

# HOUSE BILL NO. 4117

February 25, 2025, Introduced by Reps. Wortz, Beson, Martin, St. Germaine, Jenkins-Arno, Outman, Tisdell, Kunse, Woolford, Cavitt, Markkanen, Wozniak, Fairbairn and Fox and referred to Committee on Agriculture.

A bill to amend 1988 PA 466, entitled  
"Animal industry act,"  
by amending section 46 (MCL 287.746), as amended by 2019 PA 132.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 46. (1) As used in this section:
- 2       (a) "Business owner" means a person that owns or controls the
- 3       operations of a business.
- 4       (b) "Cage-free housing system" means an indoor or outdoor
- 5       controlled environment for egg-laying hens to which all of the
- 6       following apply:

(i) For an indoor environment, the hens are free to roam unrestricted except by any of the following:

(A) Exterior walls.

(B) In multitiered aviaries, partially slatted systems, single-level all-litter floor systems, or any other housing system that complies with the requirements of this section, interior fencing used to contain the entire flock within the building or subdivide flocks into smaller groups, if farm employees can walk through each contained or subdivided area to provide care to hens and if each hen has the minimum amount of usable floor space described in subsection (2) (b) (ii) .

(ii) The hens are provided enrichments that allow the hens to exhibit natural behaviors. To qualify as a cage-free housing system under this definition, the enrichments used in the housing system must include, but are not limited to, scratch areas, perches, nest boxes, and dust bathing areas.

(iii) For an indoor environment, a farm employee is able to provide care to the hens while standing within the hens' usable floor space.

(iv) The environment does not include any cage systems commonly described as battery cages, colony cages, enriched cages, or enriched colony cages, or any cage system similar to those systems.

(c) "Calf raised for veal" means a calf of the bovine species kept for the purpose of producing the food product described as veal.

(d) "Covered animal" means a gestating sow, calf raised for veal, or egg-laying hen that is kept on a farm.

(e) "Egg-laying hen" means a female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg

1 production.

2 (f) "Enclosure" means a cage, crate, or other structure used  
3 to confine a covered animal.

4 (g) "Farm" means the land, building, support facilities, and  
5 other equipment that are wholly or partially used for the  
6 commercial production of animals or animal products used for food  
7 or fiber. Farm does not include a live animal market.

8 (h) "Farm owner or operator" means a person that owns or  
9 controls the operation of a farm.

10 (i) "Fully extending its limbs" means fully extending all  
11 limbs without touching the side of an enclosure.

12 (j) "Gestating sow" means a sow of the porcine species kept  
13 for the primary purpose of breeding and confirmed to be pregnant.

14 (k) "Multitiered aviary" means a housing system in which hens  
15 have unfettered access to multiple elevated platforms that provide  
16 the hens with usable floor space both on top of and underneath the  
17 platforms.

18 (l) "Partially slatted system" means a housing system in which  
19 hens have unfettered access to elevated flat platforms under which  
20 manure drops through the flooring to a pit or litter removal belt.

21 (m) "Person" means an individual, firm, partnership, joint  
22 venture, association, limited liability company, corporation,  
23 estate, trust, receiver, or syndicate.

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

26 (o) "Single-level all-litter floor system" means a housing  
27 system bedded with litter in which hens have limited or no access  
28 to elevated flat platforms.

29 (p) "Turning around freely" means turning in a complete circle

1 without any impediment, including a tether, and without touching  
2 the side of an enclosure or another animal.

3 (q) "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 hens  
6 in an enclosure by the number of hens in that enclosure. Usable  
7 floor space includes ground space or elevated level flat platforms  
8 upon which hens are able to roost, but does not include perches or  
9 ramps.

10 (2) Subject to subsections (3) and (9), notwithstanding any  
11 other provision of law, a farm owner or operator shall not do  
12 either of the following:

13 (a) Tether or confine a covered animal on a farm for all or  
14 the majority of any day, in a manner that prevents the covered  
15 animal from doing either of the following:

16 (i) Lying down, standing up, or fully extending its limbs.

17 (ii) Turning around freely.

18 (b) Tether or confine an egg-laying hen on a farm in either of  
19 the following manners:

20 (i) In an enclosure other than a cage-free housing system.

21 (ii) With less than the amount of usable floor space per hen as  
22 provided in the housing guidelines for cage-free production  
23 contained in "Animal Husbandry Guidelines for U.S. Egg-Laying  
24 Flocks", 2017 edition, published by United Egg Producers.

25 (3) Subsection (2) does not apply to a covered animal during  
26 any of the following:

27 (a) Scientific or agricultural research.

28 (b) Examination, testing, individual treatment, or operation  
29 for veterinary purposes, by an individual licensed to practice

1 veterinary medicine under part 188 of the public health code, 1978  
2 PA 368, MCL 333.18801 to 333.18838.

3 (c) Transportation, unless otherwise in violation of section  
4 51 of the Michigan penal code, 1931 PA 328, MCL 750.51, relating to  
5 confining animals on railroad cars.

6 (d) Rodeo exhibitions, state or county fair exhibitions, 4-H  
7 programs, and similar exhibitions.

8 (e) The slaughter of a covered animal as provided by 1962 PA  
9 163, MCL 287.551 to 287.556, and other applicable law and rules.

10 (f) In the case of a gestating sow, the period beginning 7  
11 days before the gestating sow's expected date of giving birth.

12 (4) Notwithstanding any other provision of law and subject to  
13 subsections (5) and (9), for the purposes described in section 1, a  
14 business owner shall not knowingly engage in the sale of any shell  
15 egg in this state that the business owner knows or should know is  
16 the product of an egg-laying hen that was confined in a manner that  
17 is inconsistent with the requirements of this section.

18 (5) Subsection (4) does not apply to the sale of shell eggs  
19 that are the product of a farm with less than 3,000 egg-laying  
20 hens.

21 (6) The department or the attorney general may bring a civil  
22 action to restrain, by temporary or permanent injunction, any act  
23 or practice in violation of this section. The action may be brought  
24 in the circuit court for the county where the defendant resides or  
25 conducts business. The court may issue a temporary or permanent  
26 injunction and issue other equitable orders or judgments. A defense  
27 described and made available relating to customary animal husbandry  
28 or farming practices involving livestock, under sections 50(12)(f)  
29 and 50b(14) of the Michigan penal code, 1931 PA 328, MCL 750.50 and

1 750.50b, or similar provisions, is not a defense to an action  
2 brought for the violation of this section involving a covered  
3 animal. In addition, the criminal penalties provided in section 44  
4 are not applicable to a violation of this section.

5 (7) It is a defense to an action to enforce subsection (4)  
6 that a business owner relied in good faith ~~upon~~**on** a written  
7 certification or guarantee by the supplier of a shell egg that the  
8 shell egg is not the product of an egg-laying hen that was confined  
9 in a manner that is inconsistent with the requirements of this  
10 section.

11 (8) This section is in addition to, and not ~~in lieu~~**instead**  
12 of, any other laws protecting animal welfare. This section does not  
13 limit any other state law protecting the welfare of animals.

14 (9) This section does not apply to egg-laying hens or shell  
15 eggs until ~~December 31, 2024~~**January 1, 2029** and does not apply to  
16 gestating sows until April 1, 2020.