

B-Engrossed
Senate Bill 805

Ordered by the Senate May 23
Including Senate Amendments dated April 25 and May 23

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits commercial farm owner or operator from confining egg-laying hen in enclosure that fails to comply with rules adopted by State Department of Agriculture. Prohibits person from selling eggs or egg products that person knows, or reasonably should know, are product of such confinement. Authorizes department to impose civil penalty not to exceed \$2,500 for violation of prohibition. Becomes operative January 1, 2012.

Authorizes department to inspect commercial farms to enforce prohibitions on and after July 1, 2015.

Requires all enclosures to meet certain standards established in American Humane Association's farm animal welfare certification program on and after January 1, 2026.

Appropriates, for biennium beginning July 1, 2011, moneys from General Fund to department for purpose of carrying out provisions of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to egg-laying hens; appropriating money; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2011 Act:**

5 (1) **“Commercial farm” means the land, buildings and support facilities that are used for**
6 **the commercial production of animals or animal products used for food or fiber.**

7 (2) **“Commercial farm owner or operator” means any person who owns or controls the**
8 **operation of a commercial farm. “Commercial farm owner or operator” does not mean a**
9 **contractor, consultant or nonmanagement employee.**

10 (3) **“Egg” means an egg, in the shell, from an egg-laying hen.**

11 (4) **“Egg-laying hen” means any female domesticated chicken, turkey, duck, goose or**
12 **guinea fowl that is kept for the purpose of egg production.**

13 (5) **“Egg products” has the meaning given that term in ORS 632.705, except that “egg**
14 **products” does not include the following products when those products are prepared from**
15 **inspected egg products or eggs and contain no more restricted eggs than are allowed in the**
16 **official standards for United States Consumer Grade B shell eggs:**

17 (a) **Freeze-dried products;**

18 (b) **Imitation egg products;**

19 (c) **Egg substitutes;**

20 (d) **Dietary foods;**

21 (e) **Dried no-bake custard mixes;**

22 (f) **Eggnog mixes;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (g) Acidic dressings;
- 2 (h) Noodles;
- 3 (i) Milk and egg dips;
- 4 (j) Cake mixes;
- 5 (k) French toast; and
- 6 (L) Sandwiches containing eggs or egg products.

7 (6) "Enclosure" means any cage, crate or other structure used to confine an egg-laying
8 hen.

9 **SECTION 2.** A commercial farm owner or operator may not confine an egg-laying hen in
10 an enclosure that fails to comply with the rules adopted by the State Department of Agri-
11 culture under section 4 of this 2011 Act.

12 **SECTION 3.** A person may not sell eggs or egg products that the person knows, or rea-
13 sonably should know, are the product of an egg-laying hen that has been confined, during the
14 production of the eggs, in an enclosure that fails to comply with the rules adopted by the
15 State Department of Agriculture under section 4 of this 2011 Act.

16 **SECTION 4.** (1) The State Department of Agriculture shall adopt rules regulating the
17 manner in which egg-laying hens may be confined in an enclosure for purposes of sections
18 1 to 4 of this 2011 Act. The rules must:

- 19 (a) Be designed to promote humane welfare standards;
- 20 (b) Be effective in protecting consumers from food-borne pathogens;
- 21 (c) Require that enclosures constructed or otherwise acquired before January 1, 2012,
22 meet standards equivalent to the requirements for certification established in the United Egg
23 Producers' Animal Husbandry Guidelines for U.S. Egg Laying Flocks; and
- 24 (d) Require that enclosures constructed or otherwise acquired on or after January 1,
25 2012, meet, or be convertible into enclosures that meet, standards equivalent to the re-
26 quirements for certification of enriched colony facility systems established in the American
27 Humane Association's farm animal welfare certification program.

28 (2) The department may impose a civil penalty pursuant to ORS 183.745, not to exceed
29 \$2,500, for violation of a provision of sections 1 to 4 of this 2011 Act.

30 (3) Upon renewal of an egg handler's license described in ORS 632.715 or a commercial
31 egg breaker's permit described in ORS 632.730, a commercial farm owner or operator that is
32 engaged in the commercial production of eggs in this state shall provide the department with
33 a business plan describing the manner by which the commercial farm intends to comply with
34 the rules adopted pursuant to the amendments to this section by section 9 of this 2011 Act.
35 Notwithstanding ORS 192.501 or 192.502, the business plan is a public record subject to full
36 disclosure.

