

1 H.4

2 Introduced by Representatives Rachelson of Burlington and Cole of Hartford

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; eggs; animal safety

6 Statement of purpose of bill as introduced: This bill proposes to prohibit a
7 person from confining an egg-laying hen in a space that prevents the hen from
8 fully spreading both wings without touching the side of an enclosure or other
9 egg-laying hens. In addition, the bill would require egg-laying hens to have
10 access to the amount of usable floor space per hen that complies with the
11 Guidelines for Cage-Free Egg Production in the “2017 Edition of the United
12 Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks.”

13 An act relating to standards for the care of egg-laying hens

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

15 Sec. 1. 6 V.S.A. chapter 27 is amended to read:

16 CHAPTER 27. EGGS

17 § 351. DEFINITIONS; FRESH EGGS

18 (a) ~~For the purposes of this chapter, the following definitions shall be in~~

19 ~~effect~~ As used in this chapter:

1 (1) “Candling” means that process by that the apparent condition of the
2 egg is determined by holding and twirling the egg before a bright light. Any
3 type or make of candling light may be used that enables the grader to make
4 consistently accurate determination of the quality of shell eggs.

5 (2) “Egg-laying hen” means any female poultry kept for the purpose of
6 egg production.

7 (3) “Individual shell eggs” means those eggs that are a product of the
8 domesticated chicken hen and that are in the shell.

9 ~~(3)~~(4) “Person” means any individual, firm, partnership, company, or
10 corporation.

11 (5) “Poultry” means all domesticated birds of all ages that produce eggs
12 that are edible as human food.

13 ~~(4)~~(6) “Shell protected eggs” means eggs that have a protective covering
14 applied to the surface of the egg. Any product used to provide the protective
15 covering shall conform to the regulations of the U.S. Food and Drug
16 Administration.

17 (b) An egg shall be deemed to be “fresh” that meets the requirements of the
18 United States or Vermont grade A as determined by the U.S. Department of
19 Agriculture or the Secretary of Agriculture, Food and Markets pursuant to the
20 provisions of chapter 21 of this title. The final determination as to eggs
21 meeting these requirements shall be made by candling.

1 § 351a. APPLICATION

2 The provisions of this chapter shall apply to all shipments, containers, or
3 displays in which eggs are packed, distributed, sold, held in storage, offered, or
4 exposed for sale.

5 § 352. PROHIBITION

6 A person shall not:

7 (1) sell, expose, offer for sale, or advertise for sale or exchange in
8 Vermont as “fresh,” “strictly fresh,” “henery,” “new laid,” “native,”
9 “today’s,” “nearby,” “selected,” “guaranteed,” “new arrivals,” “A 1 candled,”
10 or other words or descriptions of similar import any eggs that are not grade A
11 or better;

12 (2) advertise or label eggs in a false or misleading manner;

13 (3) sell, offer for sale, deliver, or donate eggs that do not satisfy the
14 requirements of this chapter or the rules adopted pursuant to it; or

15 (4) sell, offer for sale, deliver, or donate eggs that are adulterated within
16 the meaning of 18 V.S.A. § 4059 or the rules adopted under 18 V.S.A. chapter
17 82.

18 § 352a. UNLAWFUL CONFINEMENT

19 (a)(1) A person shall not confine an egg-laying hen in a space that prevents
20 the hen from fully spreading both wings without touching the side of an
21 enclosure or other egg-laying hens.

1 (2) Egg-laying hens shall having access to the amount of usable floor
2 space per hen that complies with the Guidelines for Cage-Free Egg Production
3 in the “2017 Edition of the United Egg Producers Animal Husbandry
4 Guidelines for U.S. Egg Laying Flocks,” as may be amended from time to
5 time.

6 (b) The requirements of subsection (a) of this section shall not apply to:

7 (1) medical research;

8 (2) temporary confinement prior to and during examination, testing,
9 individual treatment, or operation for veterinary purposes;

10 (3) during an agricultural fair, as that term is defined in section 5152 of
11 this title;

12 (4) during temporary confinement for animal husbandry purposes for
13 not more than six hours in any 24-hour period unless ordered by a licensed
14 veterinarian; or

15 (5) during the humane slaughter of an egg-laying hen according to the
16 requirements of chapters 201 and 204 of this title.

17 (c)(1) The requirements of this section are in addition to, and not in lieu of,
18 any other laws protecting animal welfare in the State, and this section shall not
19 be construed to limit any other State laws or rules protecting the welfare of
20 animals.

1 may issue a written warning that shall be served in person or by certified mail,
2 return receipt requested. A warning issued under this section shall include:

3 (1) a description of the alleged violation;

4 (2) identification of this section;

5 (3) identification of the applicable violation; and

6 (4) the required corrective action that the person shall take to correct the
7 violation.

8 § 357. PENALTY

9 (a) Notwithstanding the requirements of section 356 of this title, the
10 Secretary at any time may pursue one or more of the following for an alleged
11 violation of this chapter:

12 (1) issue an appropriate order including a cease and desist or stop sale
13 order to a person the Secretary believes to be in violation of this chapter or an
14 underlying rule;

15 (2) order mandatory corrective actions;

16 (3) take any action authorized under chapter 1 of this title; ~~or~~

17 (4) seek administrative or civil penalties in accordance with the
18 requirements of section 15, 16, or 17 of this title; or

19 (5) refer a violation of section 352a of this title to a humane officer for
20 enforcement under 13 V.S.A. chapter 8.

