

# MARYLAND RETAILERS ALLIANCE

*The Voice of Retailing in Maryland*



## **HB357 Agriculture - Confinement of Egg-Laying Hens in Commercial Egg Production - Prohibitions Environment and Transportation Committee February 14<sup>th</sup>, 2024**

**Position:** Unfavorable as introduced, neutral if amended

**Background:** HB357 would require that all egg production in Maryland utilize cage-free facilities and would prohibit the sale of eggs that are not cage-free.

**Comments:** The Maryland Retailers Alliance has concerns about the impact of HB357 on farms, retailers, and consumers in Maryland.

The bill would require not only that all eggs produced and sold in Maryland must come from cage-free facilities, but also that producers must obtain a certificate of compliance and that retailers must obtain and be able to provide the certificate from each source of eggs sold by the business. This certification requirement is redundant given that existing State law requires egg sellers to obtain a special permit. Should the legislature choose to move this bill, proof of compliance should be part of the process of obtaining the selling permit for farms producing eggs. The State-maintained list of permitted farms should be available to retailers as a resource for approved egg sellers, and it should not be the responsibility of the retailer to then prove that each source of eggs is compliant with the law.

The certification requirement and prohibition on the sale of traditionally produced eggs could also impact the availability of eggs in Maryland for consumers. The legislature does not have the authority to require non-Maryland farms to utilize exclusively cage-free practices, and it is unclear from the bill whether facilities in other states would be able to obtain a certification for only the cage-free portion of their operations, should they engage in a combination of traditional and other cage-free or free-range facilities. If this is impossible or if the process is too burdensome, HB357 could ostensibly restrict all retailers to only selling eggs and egg products produced in Maryland. We do not know at this time if producers in the state are capable of meeting the demand this would cause.

Additionally, proponents of HB357 have claimed that the difference in price between traditional and cage-free eggs is negligible, and that this policy would not have an impact on costs for customers. In 2023, the average price of conventionally produced eggs in the United States was \$3.44 per dozen eggs. Throughout the same year, the average price of eggs in California, which has required that eggs be produced in cage-free facilities since 2022, was \$4.84 per dozen eggs. MRA members have shared concerns that HB357 would result in similar higher prices for customers due to the increased operational costs of operating cage-free facilities.

For these reasons, we would respectfully request that the retail restrictions on egg sales be removed from the bill. Thank you for your consideration.