

JAN 23 2020

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## A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1 SECTION 1. The legislature finds that certain methods of  
2 farm animal containment are cruel to animals and threaten human  
3 health and safety by increasing the risk of foodborne illness.

4 The purpose of this Act is to prevent cruelty to farm  
5 animals by phasing out extreme methods of farm animal  
6 confinement and the sale of products produced through extreme  
7 confinement.

8 SECTION 2. The Hawaii Revised Statutes is amended by  
9 adding a new chapter to title 11 to be appropriately designated  
10 and to read as follows:

11 **"CHAPTER**

12 **PREVENTION OF CRUELTY TO FARM ANIMALS**

13 **§ -A Definitions.** As used in this chapter:

14 "Breeding pig" means any female pig of the porcine species,  
15 kept for the purpose of commercial breeding, that is six months  
16 or older, or pregnant.



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

3 "Cage-free housing system" means an indoor or outdoor  
4 controlled environment for egg-laying hens within which hens are  
5 free to roam unrestricted; are provided enrichments that allow  
6 them to exhibit natural behaviors, including scratch areas,  
7 perches, nest boxes, and dust bathing areas; and within which  
8 farm employees can provide care while standing within the hens'  
9 usable floor space. Cage-free housing systems include, to the  
10 extent that they comply with the requirements of this chapter:

- 11 (1) Multi-tiered aviaries;
- 12 (2) Partially-slatted systems;
- 13 (3) Single-level all-litter floor systems; and
- 14 (4) Any other future systems that will comply with the  
15 requirements of this chapter.

16 The term does not include systems commonly described as battery  
17 cages, colony cages, enriched cages, enriched colony cages,  
18 modified cages, convertible cages, or furnished cages.

19 "Calf raised for veal" means any calf of the bovine species  
20 kept for the purpose of producing the food product described as  
21 veal.



1 "Confined in a cruel manner" means any of the following  
2 acts:

3 (1) Confining a calf raised for veal with less than forty-  
4 three square feet of usable floor space per calf;

5 (2) Confining a breeding pig with less than twenty-four  
6 square feet of usable floor space per pig; or

7 (3) Confining an egg laying hen:

8 (A) In an enclosure other than a cage-free housing  
9 system; or

10 (B) With less than:

11 (i) One square foot of usable floor space per  
12 hen in multi-tiered aviaries, partially-  
13 slatted cage-free systems, or any other  
14 cage-free system that provides hens with  
15 unfettered access to vertical space; or

16 (ii) One and a half square feet of usable floor  
17 space per hen in single-level all-litter  
18 floor cage-free systems, or any other cage-  
19 free system that does not provide hens with  
20 unfettered access to vertical space.



1 "Covered animal" means any calf raised for veal, breeding  
2 pig, or egg-laying hen that is kept on a farm.

3 "Department" means the department of agriculture.

4 "Egg-laying hen" means any female domesticated chicken,  
5 turkey, duck, goose, or guinea fowl kept for the purpose of  
6 commercial egg production.

7 "Egg products" means eggs of an egg-laying hen broken from  
8 the shells and intended for human food, whether in liquid,  
9 solid, dried, or frozen form; whether raw or cooked; and with  
10 the yolks and whites in their natural proportions, or with the  
11 yolks and whites separated, mixed, or mixed and strained. The  
12 term does not include combination food products, including  
13 pancake mixes, cake mixes, cookies, pizzas, cookie dough, ice  
14 cream, or similar food products that consist of more than egg  
15 products, sugar, salt, water, seasoning, coloring, flavoring,  
16 preservatives, stabilizers, and similar food additives.

17 "Enclosure" means a structure used to confine a covered  
18 animal or animals.