37
38 **JULY 1, 2015**
39

40 **SECTION 5.** Section 4 of this 2011 Act is amended to read:

41 **Sec. 4.** (1) The State Department of Agriculture shall adopt rules regulating the manner in
42 which egg-laying hens may be confined in an enclosure for purposes of sections 1 to 4 of this 2011
43 Act. The rules must:

- 44 (a) Be designed to promote humane welfare standards;
- 45 (b) Be effective in protecting consumers from food-borne pathogens;

1 (c) Require that enclosures constructed or otherwise acquired before January 1, 2012, meet
2 standards equivalent to the requirements for certification established in the United Egg Producers'
3 Animal Husbandry Guidelines for U.S. Egg Laying Flocks; and

4 (d) Require that enclosures constructed or otherwise acquired on or after January 1, 2012, meet,
5 or be convertible into enclosures that meet, standards equivalent to the requirements for certifi-
6 cation of enriched colony facility systems established in the American Humane Association's farm
7 animal welfare certification program.

8 (2) The department may impose a civil penalty pursuant to ORS 183.745, not to exceed \$2,500,
9 for violation of a provision of sections 1 to 4 of this 2011 Act.

10 **(3) The department shall inspect at reasonable times commercial farms engaged in the**
11 **production of eggs for the purpose of enforcing the provisions of sections 1 to 4 of this 2011**
12 **Act.**

13 **(4) The department may fix, assess and collect, or cause to be collected, from commercial**
14 **farm owners or operators fees for the inspections performed by employees or agents of the**
15 **department under subsection (3) of this section. The fees must have a uniform basis and**
16 **must be in an amount reasonably necessary to cover the costs of the inspections and related**
17 **administrative duties under sections 1 to 4 of this 2011 Act. The department shall adjust the**
18 **fees under this subsection to meet any expenses necessary to carry out subsection (3) of this**
19 **section and may prescribe a different fee scale for different localities. The department may**
20 **prescribe a reasonable charge to be paid by commercial farm owners or operators for travel**
21 **expenses and other related services if inspections under this section involve unusual cost to**
22 **the department. Moneys from fees and charges collected by the department under this sub-**
23 **section must be deposited in the Department of Agriculture Service Fund and are contin-**
24 **uously appropriated to the department to be used for the purpose of enforcing sections 1 to**
25 **4 of this 2011 Act.**

26 [(3)] (5)(a) Upon renewal of an egg handler's license described in ORS 632.715 or a commercial
27 egg breaker's permit described in ORS 632.730, a commercial farm owner or operator that is engaged
28 in the commercial production of eggs in this state shall provide the department with a business plan
29 describing the manner by which the commercial farm intends to comply with the rules adopted
30 pursuant to the amendments to this section by section 9 of this 2011 Act. Notwithstanding ORS
31 192.501 or 192.502, the business plan is a public record subject to full disclosure.

32 **(b) The department shall report annually to the Legislative Assembly on the rate at**
33 **which commercial farm owners or operators that are engaged in the commercial production**
34 **of eggs in this state are complying with the business plans submitted to the department**
35 **under paragraph (a) of this subsection.**

36 **SECTION 6. The amendments to section 4 of this 2011 Act by section 5 of this 2011 Act**
37 **become operative on July 1, 2015.**

38
39 **JANUARY 1, 2017**
40

41 **SECTION 7. Section 4 of this 2011 Act, as amended by section 5 of this 2011 Act, is amended**
42 **to read:**

43 **Sec. 4.** (1) The State Department of Agriculture shall adopt rules regulating the manner in
44 which egg-laying hens may be confined in an enclosure for purposes of sections 1 to 4 of this 2011
45 Act. The rules must:

1 (a) Be designed to promote humane welfare standards;

2 (b) Be effective in protecting consumers from food-borne pathogens;

3 (c) Require that enclosures constructed or otherwise acquired before January 1, 2012, meet
4 standards equivalent to the requirements for certification established in the United Egg Producers'
5 Animal Husbandry Guidelines for U.S. Egg Laying Flocks; and

6 (d) Require that enclosures constructed or otherwise acquired on or after January 1, 2012,
7 meet[, or be convertible into enclosures that meet,] standards equivalent to the requirements for cer-
8 tification of enriched colony facility systems established in the American Humane Association's farm
9 animal welfare certification program. **In no event may the rules authorize confining an egg-
10 laying hen in an enclosure that provides less than 116.3 square inches of individually usable
11 floor space per hen.**

12 (2) The department may impose a civil penalty pursuant to ORS 183.745, not to exceed \$2,500,
13 for violation of a provision of sections 1 to 4 of this 2011 Act.

