

# MARYLAND RETAILERS ALLIANCE

*The Voice of Retailing in Maryland*



## **SB806 Agriculture - Confinement of Egg-Laying Hens in Commercial Egg Production - Prohibitions**

**Committee on Education, Energy, and the Environment  
February 27<sup>th</sup>, 2024**

**Position:** Unfavorable

**Background:** SB806 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 SB806 on farms, retailers, and consumers in Maryland. The bill would prohibit the sale of traditionally farmed eggs in Maryland and imposes the prohibition based on the assumption that a retailer “knows or should have known” the manner in which all eggs sold by their business were produced. While businesses would not be held liable for violation if their actions were based on a good faith belief in the egg producer’s certified compliance with the law, the expectation that retailers should therefore obtain proof of certification from every producer is burdensome. Existing State law already requires egg sellers to obtain a special permit; proof of compliance should be part of the process of obtaining the selling permit for farms producing eggs. A State-maintained list of permitted farms should then be available to retailers as a resource for approved egg sellers, and it should not be the responsibility of the retailer to prove that each source of eggs is compliant with the law.

The prohibition on the sale of eggs produced in confinement could also negatively impact the availability and cost of eggs in Maryland. 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, SB806 could ostensibly restrict all retailers to only selling 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, particularly given recent actions taken by farms in response to the spread of the H5N1 virus. Retailers and consumers in Maryland and across the country are already facing historically high prices for eggs due to the virus. Passage of SB806 may exacerbate this issue and further drive up prices.

For these reasons, we would respectfully urge an unfavorable vote on the bill. Thank you for your consideration.