

ASSEMBLY BILL

No. 3021

Introduced by Assembly Members Levine, Medina, and Salas

February 16, 2018

An act to add Division 8.5 (commencing with Section 16200) to the Food and Agricultural Code, relating to farm animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 3021, as introduced, Levine. Farm animals: egg-laying hens: confinement.

Existing law, enacted by Proposition 2, an initiative measure approved by the voters at the November 4, 2008, statewide general election, prohibits a person from tethering or confining a calf raised for veal, a pregnant pig, or an egg-laying hen on a farm in a manner that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely, except under specified circumstances. Existing statutory law prohibits a shelled egg from being sold or contracted for sale for human consumption in California if the seller knows or should have known that the egg is the product of an egg-laying hen that was confined on a farm or place that is not in compliance with the above-specified animal care standards.

This bill would also prohibit a farm owner or operator in California from confining an egg-laying hen in an enclosure that is not in compliance with specified standards, except as provided. The bill would prohibit a person from selling or contracting to sell shell eggs or liquid eggs in California from an egg-laying hen that was in an enclosure not in compliance with the specified standards. The bill would make a violation of the bill's provisions a misdemeanor, thereby imposing a state-mandated local program. The bill would require the Department

of Food and Agriculture to promulgate regulations for the implementation of those provisions on or before September 1, 2019.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Division 8.5 (commencing with Section 16200)
2 is added to the Food and Agricultural Code, to read:

3
4 DIVISION 8.5. FARM ANIMAL CONFINEMENT

5
6 16200. For purposes of this division, the following terms have
7 the following meanings:

8 (a) “Cage-free housing system” means an indoor or outdoor
9 controlled environment for egg-laying hens within which the
10 egg-laying hens are free to roam unrestricted, are provided
11 enrichments that allow them to exhibit natural behaviors, including,
12 at a minimum, scratch areas, perches, nest boxes, and dust bathing
13 areas, and within which farm employees can provide care while
14 standing within the hens’ usable floor space. Cage-free housing
15 systems include, to the extent they comply with the requirements
16 of this subdivision, the following:

17 (1) Multitiered aviaries in which egg-laying hens have access
18 to multiple elevated platforms that provide egg-laying hens with
19 usable floor space both on top of and underneath the platforms.

20 (2) Partially slatted systems in which egg-laying hens have
21 access to elevated flat platforms under which manure drops through
22 the flooring to pit a litter removal belt below.

23 (3) Single level all litter floor systems bedded with litter in
24 which egg-laying hens have limited or no access to elevated flat
25 platforms.

26 (4) Other systems that comply with the requirements of this
27 subdivision, as determined by the department.

28 (b) “Covered animal” means an egg-laying hen.

1 (c) “Egg-laying hen” means any female domesticated chicken,
2 turkey, duck, goose, or guinea fowl kept for the purpose of egg
3 production.

4 (d) “Enclosure” means any cage, crate, or other structure used
5 to confine a covered animal, including, but not limited to, a battery
6 cage.

7 (e) “Farm” means the land, building, support facilities, and other
8 equipment that is wholly or partially used for the commercial
9 production of animals or animal products used for food or fiber.
10 “Farm” does not include live animal markets or plants at which
11 mandatory inspection is maintained under the federal Egg Products
12 Inspection Act (21 U.S.C. Sec. 1031 et seq.).

13 (f) “Farm owner or operator” means any person who owns or
14 controls the operations of a farm.

15 (g) “Liquid eggs” means eggs intended for use as human food
16 from an egg-laying hen broken from the shells with the yolks and
17 whites in their natural proportions or with the yolks and whites
18 separated, mixed, or mixed and strained. Liquid eggs may also
19 include sugar, salt, water, seasoning, coloring, flavoring,
20 preservatives, stabilizers, and similar food additives that are added
21 to the liquid eggs.

22 (h) “Person” means an individual, firm, partnership, joint
23 venture, association, limited liability company, corporation, estate,
24 trust, receiver, or syndicate.

25 (i) (1) “Sale” means a commercial sale by a person of any item
26 covered by this division except a sale undertaken at an official
27 plant at which mandatory inspection is maintained under the federal
28 Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.).

29 (2) A sale shall be deemed to occur at the location where the
30 buyer takes physical possession of a product from a covered
31 animal.

32 (j) “Shell egg” means a whole egg of an egg-laying hen in its
33 shell form intended for use as human food.

34 (k) “Usable floor space” means the total square footage of floor
35 space provided to each covered animal, calculated by dividing the
36 total square footage of floor space provided to the animals in an
37 enclosure by the number of animals in that enclosure and includes
38 both ground space and elevated level flat platforms upon which
39 egg-laying hens can roost, but does not include perches or ramps.

1 16201. (a) A farm owner or operator in California shall not
2 confine an egg-laying hen in an enclosure that is not in compliance
3 with the standard set forth in subdivision (d) of Section 1350 of
4 Title 3 of the California Code of Regulations as of January 1, 2019.

5 (b) On and after January 1, 2020, a farm owner or operator in
6 California shall not confine an egg-laying hen in an enclosure with
7 less than 144 square inches of usable floor space per egg-laying
8 hen.

9 (c) On and after January 1, 2024, a farm owner or operator in
10 California shall not confine an egg-laying hen in an enclosure with
11 less than the amount of usable floor space per egg-laying hen
12 required by the 2017 edition of the United Egg Producers' Animal
13 Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines
14 for Cage-Free Housing, or in an enclosure other than a cage-free
15 housing system.

16 (d) A person shall not sell or contract to sell shell eggs or liquid
17 eggs in California if the seller knows or should have known that
18 the shell eggs or liquid eggs are from an egg-laying hen that was
19 confined in an enclosure not in compliance with the standards set
20 forth in this section.

21 (e) It shall be a defense to an action to enforce subdivision (d)
22 that the seller relied in good faith upon a written certification by
23 the supplier that the shell eggs or liquid eggs were from an
24 egg-laying hen that was confined in an enclosure in compliance
25 with the standards set forth in this section.

26 (f) Nothing in this section shall require the use of standards of
27 quality, condition, weight, quantity, or grade that are in addition
28 to, or different from, standards required pursuant to federal law.

29 16202. This division shall not apply in any of the following
30 circumstances:

31 (a) During scientific or agricultural medical research.

32 (b) During examination, testing, individual treatment, or
33 operation of a covered animal for veterinary purposes.

34 (c) During transportation of a covered animal.

35 (d) During rodeo exhibitions, state or county fair exhibitions,
36 4-H Clubs, Future Farmers of America programs, and similar youth
37 programs.

38 (e) During the slaughter of a covered animal in accordance with
39 the provisions of Chapter 6 (commencing with Section 19501) of
40 Part 3 of Division 9.

1 (f) During temporary periods for animal husbandry purposes
2 for no more than 24 hours in a 72-hour period and no more than
3 72 hours total in any 30-day period.

4 16203. The department shall promulgate regulations for the
5 implementation of this division on or before September 1, 2019.

6 16204. A person who violates a provision of this division is
7 guilty of a misdemeanor punishable by a fine not to exceed one
8 thousand dollars (\$1,000) or by imprisonment in the county jail
9 for a period not to exceed 180 days, or by both that fine and
10 imprisonment.

11 16205. The Legislature finds and declares that it is not the
12 intent for this division to conflict with or amend Chapter 13.8
13 (commencing with Section 25990) or Chapter 14 (commencing
14 with Section 25995) of Division 20 of the Health and Safety Code.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.