 of the acts of 2016, as so appearing, is hereby
2 amended by striking out subparagraph (B) and inserting in place thereof the following
3 subparagraph:-

4 (B) Egg products that the business owner or operator knows or should know are the
5 product of a covered animal that was confined in a cruel manner.

6 SECTION 2. Said section 3 of said chapter 333, as so appearing, is hereby further
7 amended by striking out the term ‘(B)’ and inserting in place thereof:- (C).

8 SECTION 3. Said section 3 of said chapter 333, as so appearing, is hereby further
9 amended by striking out the term ‘(C)’ and inserting in place thereof:- (D).

10 SECTION 4. Subsection (G) of section 4 of chapter 333 of the acts of 2016, as so
11 appearing, is hereby amended by inserting after the word ‘period’ the words:- , and in addition,
12 in the case of egg-laying hens, no more than twenty-four (24) hours total in any thirty (30) day
13 period.

14 SECTION 5. Section 5 of said chapter 333 of the acts of 2016, as so appearing, is hereby
15 amended by striking section 5 and inserting in its place thereof the following:-

16 Section 5. For purposes of this Act, the following terms shall have the following
17 meanings:

18 (A) “Breeding pig” means any female pig of the porcine species kept for the purpose of
19 commercial breeding.

20 (B) “Business owner or operator” means any person who owns or controls the operations
21 of a business.

22 (C) “Calf raised for veal” means any calf of the bovine species kept for the purpose of
23 commercial production of veal meat.

24 (D) “Cage-free housing system” means an indoor or outdoor controlled environment for
25 egg-laying hens within which hens are free to roam unrestricted; are provided enrichments that
26 allow them to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest
27 boxes and dust bathing areas; and within which farm employees can provide care while standing
28 within the hens’ usable floor space; provided, cage-free housing system includes, to the extent
29 that such systems comply with the requirements of this subsection, multi-tiered aviaries,
30 partially-slatted systems, single-level all litter floor systems and any future systems that will

31 comply with the requirements of this paragraph; provided, however, cage-free housing system
32 does not include systems commonly described as battery cages, colony cages, enriched cages,
33 enriched colony cages, modified cages, convertible cages, or furnished cages, or similar cage
34 systems.

35 (E) “Covered animal” means any breeding pig, calf raised for veal, or egg-laying hen that
36 is kept on a farm.

37 (F) “Confined in a cruel manner” means any of the following acts:

38 (1) Confining a calf raised for veal or a breeding pig in a manner that prevents the animal
39 from lying down, standing up, fully extending the animal’s limbs, or turning around freely; or

40 (2) Confining an egg-laying hen:

41 (a) in an enclosure other than a cage-free housing system; or

42 (b) with less than:

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

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

49 (G) “Egg-laying hen” means any female domesticated chicken, turkey, duck, goose, or
50 guinea fowl kept for the purpose of commercial egg production.

51 (H) “Egg products” means eggs of an egg-laying hen broken from the shells, intended for
52 human food, whether in liquid, solid, dried, or frozen form; whether raw or cooked; and with the
53 yolks and whites in their natural proportions, or with the yolks and whites separated, mixed, or
54 mixed and strained. “Egg products” do not include combination food products (including
55 pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice cream, or similar food products)

56 (I) “Enclosure” means any cage, crate, or other structure used to confine a covered animal
57 or animals. “Enclosure” includes what is commonly described as a “gestation crate” or “stall” for
58 pigs during pregnancy, a “veal crate” for calves raised for veal, and a “battery cage, enriched
59 cage, or colony cage” for egg-laying hens.

60 zJ) “Farm” means the land, building, support facilities, and other equipment that are
61 wholly or partially used for the commercial production of animals or animal products used for
62 food; and does not include live animal markets, establishments at which inspection is provided
63 under the Federal Meat Inspection Act, or official plants at which mandatory inspection is
64 maintained under the Federal Egg Products Inspection Act.

65 K) “Farm owner or operator” means any person who owns or controls the operations of a
66 farm.

67 (L) “Fully extending the animal’s limbs” means fully extending all limbs without
68 touching the side of an enclosure.

69 (M) “Multi-tiered aviary” means a cage-free housing system in which hens have
70 unfettered access to multiple elevated platforms that provide hens with usable floor space both
71 on top of and underneath the platforms.

72 (N) “Partially-slatted system” means a cage-free housing system in which hens have
73 unfettered access to elevated flat platforms under which manure drops through the flooring to a
74 pit or litter removal belt below.

75 (O) “Person” means any individual, firm, partnership, joint venture, limited liability
76 corporation, estate, trust, receiver, syndicate, association, or other legal entity.

77 (P) “Pork meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig
78 of the porcine species, intended for use as human food.

79 (Q) “Sale” means a commercial sale by a business that sells any item covered by Section
80 3, but does not include any sale undertaken at an establishment at which inspection is provided
81 under the Federal Meat Inspection Act, or any sale undertaken at an official plant at which
82 mandatory inspection is maintained under the Federal Egg Products Inspection Act. For purposes
83 of this section, a sale shall be deemed to occur at the location where the buyer takes physical
84 possession of an item covered by Section 3.

85 (R) “Shell egg” means a whole egg of an egg-laying hen in its shell form, intended for
86 use as human food.

87 (S) “Single-level all litter floor system” means a cage-free housing system bedded with
88 litter, and in which hens have limited or no access to elevated flat platforms.

89 (T) “Turning around freely” means turning in a complete circle without any impediment,
90 including a tether, and without touching the side of an enclosure or another animal.

91 (U) “Uncooked” means requiring cooking prior to human consumption.

92 (V) “Usable floor space” means the total square footage of floor space provided to each
93 egg-laying hen, as calculated by dividing the total square footage of floor space provided to the
94 hens in an enclosure by the number of hens in that enclosure; provided, usable floor space shall
95 include both ground space and elevated level or nearly level flat platforms upon which hens can
96 roost; provided, however, usable floor space shall not include perches or ramps.

97 (W) “Veal meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a
98 calf raised for veal, intended for use as human food.

99 (X) “Whole pork meat” means any uncooked cut of pork (including bacon, ham, chop,
100 ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of
101 pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar
102 meat additives. Whole pork meat does not include combination food products (including soups,
103 sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised
104 of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar
105 meat additives.

106 (Y) “Whole veal meat” means any uncooked cut of veal (including chop, ribs, riblet, loin,
107 shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except
108 for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.
109 Whole veal meat does not include combination food products (including soups, sandwiches,
110 pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than
111 veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

112 SECTION 6. Chapter 333 of the acts of 2016, as so appearing, is hereby further amended
113 by striking section 7 and inserting in its place thereof the following:-

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

119 SECTION 7. Chapter 333 of the acts of 2016, as so appearing, is hereby further amended
120 by striking section 10, and inserting in its place thereof the following:-

121 Section 10. The department of agricultural resources shall, with the advice and consent of
122 the attorney general, promulgate rules and regulations for the implementation of this Act,
123 concerning each department's respective authority, within six months after the effective date of
124 this Act, and no later than December 1, 2021. Any authorized use of third-party validators in
125 such rules or regulations to assist with compliance under this Act shall be jointly approved by the
126 secretary of the executive office of energy and environmental affairs and the Attorney General.

127 SECTION 8. Sections 2 to 7, inclusive, shall take effect on January 1, 2022.