19 "Farm" means the land, building, support facilities, and  
20 other equipment that are wholly or partially used for the  
21 commercial production of animals or animal products used for



1 food. The term does not include live animal markets,  
2 establishments at which mandatory inspection is provided under  
3 the Federal Meat Inspection Act (21 U.S.C. section 601, et  
4 seq.), or official plants at which mandatory inspection is  
5 maintained under the Federal Egg Products Inspection Act (21  
6 U.S.C. section 1031, et seq.).

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

9 "Meat" means the part of the muscle of any animal that is  
10 skeletal or that is found in the tongue, diaphragm, heart, or  
11 esophagus, with or without the accompanying and overlying fat,  
12 and the portions of bone, skin, sinew, nerve, and blood vessels  
13 that normally accompany the muscle tissue and that are not  
14 separated from it in the process of dressing. The term does not  
15 include the muscle found in the lips, snout, or ears.

16 "Multi-tiered aviary" means a cage-free housing system in  
17 which hens have unfettered access to multiple elevated platforms  
18 that provide hens with usable floor space both on top of and  
19 underneath the platforms.

20 "Partially-slatted system" means a cage-free housing system  
21 in which hens have unfettered access to elevated flat platforms



1 under which manure drops through the flooring to a pit or litter  
2 removal belt below.

3 "Person" means any individual, firm, partnership, joint  
4 venture, association, limited liability company, corporation,  
5 estate, trust, receiver, or syndicate.

6 "Pork meat" means meat of a pig of the porcine species that  
7 is intended for use as human food.

8 "Sale" means a commercial sale by a business that sells any  
9 item covered by this chapter, but does not include any sale  
10 undertaken at an establishment at which mandatory inspection is  
11 provided under the Federal Meat Inspection Act (21 U.S.C.  
12 section 601, et seq.), or any sale undertaken at an official  
13 plant at which mandatory inspection is maintained under the  
14 Federal Egg Products Inspection Act (21 U.S.C. section 1031, et  
15 seq.). For purposes of this chapter, a sale shall be deemed to  
16 occur at the location where the buyer takes physical possession  
17 of the item.

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



1 "Single-level all-litter floor system" means a cage-free  
2 housing system bedded with litter, in which hens have limited or  
3 no access to elevated flat platforms.

4 "Uncooked" means requiring cooking prior to human  
5 consumption.

6 "Usable floor space" means the total square footage of  
7 floor space provided to each covered animal, as calculated by  
8 dividing the total square footage of floor space provided to the  
9 animals in an enclosure by the number of animals in that  
10 enclosure. In the case of egg-laying hens, usable floor space  
11 includes both ground space and elevated level or nearly level  
12 flat platforms upon which hens can roost, but does not include  
13 perches or ramps.

14 "Veal meat" means meat of a calf raised for veal that is  
15 intended for use as human food.

16 "Whole pork meat" means any uncooked cut of pork meat,  
17 including bacon, ham, chop, ribs, riblet, loin, shank, leg,  
18 roast, brisket, steak, sirloin, or cutlet, that consists  
19 entirely of pork meat, except for seasoning, curing agents,  
20 coloring, flavoring, preservatives, and similar meat additives.  
21 Whole pork meat does not include combination food products,



1 including soups, sandwiches, pizzas, hot dogs, or similar  
 2 processed or prepared food products that consist of more than  
 3 pork meat, seasoning, curing agents, coloring, flavoring,  
 4 preservatives, and similar meat additives.

5 "Whole veal meat" means any uncooked cut of veal meat,  
 6 including chop, ribs, riblet, loin, shank, leg, roast, brisket,  
 7 steak, sirloin, or cutlet, that consists entirely of veal meat,  
 8 except for seasoning, curing agents, coloring, flavoring,  
 9 preservatives, and similar meat additives. Whole veal meat does  
 10 not include combination food products, including soups,  
 11 sandwiches, pizzas, hot dogs, or similar processed or prepared  
 12 food products that consist of more than veal meat, seasoning,  
 13 curing agents, coloring, flavoring, preservatives, and similar  
 14 meat additives.

