

# HOUSE BILL 357

M4  
SB 690/23 – EEE

4lr2061  
CF SB 193

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By: **Delegates Terrasa, Lehman, Allen, Bagnall, Cardin, Embry, Fair, Feldmark, Foley, Holmes, J. Long, McCaskill, Palakovich Carr, Patterson, Pena–Melnyk, Rosenberg, Ruth, Solomon, Stein, Stewart, Wells, Wilkins, and Wu**

Introduced and read first time: January 17, 2024  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Confinement of Egg–Laying Hens in Commercial Egg Production –**  
3 **Prohibitions**

4 FOR the purpose of prohibiting a farm owner or operator from knowingly confining certain  
5 egg–laying hens in an enclosure in a certain manner, subject to certain exceptions,  
6 on or after a certain date; prohibiting a business owner or operator or a farm owner  
7 or operator from selling shell eggs or egg products under certain circumstances on or  
8 after a certain date; specifying that a certain certification be obtained in a certain  
9 manner to sell shell eggs and egg products; and generally relating to confinement of  
10 egg–laying hens in commercial egg production.

11 BY adding to

12 Article – Agriculture  
13 Section 3–1101 through 3–1107 to be under the new subtitle “Subtitle 11.  
14 Confinement of Egg–Laying Hens in Commercial Egg Production”  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Agriculture  
19 Section 4–301(a) and (h)  
20 Annotated Code of Maryland  
21 (2016 Replacement Volume and 2023 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Agriculture**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1 ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES, FURNISHED  
2 CAGES, OR SIMILAR CAGE SYSTEMS.

3 (C) "EGG-LAYING HEN" MEANS ANY LIVING FEMALE DOMESTICATED BIRD  
4 KEPT FOR THE PURPOSE OF COMMERCIAL EGG PRODUCTION.

5 (D) (1) "EGG PRODUCTS" MEANS RAW OR TREATED POULTRY EGGS THAT  
6 HAVE BEEN REMOVED FROM THE SHELL, IN LIQUID, SOLID, DRIED, OR FROZEN  
7 FORM, AND ARE INTENDED FOR HUMAN FOOD.

8 (2) "EGG PRODUCTS" INCLUDES RAW AND COOKED EGGS, EGGS WITH  
9 THE YOLKS AND WHITES IN THEIR NATURAL PROPORTIONS, AND EGGS WITH THE  
10 YOLKS AND WHITES SEPARATED, MIXED, OR MIXED AND STRAINED.

11 (3) "EGG PRODUCTS" DOES NOT INCLUDE COMBINATION FOOD  
12 PRODUCTS THAT ARE COMPOSED OF MORE THAN JUST EGG PRODUCTS AND FOOD  
13 ADDITIVES, SUCH AS SUGAR, SALT, WATER, SEASONING, COLORING, FLAVORING,  
14 PRESERVATIVES, STABILIZERS, OR SIMILAR FOOD ADDITIVES.

15 (E) "FARM" MEANS THE LAND, BUILDINGS, SUPPORT FACILITIES, AND  
16 OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL  
17 PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR FOOD, NOT INCLUDING  
18 LIVE ANIMAL MARKETS AND OFFICIAL PLANTS AT WHICH MANDATORY INSPECTION  
19 IS MAINTAINED UNDER 21 U.S.C. § 1031 ET SEQ.

20 (F) "FARM OWNER OR OPERATOR" DOES NOT INCLUDE AN OWNER OR  
21 OPERATOR OF A FARM THAT ANNUALLY PRODUCES SHELL EGGS FROM FEWER THAN  
22 3,000 EGG-LAYING HENS, IF ALL SHELL EGGS SOLD IN THE STATE BY THE FARM  
23 OWNER OR OPERATOR ARE DERIVED FROM THE 3,000 OR FEWER EGG-LAYING HENS.

24 (G) "SALE" DOES NOT INCLUDE A SALE:

25 (1) OCCURRING AT A PLANT AT WHICH MANDATORY INSPECTION IS  
26 MAINTAINED UNDER 21 U.S.C. § 1031 ET SEQ.; OR

27 (2) DURING WHICH THE BUYER DOES NOT TAKE IMMEDIATE  
28 PHYSICAL POSSESSION OF THE ITEM.

29 (H) "SHELL EGGS" HAS THE MEANING STATED IN § 4-301 OF THIS ARTICLE.