14 (3) The department shall inspect at reasonable times commercial farms engaged in the pro-
15 duction of eggs for the purpose of enforcing the provisions of sections 1 to 4 of this 2011 Act.

16 (4) The department may fix, assess and collect, or cause to be collected, from commercial farm
17 owners or operators fees for the inspections performed by employees or agents of the department
18 under subsection (3) of this section. The fees must have a uniform basis and must be in an amount
19 reasonably necessary to cover the costs of the inspections and related administrative duties under
20 sections 1 to 4 of this 2011 Act. The department shall adjust the fees under this subsection to meet
21 any expenses necessary to carry out subsection (3) of this section and may prescribe a different fee
22 scale for different localities. The department may prescribe a reasonable charge to be paid by com-
23 mercial farm owners or operators for travel expenses and other related services if inspections under
24 this section involve unusual cost to the department. Moneys from fees and charges collected by the
25 department under this subsection must be deposited in the Department of Agriculture Service Fund
26 and are continuously appropriated to the department to be used for the purpose of enforcing sections
27 1 to 4 of this 2011 Act.

28 (5)(a) Upon renewal of an egg handler's license described in ORS 632.715 or a commercial egg
29 breaker's permit described in ORS 632.730, a commercial farm owner or operator that is engaged in
30 the commercial production of eggs in this state shall provide the department with a business plan
31 describing the manner by which the commercial farm intends to comply with **the aspirational goals
32 established by the Legislative Assembly in section 8a of this 2011 Act** and the rules adopted
33 pursuant to the amendments to this section by section 9 of this 2011 Act. Notwithstanding ORS
34 192.501 or 192.502, the business plan is a public record subject to full disclosure.

35 (b) The department shall report annually to the Legislative Assembly on the rate at which
36 commercial farm owners or operators that are engaged in the commercial production of eggs in this
37 state are complying with the business plans submitted to the department under paragraph (a) of this
38 subsection.

39 **SECTION 8. The amendments to section 4 of this 2011 Act by section 7 of this 2011 Act
40 become operative on January 1, 2017.**

41
42 **CONVERSION GOALS FOR JANUARY 1, 2020**
43

44 **SECTION 8a. The Legislative Assembly finds and declares that, in order to successfully
45 comply with the rules adopted pursuant to section 4 of this 2011 Act, as amended by section**

1 **9 of this 2011 Act, no less than 25 percent of the enclosures used to confine egg-laying hens**
2 **should, no later than January 1, 2020, meet standards equivalent to the requirements for**
3 **certification of enriched colony facility systems established in the American Humane**
4 **Association’s farm animal welfare program, as described in the rules adopted by the State**
5 **Department of Agriculture under section 4 of this 2011 Act.**

6 **SECTION 8b. Section 8a of this 2011 Act becomes operative on January 1, 2017.**

7
8 **CONVERSION GOALS FOR JANUARY 1, 2023**

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10 **SECTION 8c. Section 8a of this 2011 Act is amended to read:**

11 **Sec. 8a.** The Legislative Assembly finds and declares that, in order to successfully comply with
12 the rules adopted pursuant to section 4 of this 2011 Act, as amended by section 9 of this 2011 Act,
13 no less than [25] **65** percent of the enclosures used to confine egg-laying hens should, no later than
14 January 1, [2020] **2023**, meet standards equivalent to the requirements for certification of enriched
15 colony facility systems established in the American Humane Association’s farm animal welfare pro-
16 gram, as described in the rules adopted by the State Department of Agriculture under section 4 of
17 this 2011 Act.