1 (b) When the Secretary of Agriculture, Food and Markets issues an order to
2 cease and desist, stop sale, or take other action, or a required corrective action,
3 the Secretary shall provide the person subject to the order or corrective action a
4 statement that the order or corrective action is effective upon receipt and the
5 person has 15 days to request a hearing.

6 (c) If the Secretary of Agriculture, Food and Markets issues a verbal order
7 under this section, the Secretary shall issue written notice to the person subject
8 to the order within five business days following the issuance of the verbal
9 order. The written notice shall include a statement that the person has 15 days
10 from the date the written notice was received to request a hearing.

11 (d) If a person who receives a written order to cease and desist, stop sale, or
12 take other action, or a written required corrective action, does not request a
13 hearing in writing within 15 days after receipt of the written order or required
14 corrective action, the person waives the right to a hearing. Upon receipt of a
15 written request for a hearing, the Secretary shall promptly set a date and time
16 for a hearing. A request for a hearing on an order issued under this section
17 shall not stay the order.

18 (e) A person aggrieved by a final action or decision of the Secretary under
19 this section may appeal de novo to the Civil Division of the Superior Court
20 within 30 days of the Secretary's final decision.

1 § 358. DISPOSITION OF FINES

2 Such fines as are collected under the provisions of this chapter shall belong
3 and be paid to the State.

4 Sec. 2. 13 V.S.A. § 351b is amended to read:

5 § 351b. SCOPE OF SUBCHAPTER

6 This subchapter shall not apply to:

7 (1) activities regulated by the Department of Fish and Wildlife pursuant
8 to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance
9 with 10 V.S.A. § 4709(f);

10 (2) scientific research governed by accepted procedural standards
11 subject to review by an institutional animal care and use committee;

12 (3) livestock and poultry husbandry practices for raising, management,
13 and use of animals, provided that the requirements of 6 V.S.A. § 352a shall be
14 enforceable under this chapter;

15 (4) veterinary medical or surgical procedures; and

16 (5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

17 Sec. 3. 13 V.S.A. § 353(a) is amended to read:

18 (a) Penalties.

19 (1) Except as provided in subdivision (3), (4), or (5) of this subsection,
20 cruelty to animals under section 352 of this title shall be punishable by a
21 sentence of imprisonment of not more than one year or a fine of not more than

1 \$2,000.00, or both. Second and subsequent convictions shall be punishable by
2 a sentence of imprisonment of not more than two years or a fine of not more
3 than \$5,000.00, or both.

4 (2) Aggravated cruelty under section 352a of this title shall be
5 punishable by a sentence of imprisonment of not more than five years or a fine
6 of not more than \$5,000.00, or both. Second and subsequent offenses shall be
7 punishable by a sentence of imprisonment of not more than ten years or a fine
8 of not more than \$7,500.00, or both.

9 (3) An offense committed under subdivision 352(5) or (6) of this title
10 shall be punishable by a sentence of imprisonment of not more than five years
11 or a fine of not more than \$5,000.00, or both.

12 (4)(A) Except as provided in subdivision (B) of this subdivision (4), a
13 person found in violation of subdivision 352(3), (4), or (9) of this title pursuant
14 to this subdivision shall be imprisoned not more than one year or fined not
15 more than \$2,000.00, or both. Second and subsequent convictions shall be
16 punishable by a sentence of imprisonment of not more than two years or a fine
17 of not more than \$5,000.00, or both. A person found in violation of 6 V.S.A.
18 § 352a may be imprisoned not more than two years or fined not more than
19 \$5,000.00, or both, for a second or subsequent violation.

20 (B)(i) In lieu of a criminal citation or arrest, a law enforcement
21 officer may issue a civil citation to a person who violates subdivision 352(3),

1 (4), or (9) of this title if the person has not been previously adjudicated in
2 violation of this chapter. A person adjudicated in violation of subdivision
3 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a
4 civil penalty of not more than \$500.00.

5 (ii) A humane officer shall issue a civil citation under this chapter
6 to a person who violates 6 V.S.A. § 352a if the person has not been previously
7 adjudicated in violation of this chapter. A person adjudicated in violation of 6
8 V.S.A. § 352a under this chapter shall be assessed a civil penalty of not more
9 than \$500.00.

10 (iii) At any time prior to the person admitting the violation and
11 paying the assessed penalty under subdivision (i) of this subdivision (B)(4), the
12 State's Attorney may withdraw the complaint filed with the Judicial Bureau
13 and file an information charging a violation of subdivision 352(3), (4), or (9) of
14 this title in the Criminal Division of the Superior Court.

15 (C) Nothing in this subdivision shall be construed to require that a
16 civil citation be issued prior to a criminal charge of violating subdivision
17 352(3), (4), or (9) of this title.

18 (5) A person who violates subdivision 352(1) of this title by
19 intentionally killing or attempting to kill an animal belonging to another or
20 subdivision 352(2) of this title by torturing, administering poison to, or cruelly

1 harming or mutilating an animal shall be imprisoned not more than two years
2 or fined not more than \$5,000.00, or both.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on July 1, 2026.