30 (I) (1) "USABLE FLOOR SPACE" MEANS THE TOTAL SQUARE FOOTAGE OF  
31 FLOOR SPACE PROVIDED TO EACH EGG-LAYING HEN, AS CALCULATED BY DIVIDING  
32 THE TOTAL SQUARE FOOTAGE OF THE FLOOR SPACE PROVIDED TO THE EGG-LAYING

1 HENS IN THE ENCLOSURE BY THE NUMBER OF EGG-LAYING HENS IN THAT  
2 ENCLOSURE.

3 (2) "USABLE FLOOR SPACE" INCLUDES GROUND AND ELEVATED  
4 LEVEL OR NEARLY LEVEL FLAT PLATFORMS UPON WHICH HENS CAN ROOST.

5 (3) "USABLE FLOOR SPACE" DOES NOT INCLUDE PERCHES OR RAMPS.

6 3-1102.

7 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE REGULATION OF  
8 EGG PRODUCTION ON FARMS IN THE STATE AND OF THE SALE OF EGGS AND EGG  
9 PRODUCTS IN THE STATE WILL FURTHER THE GENERAL ASSEMBLY'S GOALS TO  
10 PROTECT THE PUBLIC HEALTH AND WELFARE OF CONSUMERS, TO PROMOTE FOOD  
11 SAFETY, AND TO ADVANCE ANIMAL WELFARE.

12 3-1103.

13 (A) THIS SECTION DOES NOT APPLY TO THE CONFINEMENT OF EGG-LAYING  
14 HENS FOR THE PURPOSES OF:

15 (1) MEDICAL RESEARCH;

16 (2) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR  
17 OPERATION FOR VETERINARY PURPOSES PERFORMED BY OR UNDER THE DIRECT  
18 SUPERVISION OF A LICENSED VETERINARIAN;

19 (3) TRANSPORTING EGG-LAYING HENS;

20 (4) STATE OR COUNTY FAIR EXHIBITIONS, 4-H PROGRAMS, OR  
21 SIMILAR EXHIBITIONS; OR

22 (5) ANIMAL HUSBANDRY, PROVIDED THAT THE CONFINEMENT IS FOR  
23 NOT MORE THAN 6 HOURS IN A 24-HOUR PERIOD AND 24 HOURS IN A 30-DAY  
24 PERIOD.

25 (B) ON AND AFTER JANUARY 1, 2026, A FARM OWNER OR OPERATOR MAY  
26 NOT KNOWINGLY CONFINED AN EGG-LAYING HEN IN AN ENCLOSURE THAT:

27 (1) IS NOT A CAGE-FREE HOUSING SYSTEM;

1           **(2) HAS LESS THAN 1.0 SQUARE FOOT OF USABLE FLOOR SPACE PER**  
2 **HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES EGG-LAYING HENS WITH**  
3 **UNFETTERED ACCESS TO VERTICAL SPACE; OR**

4           **(3) HAS LESS THAN 1.5 SQUARE FEET OF USABLE FLOOR SPACE PER**  
5 **HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT PROVIDE EGG-LAYING**  
6 **HENS WITH UNFETTERED ACCESS TO VERTICAL SPACE.**

7 **3-1104.**

8           **(A) ON AND AFTER JANUARY 1, 2026, A BUSINESS OWNER OR OPERATOR OR**  
9 **FARM OWNER OR OPERATOR MAY NOT SELL SHELL EGGS OR EGG PRODUCTS:**

10           **(1) THAT THE OWNER OR OPERATOR KNOWS OR SHOULD HAVE**  
11 **KNOWN WERE PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED IN A**  
12 **MANNER IN VIOLATION OF § 3-1103 OF THIS SUBTITLE; OR**

13           **(2) IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.**

14           **(B) IN ADDITION TO THE REQUIREMENTS UNDER TITLE 4, SUBTITLE 3 OF**  
15 **THIS ARTICLE, BEGINNING JANUARY 1, 2026, TO SELL SHELL EGGS OR EGG**  
16 **PRODUCTS:**

17           **(1) A FARM OWNER OR OPERATOR SHALL OBTAIN A CERTIFICATE**  
18 **FROM THE DEPARTMENT VERIFYING THAT THE SHELL EGGS OR EGG PRODUCTS ARE**  
19 **PRODUCED IN COMPLIANCE WITH § 3-1103 OF THIS SUBTITLE; AND**

20           **(2) A BUSINESS OWNER OR OPERATOR SHALL OBTAIN A COPY OF THE**  
21 **CERTIFICATE FROM THE FARM OWNER OR OPERATOR BEFORE SELLING THE SHELL**  
22 **EGGS OR EGG PRODUCTS FROM THAT FARM.**

