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**Judiciary Committee**

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**HB 1745**

**Title:** An act relating to laying hens.

**Brief Description:** Requiring inspections of egg-laying facilities.

**Sponsors:** Representatives Kessler, Romero, Jarrett, Ruderman, Nixon, Clibborn, Rockefeller, Dickerson, Simpson, McDermott, Kenney, Linville and Wood.

**Brief Summary of Bill**

- Provides that a practice that results in the death of a certain number of laying hens at any one time is not an accepted husbandry practice and not exempt from the cruelty to animals law.
- Requires the Director of the Department of Agriculture to establish a program for conducting inspections of facilities in which 100 or more laying hens are kept.

**Hearing Date:** 2/18/03

**Staff:** Edie Adams (786-7180).

**Background:**

The state's law for the prevention of cruelty to animals prohibits certain practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals. In addition, the chapter contains the crime of animal cruelty.

Animal cruelty in the first degree, a class C felony, involves intentionally inflicting substantial pain on, causing physical injury to, or killing an animal by a means that causes undue suffering. Animal cruelty in the second degree is committed when a person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal. An owner may commit this crime by failing to provide necessary, food, water, shelter, rest or medical attention, or by abandoning the animal. Animal cruelty in the second degree is a misdemeanor.

The animal cruelty laws do not apply to accepted husbandry practices that are used in the

commercial raising or slaughtering of livestock or poultry. The United Egg Producers adopts and publishes animal husbandry guidelines for egg-laying flocks. These guidelines contain recommendations on housing and cage allowance, beak trimming, molting, and transportation and handling of laying hens.

The Department of Agriculture (Department) regulates the processing of eggs and egg products. Egg handlers and dealers are required to be licensed and the Department conducts inspections of egg and egg products processing plants. However, there is no licensing or inspection program for the egg-laying facilities where the hens are kept.

Law enforcement agencies and animal care and control agencies may enforce the provisions of the animal cruelty law. An animal control officer may issue a citation based on probable cause but may not execute a search warrant without being accompanied by a law enforcement officer. In addition, the animal control officer may not arrest a person for a violation, but may request a law enforcement officer to make the arrest.

### **Summary of Bill:**

An action or inaction that causes the death at any one time of 3 percent or more of the laying hens in a facility is not an accepted husbandry practice used in the commercial raising of poultry or poultry products, and is not exempt from the animal cruelty laws.

The Director of the Department of Agriculture must establish a program for conducting inspections of egg-laying facilities where 100 or more laying hens are kept. The Director must maintain a list of facilities to be inspected from information the Department receives from egg handler or dealer licenses. Each egg-laying facility must be inspected at least two times per year and the inspections must be unannounced if practicable.

Inspections must be designed to meet two goals: (1) identify instances in which a violation of the animal cruelty laws results in the death of 3 percent or more of the laying hens in a facility at any one time; and (2) conduct testing for salmonella. The Director must develop guidelines for conducting inspections that meet these goals and are designed to limit the transference of disease between egg-laying facilities.

The Department must employ inspectors on an as-needed basis. An inspector may not be a person employed by, affiliated with or a member of a humane society, shelter or animal welfare agency, or an egg farm, producer, supplier, processor or other entity associated with egg production.

Producers must pay an annual inspection fee in an amount determined by the Department to cover the costs of the inspection program. The inspection fee must be assessed in conjunction with the currently imposed egg assessment on egg handlers or dealers.

The Director must report violations that result in an excessive mortality rate of laying hens to the local prosecuting attorney. A statement is made that the Act may not be construed as providing the Director the exclusive authority to investigate violations of the animal cruelty laws regarding laying hens.

**Appropriation:** None.

**Fiscal Note:** Requested on February 12, 2003.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.