

JAN 21 2022

A BILL FOR AN ACT

RELATING TO EGG-LAYING HENS.

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

1 SECTION 1. The purpose of this Act is to improve the
2 regulation of egg production and sales to protect the health and
3 welfare of consumers, promote food safety, advance animal
4 welfare, and protect against the negative fiscal effects on the
5 State associated with the lack of effective regulation of egg
6 production and sales.

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

10 **"CHAPTER**

11 **CONFINEMENT STANDARDS FOR EGG-LAYING HENS**

12 § -1 **Definitions.** As used in this chapter:

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

15 "Cage-free housing system" means an indoor or outdoor
16 controlled environment for egg-laying hens within which: hens
17 are free to roam unrestricted; hens are provided enrichments



that allow them to exhibit natural behaviors, including scratch areas, perches, nest boxes, and dust bathing areas; and farm employees can provide care while standing within the hens' usable floor space. "Cage-free housing system" includes:

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

"Cage-free housing systems" does not include systems commonly described as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages, or similar cage systems.

"Confined in a cruel manner" means the confinement of an egg-laying hen:

- (1) In an enclosure other than a cage-free housing system:
or
- (2) With less than:
 - (A) One square foot of usable floor space per hen in multi-tiered aviaries, partially-slatted systems,



1 or any other cage-free system that provides hens
2 with unfettered access to vertical space; or
3 (B) One and one-half square feet of usable floor
4 space per hen in a single-level all-litter floor
5 system or any other cage-free system that does
6 not provide hens with unfettered access to
7 vertical space.

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

18 "Egg-laying hen" means a female domesticated chicken,
19 turkey, duck, goose, or guinea fowl kept for the purpose of
20 commercial egg production.



S.B. NO. 2977

1 "Enclosure" means a structure used to confine an egg-laying
2 hen or hens.

3 "Farm" means the land, building, support facilities, and
4 other equipment that are wholly or partially used for the
5 commercial production of animals or animal products used for
6 food. "Farm" does not include live animal markets or official
7 plants at which mandatory inspection is maintained under the
8 Federal Egg Products Inspection Act (21 U.S.C. section 1031, et
9 seq.).

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

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

16 "Partially-slatted system" means a cage-free housing system
17 in which hens have unfettered access to elevated flat platforms
18 under which manure drops through the flooring to a pit or litter
19 removal belt below the platform.



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

4 "Sale" means a commercial sale by a business that sells any
5 item covered by this chapter but does not include any sale
6 undertaken at an official plant at which mandatory inspection is
7 maintained under the Federal Egg Products Inspection Act (21
8 U.S.C. section 1031, et seq.).

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

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

14 "Usable floor space" means the total square footage of
15 floor space provided to each egg-laying hen, as calculated by
16 dividing the total square footage of floor space provided to the
17 egg-laying hens in an enclosure by the number of egg-laying hens
18 in that enclosure. "Usable floor space" includes both ground
19 space and elevated level or nearly level flat platforms upon
20 which hens can roost but does not include perches or ramps.



S.B. NO. 2977

1 § **-2 Prohibitions.** (a) Notwithstanding any other
2 provision of law to the contrary, beginning June 30, 2027, it
3 shall be unlawful for a farm owner or operator within the State
4 to knowingly cause any egg-laying hen to be confined in a cruel
5 manner.

6 (b) Notwithstanding any other provision of law to the
7 contrary, beginning June 30, 2027, it shall be unlawful for a
8 business owner or operator to knowingly engage in the sale in
9 the State of any shell egg or egg product that the business
10 owner or operator knows or should know was produced by an egg-
11 laying hen that was confined in a cruel manner. For purposes of
12 this chapter, a sale shall be deemed to occur at the location
13 where the buyer takes physical possession of the item.

14 § **-3 Exceptions.** Section -2(a) shall not apply
15 during:

- 16 (1) Medical research;
17 (2) Examination, testing, or individual treatment or
18 operation for veterinary purposes performed by or
19 under the direct supervision of a veterinarian;
20 (3) Transportation;



(4) State or county fair exhibitions, 4-H programs, and similar exhibitions;

(5) Slaughter in accordance with any applicable laws, rules, and regulations; or

(6) Temporary periods for animal husbandry purposes for no more than six hours in a twenty-four hour period and no more than twenty-four hours total in a thirty day period.

§ -4 **De minimis exemption.** This chapter shall not apply to a farm owner or operator who exclusively produces shell eggs, with an annual egg production from a flock of thirty thousand or fewer egg-laying hens; provided that:

(1) The farm owner or operator does not knowingly cause any egg-laying hen to be confined with less than one square foot of usable floor space per hen, unless an exception applies pursuant to section -3; and

(2) Any egg-laying hen added to the flock after June 30, 2027, that raises the farm's total flock size to more than thirty thousand egg-laying hens is not confined in a cruel manner.



1 § -5 **Penalties.** (a) Any person who violates any
2 provision of this chapter shall be subject to a civil fine in an
3 amount no less than \$500 and no more than \$1,000 per violation.

4 (b) In addition to the penalties listed in subsection (a),
5 a violation of section -2(b) shall be considered an unfair
6 method of competition and unfair or deceptive trade practice
7 under chapter 481A, upon which any aggrieved person may bring an
8 action.

9 § -6 **Defense.** It shall be a defense to any action to
10 enforce this chapter that a business owner or operator relied in
11 good faith upon a written certification by the supplier that the
12 shell egg or egg products were not derived from an egg-laying
13 hen that was confined in a cruel manner.

14 § -7 **Rules.** The department of agriculture shall adopt
15 rules pursuant to chapter 91 necessary for the purposes of this
16 chapter; provided that the adoption of rules pursuant to this
17 section shall not prevent or delay the implementation of this
18 chapter as provided herein.

19 § -8 **Construction.** The provisions of this chapter shall
20 be in addition to, and not in lieu of, any other law protecting
21 animal welfare. This chapter shall not be construed to limit

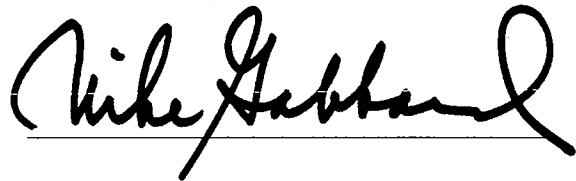


1 any other state laws or rules protecting the welfare of animals
2 or to prevent the counties from adopting and enforcing
3 ordinances, laws, and rules that are more restrictive than this
4 chapter."

5 SECTION 3. If any provision of this Act, or the
6 application thereof to any person or circumstance, is held
7 invalid, the invalidity does not affect other provisions or
8 applications of the Act that can be given effect without the
9 invalid provision or application, and to this end the provisions
10 of this Act are severable.

11 SECTION 4. This Act shall take effect upon its approval.

12
INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Gabbard", is written over a horizontal line.

S.B. NO. 2977

Report Title:

Egg-laying Hens; Confinement Standards; Agriculture

Description:

Requires farm owners or operators to confine egg-laying hens in accordance with the standards established in this measure. Effective 6/30/27, prohibits a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a cruel manner.

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