23           **(C) (1) A BUSINESS OWNER OR OPERATOR SHALL:**

24           **(I) RETAIN A COPY OF ALL CERTIFICATES OBTAINED UNDER**  
25 **SUBSECTION (B)(2) OF THIS SECTION; AND**

26           **(II) ON REQUEST, PROVIDE A COPY OF A CERTIFICATE TO THE**  
27 **DEPARTMENT.**

28           **(2) IT IS A DEFENSE TO ANY ACTION TO ENFORCE THIS SUBTITLE**  
29 **THAT A BUSINESS OWNER OR OPERATOR RELIED IN GOOD FAITH ON A WRITTEN**  
30 **CERTIFICATION OBTAINED UNDER SUBSECTION (B) OF THIS SECTION.**

1           **(D) (1) THE DEPARTMENT MAY NOT ISSUE A CERTIFICATE VERIFYING**  
2 **THAT THE SHELL EGGS OR EGG PRODUCTS ARE PRODUCED IN COMPLIANCE WITH §**  
3 **3-1103 OF THIS SUBTITLE TO A FARM OWNER OR OPERATOR UNLESS THE FARM**  
4 **ENCLOSURES FOR THE EGG-LAYING HENS HAVE BEEN INSPECTED OR VERIFIED IN**  
5 **ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 3-1105 OF THIS SUBTITLE.**

6           **(2) A CERTIFICATE ISSUED BY THE DEPARTMENT IN ACCORDANCE**  
7 **WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL EXPIRE AT THE END OF EACH**  
8 **CALENDAR YEAR AND MUST BE RENEWED.**

9 **3-1105.**

10           **(A) (1) THE SECRETARY SHALL:**

11                   **(I) ADMINISTER AND ENFORCE THIS SUBTITLE; AND**

12                   **(II) ON OR BEFORE JULY 1, 2025, ADOPT REGULATIONS TO**  
13 **CARRY OUT THE PROVISIONS OF THIS SUBTITLE.**

14           **(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL**  
15 **INCLUDE PROVISIONS GOVERNING THE INSPECTION OF FARMS, SHELL EGGS, AND**  
16 **EGG PRODUCTS TO ENSURE THAT SHELL EGGS AND EGG PRODUCTS ARE PRODUCED**  
17 **IN COMPLIANCE WITH THIS SUBTITLE.**

18           **(B) ON NOTICE BY THE SECRETARY, A FARM OWNER OR OPERATOR OR A**  
19 **BUSINESS OWNER OR OPERATOR SHALL ALLOW THE SECRETARY ACCESS DURING**  
20 **REGULAR BUSINESS HOURS TO A FARM, BUSINESS, VEHICLE, OR RECORD RELATED**  
21 **TO THE ACTIVITIES REGULATED UNDER THIS SUBTITLE.**

22           **(C) THE SECRETARY MAY USE A GOVERNMENT OR PRIVATE INSPECTION OR**  
23 **PROCESS VERIFICATION PROVIDER THAT IS APPROVED BY THE SECRETARY TO**  
24 **ENSURE COMPLIANCE WITH THIS SUBTITLE.**

25 **3-1106.**

26           **(A) IF THE SECRETARY FINDS THAT SHELL EGGS OR EGG PRODUCTS ARE**  
27 **BEING SOLD IN VIOLATION OF THIS SUBTITLE, THE SECRETARY MAY ISSUE A**  
28 **WRITTEN OR PRINTED “STOP-SALE” ORDER TO THE PERSON VIOLATING THIS**  
29 **SUBTITLE.**

30           **(B) AFTER RECEIPT OF AN ORDER ISSUED UNDER THIS SECTION, THE**  
31 **RECIPIENT OF THE ORDER MAY NOT SELL ANY SHELL EGGS OR EGG PRODUCTS**  
32 **SUBJECT TO THE ORDER.**

1           **(C) A PERSON WHO HAS BEEN ISSUED A “STOP-SALE” ORDER UNDER THIS**  
2 **SECTION MAY APPEAL TO THE SECRETARY.**

3 **3-1107.**

4           **(A) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE**  
5 **SECRETARY UNDER § 3-1106 OF THIS SUBTITLE, THE SECRETARY SHALL IMPOSE A**  
6 **CIVIL PENALTY OF \$5,000 FOR EACH VIOLATION OF THIS SUBTITLE.**

7           **(B) THE CRIMINAL PENALTIES UNDER TITLE 12, SUBTITLE 1 OF THIS**  
8 **ARTICLE DO NOT APPLY TO THIS SUBTITLE.**

9 4-301.

10           (a) In this subtitle the following words have the meanings indicated.

11           (h) “Shell eggs” means raw or treated poultry eggs that are still in the shell and  
12 intended for human consumption.

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
14 1, 2024.