

Enrolled
Senate Bill 805

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

CHAPTER

AN ACT

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

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

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

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

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

(3) "Egg" means an egg, in the shell, from an egg-laying hen.

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

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

- (a) Freeze-dried products;
- (b) Imitation egg products;
- (c) Egg substitutes;
- (d) Dietary foods;
- (e) Dried no-bake custard mixes;
- (f) Eggnog mixes;
- (g) Acidic dressings;
- (h) Noodles;
- (i) Milk and egg dips;
- (j) Cake mixes;
- (k) French toast; and
- (L) Sandwiches containing eggs or egg products.

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

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

SECTION 3. A person may not sell eggs or egg products that the person knows, or reasonably should know, are the product of an egg-laying hen that has been confined, during the

production of the eggs, in an enclosure that fails to comply with the rules adopted by the State Department of Agriculture under section 4 of this 2011 Act.

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

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

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

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

JULY 1, 2015

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

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

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

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

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

(4) **The department may fix, assess and collect, or cause to be collected, from commercial farm owners or operators fees for the inspections performed by employees or agents of the department under subsection (3) of this section. The fees must have a uniform basis and must be in an amount reasonably necessary to cover the costs of the inspections and related administrative duties under sections 1 to 4 of this 2011 Act. The department shall adjust the fees under this subsection to meet any expenses necessary to carry out subsection (3) of this section and may prescribe a different fee scale for different localities. The department may prescribe a reasonable charge to be paid by commercial farm owners or operators for travel**

expenses and other related services if inspections under this section involve unusual cost to the department. Moneys from fees and charges collected by the department under this subsection must be deposited in the Department of Agriculture Service Fund and are continuously appropriated to the department to be used for the purpose of enforcing sections 1 to 4 of this 2011 Act.

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

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

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

JANUARY 1, 2017

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

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

- (a) Be designed to promote humane welfare standards;
- (b) Be effective in protecting consumers from food-borne pathogens;
- (c) Require that enclosures constructed or otherwise acquired before January 1, 2012, meet standards equivalent to the requirements for certification established in the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg Laying Flocks; and
- (d) Require that enclosures constructed or otherwise acquired on or after January 1, 2012, meet[, or be convertible into enclosures that meet,] standards equivalent to the requirements for certification of enriched colony facility systems established in the American Humane Association's farm animal welfare certification program. **In no event may the rules authorize confining an egg-laying hen in an enclosure that provides less than 116.3 square inches of individually usable floor space per hen.**

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

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

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

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

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

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

CONVERSION GOALS FOR JANUARY 1, 2020

SECTION 8a. The Legislative Assembly finds and declares that, in order to successfully comply with the rules adopted pursuant to section 4 of this 2011 Act, as amended by section 9 of this 2011 Act, no less than 25 percent of the enclosures used to confine egg-laying hens should, no later than January 1, 2020, meet standards equivalent to the requirements for certification of enriched colony facility systems established in the American Humane Association's farm animal welfare program, as described in the rules adopted by the State Department of Agriculture under section 4 of this 2011 Act.

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

CONVERSION GOALS FOR JANUARY 1, 2023

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

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

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

JANUARY 1, 2026

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

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

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

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

[(d)] (c) Require that enclosures [constructed or otherwise acquired on or after January 1, 2012,] meet standards equivalent to the requirements for certification of enriched colony facility systems

established in the American Humane Association's farm animal welfare certification program. In no event may the rules authorize confining an egg-laying hen in an enclosure that provides less than 116.3 square inches of individually usable floor space per hen.

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

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

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

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

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

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

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

MISCELLANEOUS PROVISIONS

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

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

SECTION 12. The unit captions used in this 2011 Act are provided for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act.

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

EMERGENCY CLAUSE

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

Passed by Senate May 25, 2011

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 6, 2011

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

.....
Kate Brown, Secretary of State