



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3655

Introduced 2/9/2024, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

New Act

Creates the Confinement of Egg-Laying Hens Act. Provides that, beginning on January 1, 2026, a farm owner or operator shall not knowingly confine an egg-laying hen in an enclosure that: (i) is not a cage-free housing system; or (ii) has less than the amount of usable floor space per hen required by the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing. Provides that, beginning January 1, 2026, a business owner or operator shall not knowingly sell any shell egg or egg products that the business owner or operator knows or should know was produced by an egg-laying hen that was confined in a manner that conflicts with the requirements in the Act. Provides for exemptions from the requirements of the Act. Provides that a business owner or operator of a farm shall not be liable under the Act if the business owner or operator relied upon, in good faith, a written certification by the supplier that the shell eggs or egg products were not derived from an egg-laying hen that was confined in a manner that conflicts with the Act. Authorizes the Department of Agriculture to administer and enforce the Act. Authorizes the Director of Agriculture to adopt rules necessary to administer the Act. Sets forth requirements to certify shell eggs and egg products as compliant with the Act. Provides for a civil penalty of \$2,000 per violation per day.

LRB103 37973 CES 69615 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Confinement of Egg-Laying Hens Act.

6 Section 5. Purpose. In accordance with the General
7 Assembly's authority to protect the health and welfare of
8 consumers, including to promote food safety, protect public
9 health, and advance animal welfare, the General Assembly finds
10 and declares that the regulation of egg production on farms
11 and of the sale of eggs and egg products will further these
12 goals.

13 Section 10. Definitions. As used in this Act:

14 "Business owner or operator" means any person who owns or
15 controls the operations of a business.

16 "Cage-free housing system" means an indoor or outdoor
17 controlled environment for egg-laying hens within which hens
18 are free to roam unrestricted; are provided enrichments that
19 allow them to exhibit natural behaviors, including, at a
20 minimum, scratch areas, perches, nest boxes, and dust bathing
21 areas; and within which farm employees can provide care while
22 standing within the hens' usable floor space. "Cage-free

1 housing system" includes, to the extent that such systems
2 comply with the requirements of this subsection, multitiered
3 aviaries, partially slatted systems, single-level all-litter
4 floor systems, and any future systems that will comply with
5 the requirements of this definition. "Cage-free housing
6 system" does not include systems commonly described as battery
7 cages, colony cages, enriched cages, enriched colony cages,
8 modified cages, convertible cages, furnished cages, or similar
9 cage systems.

10 "Department" means the Department of Agriculture.

11 "Director" means the Director of Agriculture.

12 "Egg-laying hen" means a female domesticated chicken,
13 turkey, duck, goose, or guinea fowl kept for the purpose of
14 commercial egg production.

15 "Egg products" means eggs of an egg-laying hen broken from
16 the shells, intended for human food, whether in liquid, solid,
17 dried, or frozen form; whether raw or cooked; and with the
18 yolks and whites in their natural proportions, or with the
19 yolks and whites separated, mixed, or mixed and strained. "Egg
20 products" does not include combination food products that are
21 composed of more than egg products, sugar, salt, water,
22 seasoning, coloring, flavoring, preservatives, stabilizers,
23 and similar food additives.

24 "Enclosure" means a structure used to confine an
25 egg-laying hen.

26 "Farm" means the land, buildings, support facilities, and

1 other equipment that is wholly or partially used for the
2 commercial production of animals or animal products used for
3 food. "Farm" does not include live animal markets or official
4 plants at which mandatory inspection is maintained under the
5 federal Egg Products Inspection Act.

6 "Farm owner or operator" means a person that owns a farm or
7 controls the operations of a farm.

8 "Multitiered aviary" means a cage-free housing system in
9 which egg-laying hens have unfettered access to multiple
10 elevated platforms that provide the egg-laying hens with
11 usable floor space both on top of and underneath the
12 platforms.

13 "Partially slatted system" means a cage-free housing
14 system in which egg-laying hens have unfettered access to
15 elevated flat platforms under which manure drops through the
16 flooring to a pit or litter removal belt below.

17 "Person" means any individual, firm, partnership, joint
18 venture, association, limited liability company, corporation,
19 estate, trust, receiver, or syndicate.

20 "Sale" means a commercial sale by a business that sells
21 any item covered by this Act. For purposes of this Act, a sale
22 is deemed to occur at the location where the buyer takes
23 physical possession of the item.

24 "Shell egg" means a whole egg of an egg-laying hen in its
25 shell form, intended for use as human food.

26 "Single-level all-litter floor system" means a cage-free

1 housing system bedded with litter where egg-laying hens have
2 limited or no access to elevated flat platforms.

3 "Usable floor space" means the total square footage of
4 floor space provided to each egg-laying hen, as calculated by
5 dividing the total square footage of floor space provided to
6 egg-laying hens in an enclosure by the number of egg-laying
7 hens in that enclosure. "Usable floor space" includes both
8 ground space and elevated level or nearly level flat platforms
9 upon which hens can roost but does not include perches or
10 ramps.

11 Section 15. Prohibitions.

12 (a) Notwithstanding any other provision of law except
13 Section 20, beginning January 1, 2026, a farm owner or
14 operator shall not knowingly confine an egg-laying hen in an
15 enclosure:

16 (1) that is not a cage-free housing system; or

17 (2) that has less than the amount of usable floor
18 space per hen as required by the 2017 edition of the United
19 Egg Producers' Animal Husbandry Guidelines for U.S.
20 Egg-Laying Flocks: Guidelines for Cage-Free Housing.

