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H.299

Introduced by Representatives Rachelson of Burlington, Cina of Burlington,  
and Hooper of Brookfield

Referred to Committee on

Date:

Subject: Agriculture; shell eggs; animal cruelty

Statement of purpose of bill as introduced: This bill proposes to require the  
Secretary of Agriculture, Food and Markets to create a voluntary label for shell  
eggs sold in Vermont that were produced by domesticated egg-producing  
chickens in compliance with Vermont's animal cruelty laws.

An act relating to the sale of shell eggs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Confined living spaces may increase stress levels in egg-producing  
chicken hens.

(2) Stress increases the risk of salmonella infection among  
egg-producing chicken hens.

1           (3) Federal law does not prevent a state from enacting more protective  
2 animal welfare laws or from taking actions to reduce the risk of salmonella in  
3 unpasteurized shell eggs sold in Vermont.

4           (4) Federal law does not provide for the labeling of unpasteurized shell  
5 eggs that are produced under conditions that may reduce the risk of salmonella.

6           (5) The State should establish minimum housing requirements for  
7 egg-producing chicken hens in order to promote humane treatment of those  
8 hens and to reduce further the risk of salmonella infection.

9       Sec. 2. 13 V.S.A. § 352 is amended to read:

10       § 352. CRUELTY TO ANIMALS

11       A person commits the crime of cruelty to animals if the person:

12   \* \* \*

13           (3) ties, tethers, or restrains an animal, either a pet or livestock, in a  
14       manner that is inhumane or is detrimental to its welfare. Livestock and poultry  
15       husbandry practices are exempted, except as provided in subsection 365(k) of  
16 this title;

17           (4) deprives an animal which a person owns, possesses, or acts as an  
18       agent for, of adequate food, water, shelter, rest, sanitation, or necessary  
19       medical attention, or transports an animal in an overcrowded ~~vehicles~~ vehicle;

20   \* \* \*

1 Sec. 3. 13 V.S.A. § 365 is amended to read:

2 § 365. SHELTER OF ANIMALS

3 \* \* \*

4 (b) Adequate natural shelter, or a three-sided, roofed building with  
5 exposure out of the prevailing wind and of sufficient size to adequately  
6 accommodate all livestock maintained out-of-doors shall be provided. The  
7 building opening size and height must, at a minimum, extend one foot above  
8 the withers of the largest animal housed and must be maintained at that level  
9 even with manure and litter build-up. Nothing in this section shall control  
10 dairy herd housing facilities, either loose housing, comfort stall or stanchion  
11 ties, or other housing under control of the ~~department of agriculture, food and~~  
12 ~~markets~~ Agency of Agriculture, Food and Markets. This section shall not  
13 apply to any accepted housing or grazing practices for any livestock industry,  
14 except as provided in subsection (k) of this section.

15 \* \* \*

16 (h) Notwithstanding the provisions of this section, animals may be  
17 temporarily confined in a space sufficient for them to stand and turn about  
18 freely, provided that they are exercised in accordance with accepted  
19 agricultural or ~~veterinarian~~ veterinary practices, and are provided sufficient  
20 food, water, and shelter, and proper ventilation.

21 \* \* \*

1 (i) Failure to comply with this section shall be a violation of subdivision  
2 352(3) or (4) of this title.

3 \* \* \*

4 (k)(1) If a domesticated egg-producing chicken hen is provided living  
5 space in a building, room, or enclosed area, that living space shall allow for  
6 unlimited access to food and water and provide the chicken the freedom to  
7 roam within the open area during the laying cycle.

8 (2) If a domesticated egg-producing chicken hen is allowed free range,  
9 the hen shall be housed in a building, room, or area that allows for unlimited  
10 access to food and water and continuous access to the outdoors during the  
11 laying cycle. The outdoor area may be covered with a netting-like material,  
12 fenced, or both.

13 Sec. 4. 6 V.S.A. chapter 27A is added to read:

14 CHAPTER 27A. SHELL EGG SALES AND LABELING

15 § 359. PURPOSE

16 The purpose of this chapter shall be to:

17 (1) prevent animal cruelty by promoting the humane treatment of  
18 egg-producing chickens;

19 (2) reduce any food safety risks associated with egg-producing chickens  
20 living under stressful conditions;

1           (3) provide consumers with information that they can use when  
2 purchasing eggs; and

3           (4) uphold the integrity of Vermont agricultural products.

4           § 360. SHELL EGG LABELING

5           (a) Definition. As used in this chapter, “shell eggs” means eggs that are a  
6 product of the domesticated chicken hen and that are in the shell.

7           (b) Voluntary label; cage free. The Secretary of Agriculture, Food and  
8 Markets shall produce a “Vermont Cage Free Compliant” label with a mark or  
9 statement, or both, which an egg producer may use on the packaging for the  
10 shell eggs, provided that:

11           (1) the producer’s shell eggs are produced under conditions consistent  
12 with 13 V.S.A. § 365(k)(1); and

13           (2) the shell eggs are sold or offered for retail sale in Vermont.

14           (c) Voluntary label; free range. The Secretary of Agriculture, Food and  
15 Markets shall produce a “Vermont Free Range Compliant” label with a mark  
16 or statement, or both, which an egg producer may use on the packaging for the  
17 shell eggs, provided that:

18           (1) the producer’s shell eggs are produced under conditions consistent  
19 with 13 V.S.A. § 365(k)(2); and

20           (2) the shell eggs are sold or offered for retail sale in Vermont.

1       Sec. 5. RULEMAKING; SECRETARY OF AGRICULTURE, FOOD AND  
2                    MARKETS

3           The Secretary of Agriculture, Food and Markets shall adopt rules necessary  
4 to carry out the provisions of 6 V.S.A. chapter 27A.

5       Sec. 6. EFFECTIVE DATES

6           (a) This section and Sec. 5 shall take effect on passage.

7           (b) Secs. 1, 2, 3, and 4 shall take effect on July 1, 2019.