15 **§ -B Prohibitions.** (a) Notwithstanding any other  
 16 provision of law to the contrary, beginning January 1, 2021, it  
 17 shall be unlawful for a farm owner or operator within the State  
 18 to knowingly cause any covered animal to be confined in a cruel  
 19 manner.

20 (b) Notwithstanding any other provision of law to the  
 21 contrary, beginning January 1, 2021, it shall be unlawful for a





1 business owner or operator to knowingly engage in the sale in  
2 the State of any:

3 (1) Shell egg that the business owner or operator knows or  
4 should know is the product of a covered animal that  
5 was confined in a cruel manner;

6 (2) Egg products that the business owner or operator knows  
7 or should know are the product of a covered animal  
8 that was confined in a cruel manner;

9 (3) Whole veal meat that the business owner or operator  
10 knows or should know is the meat of a covered animal  
11 that was confined in a cruel manner; or

12 (4) Whole pork meat that the business owner or operator  
13 knows or should know is the meat of a covered animal  
14 that was confined in a cruel manner, or is the meat of  
15 the immediate offspring of a covered animal that was  
16 confined in a cruel manner.

17 **§ -C Exceptions.** Section -B(a) shall not apply  
18 during:

19 (1) Medical research;

20 (2) Examination, testing, or individual treatment or  
21 operation for veterinary purposes, but only if



- 1 performed by or under the direct supervision of a
- 2 licensed veterinarian;
- 3 (3) Transportation;
- 4 (4) State or county fair exhibitions, 4-H programs, and
- 5 similar exhibitions;
- 6 (5) Slaughter in accordance with any applicable laws,
- 7 rules, and regulations;
- 8 (6) The five-day period prior to a breeding pig's expected
- 9 date of giving birth, and any day that the breeding
- 10 pig is nursing piglets; or
- 11 (7) Temporary periods for animal husbandry purposes
- 12 lasting no longer than six hours in any twenty-four-
- 13 hour period, and no more than twenty-four hours total
- 14 in any thirty-day period.

15 **§ -D Penalties.** (a) Any person who violates any  
 16 provision of this chapter shall be guilty of a misdemeanor, and  
 17 shall be subject to a fine in an amount not to exceed \$5,000 per  
 18 violation.

19 (b) In addition to the penalties listed in subsection (a),  
 20 a violation of section -B(b) shall be considered an unfair



1 method of competition and unfair or deceptive trade practice  
2 under chapter 481A, upon which any person may bring an action.

3       **§ -E Defense.** It shall be a defense to any action to  
4 enforce this chapter that a business owner or operator relied in  
5 good faith upon a written certification by the supplier that the  
6 shell eggs, egg products, whole veal meat, or whole pork meat at  
7 issue were not derived from a covered animal that was confined  
8 in a cruel manner, or from the immediate offspring of a breeding  
9 pig that was confined in a cruel manner.

10       **§ -F Rules.** The department shall adopt rules, pursuant  
11 to chapter 91, necessary for the purposes of this chapter.

12       **§ -G Construction.** The provisions of this chapter shall  
13 be in addition to, and not in lieu of, any other law protecting  
14 animal welfare. This chapter shall not be construed to limit  
15 any other state laws or rules protecting the welfare of animals  
16 or to prevent the counties from adopting and enforcing  
17 ordinances, laws, and rules that are more restrictive than this  
18 chapter."

19       SECTION 3. If any provision of this Act, or the  
20 application thereof to any person or circumstance, is held  
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are severable.

4 SECTION 4. In codifying the new sections added by section  
5 2 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8 SECTION 5. This Act shall take effect upon its approval.  
9

INTRODUCED BY: \_\_\_\_\_

(BR)



# S.B. NO. 3153

**Report Title:**

Farm Animals; Cruel Confinement; Sales

**Description:**

Beginning 1/1/2021, prohibits the confinement of specified farm animals in a cruel manner and prohibits business owners and operators from selling certain products made from those animals.

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

