

# Senate Bill 805

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 **as introduced**.

Creates offense of unlawfully confining egg-laying hen. Punishes by maximum fine of \$720.  
Creates offense of unlawfully selling eggs. Punishes by maximum fine of \$720.  
Sunsets certain provisions on January 1, 2019.

## A BILL FOR AN ACT

1  
2 Relating to egg-laying hens.

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

4 **SECTION 1. As used in sections 1 to 3 of this 2011 Act:**

5 (1) **"Egg" means any whole egg of an egg-laying hen.**

6 (2) **"Egg-laying hen" means any female domesticated chicken, turkey, duck, goose or**  
7 **guinea fowl that is kept for the purpose of egg production.**

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

10 (4) **"Farm" means the land, buildings and support facilities that are used for the com-**  
11 **mercial production of animals or animal products used for food or fiber.**

12 (5) **"Farm owner or operator" means any person who owns or controls the operation of**  
13 **a farm. "Farm owner or operator" does not mean a contractor, consultant or nonmanage-**  
14 **ment employee.**

15 (6) **"Fully extending and flapping her wings" means:**

16 (a) **That each egg-laying hen has at least 1-1/2 square feet of individually usable floor**  
17 **space; and**

18 (b) **That an egg-laying hen has sufficient space to fully extend and flap both wings with-**  
19 **out touching the side of an enclosure or another egg-laying hen.**

20 (7) **"Turning around freely" means that an egg-laying hen is able to turn in a complete**  
21 **circle without any impediment and without touching the side of an enclosure or another**  
22 **egg-laying hen.**

23 **SECTION 2. (1) A person commits the offense of unlawfully confining an egg-laying hen**  
24 **if the person is a farm owner or operator who, for the majority of any 24-hour period, con-**  
25 **fines an egg-laying hen in an enclosure, located on a farm, that:**

26 (a) **Prevents the egg-laying hen from:**

27 (A) **Lying down;**

28 (B) **Standing up;**

29 (C) **Turning around freely; or**

30 (D) **Fully extending and flapping her wings; or**

31 (b) **Is stacked or otherwise placed above or below another enclosure.**

**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 (2) Subsection (1) of this section does not apply:

2 (a) During medical research, veterinary treatment or an examination or operation con-  
3 ducted for veterinary purposes.

4 (b) During the transportation of egg-laying hens.

5 (c) During state or county fair exhibitions, programs conducted by youth development  
6 organizations or any other similar exhibition or program.

7 (d) During the slaughter of an egg-laying hen, if the slaughter is otherwise in compliance  
8 with applicable law.

9 (e) To a farm owner or operator who provides each egg-laying hen with at least 67 square  
10 inches of individually usable floor space, if the farm at which the egg-laying hens are con-  
11 fined has, since any date before January 1, 2011, continuously been operated for the purpose  
12 of the commercial production of eggs.

13 (3) The offense of unlawfully confining an egg-laying hen is a Class A violation.

14 **SECTION 3.** (1) A person commits the offense of unlawfully selling eggs if:

15 (a) The person sells, or offers for sale, an egg in this state;

16 (b) The egg is intended for human consumption; and

17 (c) The person knows, or reasonably should know, that the egg is the product of an  
18 egg-laying hen that was confined, during the production of the egg, in an enclosure that fails  
19 to provide each egg-laying hen with at least 67 square inches of individually usable floor  
20 space.

21 (2) The offense of unlawfully selling eggs is a Class A violation.

22 **SECTION 4.** Nothing in sections 1 to 3 of this 2011 Act prohibits a city, county or other  
23 local government body from enacting and enforcing local animal welfare laws.

24 **SECTION 5.** The amendments to sections 1 and 2 of this 2011 Act by sections 6 and 7 of  
25 this 2011 Act become operative on January 1, 2019.

26 **SECTION 6.** Section 2 of this 2011 Act is amended to read:

27 **Sec. 2.** (1) A person commits the offense of unlawfully confining an egg-laying hen if the person  
28 is a farm owner or operator who, for the majority of any 24-hour period, confines an egg-laying hen  
29 in an enclosure, located on a farm, that:

30 (a) Prevents the egg-laying hen from:

31 (A) Lying down;

32 (B) Standing up;

33 (C) Turning around freely; or

34 (D) Fully extending and flapping her wings; or

35 (b) Is stacked or otherwise placed above or below another enclosure.

36 (2) Subsection (1) of this section does not apply **during**:

37 (a) *[During]* Medical research, veterinary treatment or an examination or operation conducted  
38 for veterinary purposes.

39 (b) *[During]* The transportation of egg-laying hens.

40 (c) *[During]* State or county fair exhibitions, programs conducted by youth development organ-  
41 izations or any other similar exhibition or program.

42 (d) *[During]* The slaughter of an egg-laying hen, if the slaughter is otherwise in compliance with  
43 applicable law.

44 *[(e) To a farm owner or operator who provides each egg-laying hen with at least 67 square inches*  
45 *of individually usable floor space, if the farm at which the egg-laying hens are confined has, since any*

1 *date before January 1, 2011, continuously been operated for the purpose of the commercial production*  
2 *of eggs.]*

3 (3) The offense of unlawfully confining an egg-laying hen is a Class A violation.

4 **SECTION 7.** Section 3 of this 2011 Act is amended to read:

5 **Sec. 3.** (1) A person commits the offense of unlawfully selling eggs if:

6 (a) The person sells, or offers for sale, an egg in this state;

7 (b) The egg is intended for human consumption; and

8 (c) The person knows, or reasonably should know, that the egg is the product of an egg-laying  
9 hen that was confined, during the production of the egg, [*in an enclosure that fails to provide each*  
10 *egg-laying hen with at least 67 square inches of individually usable floor space*] **in violation of sec-**  
11 **tion 2 of this 2011 Act.**

12 (2) The offense of unlawfully selling eggs is a Class A violation.

13

---