18 **SECTION 8d. The amendments to section 8a of this 2011 Act by section 8c of this 2011**
19 **Act become operative on January 1, 2020.**

20
21 **JANUARY 1, 2026**

22
23 **SECTION 9. Section 4 of this 2011 Act, as amended by sections 5 and 7 of this 2011 Act, is**
24 **amended to read:**

25 **Sec. 4.** (1) The State Department of Agriculture shall adopt rules regulating the manner in
26 which egg-laying hens may be confined in an enclosure for purposes of sections 1 to 4 of this 2011
27 Act. The rules must:

28 (a) Be designed to promote humane welfare standards;

29 (b) Be effective in protecting consumers from food-borne pathogens; **and**

30 *[(c) Require that enclosures constructed or otherwise acquired before January 1, 2012, meet stan-*
31 *dards equivalent to the requirements for certification established in the United Egg Producers’ Animal*
32 *Husbandry Guidelines for U.S. Egg Laying Flocks; and]*

33 *[(d)]* **(c)** Require that enclosures *[constructed or otherwise acquired on or after January 1, 2012,]*
34 meet standards equivalent to the requirements for certification of enriched colony facility systems
35 established in the American Humane Association’s farm animal welfare certification program. In no
36 event may the rules authorize confining an egg-laying hen in an enclosure that provides less than
37 116.3 square inches of individually usable floor space per hen.

38 (2) The department may impose a civil penalty pursuant to ORS 183.745, not to exceed \$2,500,
39 for violation of a provision of sections 1 to 4 of this 2011 Act.

40 (3) The department shall inspect at reasonable times commercial farms engaged in the pro-
41 duction of eggs for the purpose of enforcing the provisions of sections 1 to 4 of this 2011 Act.

42 (4) The department may fix, assess and collect, or cause to be collected, from commercial farm
43 owners or operators fees for the inspections performed by employees or agents of the department
44 under subsection (3) of this section. The fees must have a uniform basis and must be in an amount
45 reasonably necessary to cover the costs of the inspections and related administrative duties under

1 sections 1 to 4 of this 2011 Act. The department shall adjust the fees under this subsection to meet
2 any expenses necessary to carry out subsection (3) of this section and may prescribe a different fee
3 scale for different localities. The department may prescribe a reasonable charge to be paid by com-
4 mercial farm owners or operators for travel expenses and other related services if inspections under
5 this section involve unusual cost to the department. Moneys from fees and charges collected by the
6 department under this subsection must be deposited in the Department of Agriculture Service Fund
7 and are continuously appropriated to the department to be used for the purpose of enforcing sections
8 1 to 4 of this 2011 Act.

9 *[(5)(a) Upon renewal of an egg handler's license described in ORS 632.715 or a commercial egg*
10 *breaker's permit described in ORS 632.730, a commercial farm owner or operator that is engaged in*
11 *the commercial production of eggs in this state shall provide the department with a business plan de-*
12 *scribing the manner by which the commercial farm intends to comply with the aspirational goals es-*
13 *tablished by the Legislative Assembly in section 7a of this 2011 Act and the rules adopted pursuant to*
14 *the amendments to this section by section 9 of this 2011 Act. Notwithstanding ORS 192.501 or 192.502,*
15 *the business plan is a public record subject to full disclosure.]*

16 *[(b) The department shall report annually to the Legislative Assembly on the rate at which com-*
17 *mercial farm owners or operators that are engaged in the commercial production of eggs in this state*
18 *are complying with the business plans submitted to the department under paragraph (a) of this sub-*
19 *section.]*

20 **SECTION 10. The amendments to section 4 of this 2011 Act by section 9 of this 2011 Act**
21 **become operative on January 1, 2026.**

22 **SECTION 10a. Section 8a of this 2011 Act is repealed on January 1, 2026.**

23
24 **MISCELLANEOUS PROVISIONS**

25
26 **SECTION 11. (1) Sections 1 to 4 of this 2011 Act become operative on January 1, 2012.**

27 **(2) The State Department of Agriculture may adopt rules or take any other action before**
28 **the operative date specified in subsection (1) of this section that is necessary to enable the**
29 **department to exercise, on and after the operative date specified in subsection (1) of this**
30 **section, all the duties, functions and powers conferred on the department by this 2011 Act.**

31 **SECTION 12. The unit captions used in this 2011 Act are provided for the convenience**
32 **of the reader and do not become part of the statutory law of this state or express any leg-**
33 **islative intent in the enactment of this 2011 Act.**

34 **SECTION 13. In addition to and not in lieu of any other appropriation, there is appro-**
35 **priated to the State Department of Agriculture, for the biennium beginning July 1, 2011, out**
36 **of the General Fund, the amount of \$65,470 for the purpose of carrying out the provisions**
37 **of this 2011 Act.**

38
39 **EMERGENCY CLAUSE**

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41 **SECTION 14. This 2011 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
43 **on its passage.**