



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

House: LARA DP 6-5-0-0

HB 2525: egg-laying hens; confinement; regulation

Sponsor: Representative Kavanagh, LD 23

Caucus & COW

Overview

Establishes space requirements for enclosed egg-laying hens and prohibits business owners from knowingly selling or transporting eggs for sale in Arizona that were produced by egg-laying hens that were confined in ways that contradicts this act.

History

Arizona Administrative Code requires all egg-laying hens in Arizona to be raised according to the [United Egg Producers Animal Husbandry Guidelines](#) (Guidelines). It also requires all eggs sold in Arizona to be produced from hens that are raised according to the Guidelines. However, this requirement does not apply to egg producers that operate egg ranches with fewer than 20,000 egg-laying hens as well as hens that are raised cage-free and eggs produced by those hens ([R3-2-907](#)). The Arizona Department of Agriculture's (Department) Animal Services Division is responsible for enforcing these requirements ([A.R.S. § 3-1201 et seq.](#))

The Guidelines recommend that each egg-laying hen in a cage be given 67 to 86 square inches of usable space. Further, all hens should be able to stand comfortably upright and the slope of the floor should not exceed 8 degrees. For cage-free hens, the Guidelines recommend a minimum range of 1.0 to 1.5 square feet of usable space per hen, depending on whether the hens are housed in multitiered aviaries, partially slatted systems, or single-level all litter floor housing systems. The Guidelines also contain additional recommendations for perch and nesting space for cage-free hens.

There are federal regulations related to confining egg-laying hens for organic products. Specifically, these regulations require producers to maintain:

- 1) Preventative health care practices that can include conditions which allow for exercise and freedom of movement ([7 Code of Federal Regulations § 205.238](#)); and
- 2) Living conditions that accommodate the health and natural behavior of animals, including year-round access to outdoors, shade, shelter and direct sunlight ([7 Code of Federal Regulations § 205.239](#)).

Additionally, U.S. Food and Drug Administration regulations generally require producers with more than 3,000 egg-laying hens to implement measures to prevent *salmonella* from contaminating eggs on farm or from growing when these eggs are stored and transported ([21 Code of Federal Regulations Part 118](#)).

Provisions

Confinement Standards

1. Prohibits an Arizona farm owner or operator from knowingly confining an egg-laying hen in an enclosure with less than one square foot of usable floor space per hen beginning on January 1, 2022. (Sec. 2)

2. Forbids, beginning on January 1, 2025, an Arizona farm owner or operator from knowingly confining an egg-laying hen in an enclosure:
 - a) That is not a cage-free housing system; or
 - b) With less than either:
 - i. one square foot of usable floor space per hen in a cage-free housing system that allows hens unfettered access to vertical space; or
 - ii. 1.5 square feet of usable floor space per hen in a cage-free housing system that does not provide hens with unfettered access to vertical space.
3. Specifies that these enclosure requirements do not apply to:
 - a) Medical research;
 - b) Exams, tests, treatment or operations performed by or under the supervision of a licensed veterinarian;
 - c) Transportation;
 - d) Exhibitions such as state or county fairs and 4-H programs;
 - e) Slaughter that complies with applicable laws, rules or regulations; and
 - f) Short-term animal husbandry that does not exceed 6 hours in a 24-hour period and 24 hours in a 30-day period. (Sec. 2)
4. Prohibits a business owner or operator from knowingly selling or transporting for sale in Arizona shell eggs or egg products that they know or should know were produced by an egg-laying hen that was confined in a way that violates this act. (Sec. 2)
5. Declares that a sale occurs where the buyer takes physical possession of an item. (Sec. 2)

Enforcement

6. Requires the Department Director to:
 - a) Enforce this act;
 - b) Have access during regular business hours to business premises, facilities, vehicles and records related to the activities regulated by this act; and
 - c) Adopt rules for enforcing this act, including those for inspecting farms, shell eggs, and egg products for compliance with this act. (Sec. 2)
7. Allows the Director to rely on approved government or private third-party inspection and continuous process verification services to ensure compliance with this act. (Sec. 2)
8. Stipulates that the Director must certify shell eggs and egg products as compliant with this act before these products can be sold in Arizona if:
 - a) The eggs are inspected to satisfy adopted rules; or
 - b) If the Director determines that the eggs are accompanied with documentation proving that they have undergone government or third-party inspection and process verification services.
9. Exempts processing facilities with monthly capacities of less than 3,000 cases of shell eggs from this certification requirement.
10. Directs the Attorney General or county attorney, on request, to:
 - a) Advise the Director or his agents on performing their duties; and
 - b) Institute and prosecute actions arising from this act. (Sec. 2)
11. Declares that this act does not apply to a farm owner or operator with annual egg production from a flock of less than 3,000 egg-laying hens. (Sec. 2)
12. Lowers (from 20,000 to 3,000) the maximum number of egg-laying hens that a producer must have in an egg ranch in order to be exempt from Department rules for poultry husbandry and production of eggs sold in Arizona. (Sec. 1)

13. Establishes an affirmative defense for a business owner or operator that relied in good faith on a written certification from a supplier that any shell eggs or egg products did not come from an egg-laying hen confined in a way that does not comply with this act. (Sec. 2)
14. Empowers the Director to enjoin a violation or threatened violation of any provision of this act in the superior court of the county in which the violation has occurred or will occur. (Sec. 2)
15. Sets a civil penalty between \$100 and \$500 per violation. (Sec. 2)
16. Exempts the Department from rulemaking requirements for one year following the effective date of this act. (Sec. 3)

Miscellaneous

17. Defines *business owner or operator, cage-free housing system, Director, egg-laying hen, egg products, enclosure, farm, farm owner or operator, multitiered aviary, partially slatted system, person, sale, shell egg, single-level all-litter floor system and usable floor space.* (Sec. 2)
18. Contains legislative findings. (Sec. 4)
19. Makes this act effective beginning on January 1, 2022. (Sec. 5)
20. Contains a severability clause. (Sec. 6)
21. Makes technical changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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