

ANIMAL CARE STANDARDS FOR EGG-LAYING HENS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 660 as reported from House committee

Sponsor: Sen. Arlan Meekhof

House Committee: Government Operations

Senate Committee: Agriculture

Complete to 12-4-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY:

Senate Bill 660 would amend the Animal Industry Act to delay until 2025 the implementation of animal care standards for egg-laying hens that will currently take effect in 2019. The bill would also add a section to the Act to prohibit, also beginning in 2025, the sale of eggs from hens that are not kept in compliance with those care standards.

BACKGROUND INFORMATION:

Public Act 117 of 2009 added Section 46 to the Animal Industry Act to prohibit certain confinement practices for veal calves, gestating sows, and egg-laying hens. With some exceptions, as for science or for slaughter, Section 46 prohibits a farm owner or operator from tethering or confining these animals for the majority of any day in a way that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

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

For a hen, *fully extending its limbs* means fully spreading both wings without touching other hens or the side of an enclosure and having access to at least one square foot of usable space per hen.

The provisions of Section 46 were given delayed effective dates. They applied to calves raised for veal beginning October 1, 2012. For gestating sows and egg-laying hens, they will take effect beginning October 12, 2019.¹

DETAILED SUMMARY:

Senate Bill 660 would amend Section 46 of the Animal Industry Act to change the effective date of its provisions for gestating sows from October 12, 2019 to April 1, 2020, and the effective date for egg-laying hens from October 12, 2019 to October 12, 2025.

¹ Section 46 provides that it does not apply to sows and hens “until 10 years after the enactment date of the amendatory act that added this section.” Although Public Act 117 of 2009 didn’t *take effect* until March 31, 2010, it was *enacted* on October 12, 2009.

The bill would also add Section 47 to the Act to prohibit, beginning October 12, 2025, a business owner or operator from selling for human consumption any shell egg that the owner or operator knows or should know is from a hen that is not housed in compliance with Section 46.

A *shell egg* would mean the whole egg of an egg-laying hen in its shell form, intended for use as human food; i.e., the bill would not apply to eggs produced and sold in liquid form.

The criminal penalties provided in the Animal Industry Act for violations of the act would not apply to the sale of shell eggs from hens confined on farms not in compliance with Section 46. The Department of Agriculture and Rural Development (MDARD) or the attorney general could seek a temporary or permanent injunction from the district or circuit court where the business owner or operator resides or does business to restrain an act or practice in violation of the new section. The court could issue such an injunction and other equitable orders or judgments. The business owner's or operator's good-faith reliance on a supplier's written guarantee that the eggs comply with Section 47 would be a defense to any action to enforce the section.

The bill would also require MDARD to promulgate rules to implement Section 47 by October 12, 2023. The rules would have to provide for the collection of fees to cover the cost of administration of the new section.

The bill would take effect 90 days after enactment.

MCL 287.746 and proposed 287.747

HOUSE COMMITTEE ACTION:

The House Committee on Government Operations reported the Senate-passed version of the bill without amendment.

FISCAL IMPACT:

The bill would have indeterminate but likely marginal costs for the Department of Attorney General. Costs would depend on whether provisions of the bill resulted in the Attorney General's taking civil actions against business owners and operators in violation of the bill's requirements, and the number of cases that ensued. Costs could likely be supported by current funding levels.

POSITIONS:

Representatives of the following entities testified in support of the bill (12-4-18):

- Michigan Egg Producers
- State Bar Animal Law Section
- Attorneys for Animals

The following entities indicated support for the bill (12-4-18):

- Michigan Allied Poultry
- Humane Society
- Michigan Agri-Business Association

A representative of Department of Agriculture and Rural Development testified with a neutral position, with concerns, regarding the bill. (12-4-18)

A representative of the Michigan Pork Producers testified in opposition to the bill. (12-4-18)

The Michigan Farm Bureau indicated opposition to the bill (12-4-18)

Legislative Analyst: Rick Yuille
Fiscal Analyst: Michael Crossen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.