21 (b) Notwithstanding any other provision of law except
22 Section 20, beginning January 1, 2026, a business owner or
23 operator shall not knowingly sell in Illinois any shell egg or
24 egg products that the business owner or operator knows or
25 should know was produced by an egg-laying hen that was

1 confined in a manner that conflicts with the standards
2 described in subsection (a).

3 Section 20. Exemptions.

4 (a) Subsection (a) of Section 15 of this Act shall not
5 apply during:

6 (1) medical research;

7 (2) examination, testing, individual treatment or
8 operation for veterinary purposes, but only if performed
9 by or under the direct supervision of a licensed
10 veterinarian;

11 (3) transportation;

12 (4) State or county fair exhibitions, 4-H programs,
13 and similar exhibitions;

14 (5) slaughter in accordance with all applicable laws,
15 rules, and regulations; or

16 (6) temporary periods for animal husbandry purposes
17 for no more than 6 hours in any 24-hour period and no more
18 than 24 hours total in any 30-day period.

19 (b) This Act shall not apply to the production in this
20 State or sale in this State of shell eggs by a farm owner or
21 operator with annual shell egg production from fewer than
22 3,000 egg-laying hens if all shell eggs sold in this State by
23 the farm owner or operator are derived from fewer than 3,000
24 egg-laying hens.

1 Section 25. Defense.

2 It is a defense to any action to enforce this Act that a
3 business owner or operator relied in good faith upon a written
4 certification by the supplier that the shell eggs or egg
5 products were not derived from an egg-laying hen that was
6 confined in a manner that conflicts with the standards
7 described in subsection (a) of Section 15 of this Act.

8 Section 30. Enforcement.

9 (a) The Department is responsible for administering and
10 enforcing this Act. A farm owner or operator or business owner
11 or operator must allow the Department access, during its
12 regular business hours to the farm or business, its vehicles,
13 and its records related to activities regulated under this
14 Act.

15 (b) The Director may adopt rules necessary for the
16 administration of this Act, including rules governing the
17 inspection of farms or businesses, shell eggs, and egg
18 products to ensure shell eggs and egg products produced or
19 sold in the State are produced in compliance with this Act.

20 (c) The Department may use a government or private
21 inspection or process verification provider to ensure
22 compliance with this Act. To rely on a government or private
23 inspection or process verification provider, the Department
24 must approve the specific inspection or process verification
25 provider as competent to ensure compliance with this Act

1 during both production and handling of shell eggs and egg
2 products.

3 Section 35. Certification.

4 (a) To sell shell eggs or egg products within this State:

5 (1) A farm owner or operator must obtain a certificate
6 from the Department that the shell eggs or egg products
7 are produced in compliance with this Act.

8 (2) A business owner or operator must obtain a copy of
9 the certificate issued under paragraph (1) of this
10 subsection from a farm owner or operator that the shell
11 eggs or egg products comply with this Act. The business
12 owner or operator shall retain the copy and provide the
13 copy to the Department upon request.

14 (b) The Department shall certify shell eggs and egg
15 products as compliant with this Act if:

16 (1) the enclosures for the egg-laying hens are
17 inspected in accordance with the rules adopted under
18 subsection (b) of Section 30 of this Act; or

19 (2) the Department determines the shell eggs or egg
20 products are accompanied by documentation proving the
21 enclosures for the egg-laying hens have undergone
22 government or private inspection or process verification
23 services described in subsection (c) of Section 30 of this
24 Act.

25 (c) The certification issued under this Section expires at

1 the end of each calendar year.

2 (d) This Section applies to the sale, on or after January
3 1, 2026, of shell eggs and egg products.

4 Section 40. Civil Penalty.

5 (a) Any person who violates any provision of this Act is
6 liable for a civil penalty of \$2,000 per violation per day.

7 (b) The penalties provided for in this Section may be
8 recovered in a civil action brought in the name of the People
9 of the State of Illinois by the State's Attorney of the county
10 in which the violation occurred or by the Attorney General.

11 (c) The State's Attorney of the county in which the
12 violation occurred or the Attorney General may institute a
13 civil action for an injunction to restrain violations of this
14 Act or to require such actions as may be necessary to address
15 violations of this Act.

16 (d) The penalties and injunctions provided in this Act are
17 in addition to any penalties, injunctions, or other relief
18 provided under any other law. Nothing in this Act bars a cause
19 of action by the State for any other penalty, injunction, or
20 other relief provided by any other law.

21 Section 45. Construction.

22 The provisions of this Act are in addition to, and not in lieu
23 of, any other laws protecting animal welfare. This Act is not
24 intended and should not be construed to limit any other State

1 law or rule protecting the welfare of animals or to prevent a
2 local governing body from adopting and enforcing its own
3 animal welfare laws and regulations that are more stringent
4 than this Act.

5 Section 50. Applicability.

6 If any provision of this Act is declared unconstitutional or
7 the applicability of this Act to any person or circumstance is
8 held invalid, the constitutionality of the remainder of the
9 Act and applicability of it to other persons and circumstances
10 shall not be affected.