



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 660 (as introduced 11-9-17)
Sponsor: Senator Arlan Meekhof
Committee: Agriculture

Date Completed: 12-7-17

CONTENT

The bill would amend the Animal Industry Act to do the following:

- **Specify that certain animal confinement standards would not apply to egg-laying hens until October 12, 2025, instead of April 1, 2020.**
- **Prohibit a business owner or operator from selling an egg for human consumption if the business owner or operator knew or should have known that the egg was produced by an egg-laying hen that was confined in violation of the animal confinement standards, beginning October 12, 2025.**
- **Allow the Department of Agriculture and Rural Development or the Attorney General to bring a civil action to restrain an act or practice in violation of proposed prohibition.**
- **Require the Department, by October 12, 2023, to promulgate rules to implement the proposed provisions.**

The bill would take effect 90 days after its enactment.

Tethering, Confining an Animal

Section 46 of the Act generally prohibits a farm owner or operator from tethering or confining any covered animal on a farm for all or most any day, in a manner that prevents it from lying down, standing up, fully extending its limbs, or turning around freely. ("Covered animal" means a gestating sow, calf raised for veal, or egg-laying hen that is kept on a farm. "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production. "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.)

This prohibition does not apply to a covered animal during any of the following:

- Scientific or agricultural research.
- An examination, testing, individual treatment, or operation for veterinary purposes, by a veterinarian.
- Transportation.
- Rodeo exhibitions, State or county fair exhibitions, 4-H programs, and similar exhibitions.
- Slaughter of the covered animal.
- In the case of a gestating sow, the period beginning seven days before the gestating sow's expected date of giving birth.

Section 46 does not apply to egg-laying hens and gestating sows until April 1, 2020. Under the bill, Section 46 would not apply to egg-laying hens until October 12, 2025; the date for gestating sows would remain the same.

Sale of Eggs from Improperly Confined Hen

The bill would add Section 47 to the Act. The bill states, "The legislature finds that eggs derived from egg-laying hens that are exposed to significant stress may result in deleterious effects on the health, safety, and welfare of consumers, such as increased exposure to disease pathogens, including salmonella, and have negative fiscal impacts on this state."

To protect the health, safety, and welfare of consumers in the State, beginning October 12, 2025, the bill would prohibit a business owner or operator from engaging in the sale of any shell egg for human consumption within Michigan if the business owner or operator knew or should have known that the egg was produced by an egg-laying hen that was confined on a farm that was not in compliance with the animal care standards prescribed in Section 46.

It would be a defense to any action to enforce Section 47 that a business owner or operator relied in good faith on a written certification or guarantee by the supplier that a shell egg was not produced by an egg-laying hen that was confined on a farm that was not in compliance with Section 46.

The Department or the Attorney General could bring a civil action to restrain, by temporary or permanent injunction, any act or practice in violation of Section 47. The action could be brought in the district court or circuit court for the county where the defendant resided or conducted business. The court could issue a temporary or permanent injunction and issue other equitable orders or judgments. The criminal penalties provided in Section 44 would not apply to a violation of Section 47. (Section 44 prescribes penalties for violations of the Act, including criminal penalties, civil fines, and administrative sanctions. Except for certain intentional violations of the Act, a person who violates the Act, a rule promulgated under the Act, or a quarantine or movement restriction authorized under the Act is guilty of a misdemeanor, punishable by a minimum fine of \$300 or imprisonment for at least 30 days, or both.)

By October 12, 2023, the Department would have to promulgate rules to implement Section 47, including rules to provide for the collection of fees to recover the costs of administration.

Section 47 would be in addition to, and not in lieu of, any other laws protecting animal welfare, and could not be construed to limit any other State statute protecting the welfare of animals.

MCL 287.746 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would likely have a minimal fiscal impact on the Department of Agriculture and Rural Development (MDARD). It would require MDARD to promulgate rules to implement the bill's provisions, allow the Department to bring a civil action to restrain actions in violation of the bill, and require that the rules provide for the collection of fees to recover the costs of administration.

The bill could have a fiscal impact on the Department of Attorney General; however, the potential costs are indeterminate and dependent on the actual number of civil actions that the Attorney General brought based on the provisions in the bill. It is anticipated that the

number of civil actions would be few and thus the costs could be absorbed within the Department's annual appropriations.

Apart from any impact on the court system, the bill would have no fiscal impact on local government.

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.