

# STATE OF NEW YORK

652

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. ROSENTHAL, BORES -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to providing for cage-free egg production

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds the following:
- 3 a. According to the Pew Commission on Industrial Farm Animal  
4 Production, food animals that are treated well and provided with at  
5 least minimum accommodation of their natural behaviors and physical  
6 needs are healthier and safer for human consumption.
- 7 b. A key finding from the World Health Organization and Food and Agri-  
8 cultural Organization of the United Nations Salmonella Risk Assessment  
9 was that reducing flock prevalence results in a directly proportional  
10 reduction in human health risk.
- 11 c. Egg-laying hens subjected to stress are more likely to have higher  
12 levels of pathogens in their intestines and the conditions increase the  
13 likelihood that consumers will be exposed to higher levels of food-borne  
14 pathogens.
- 15 d. Salmonella is the most commonly diagnosed food-borne illness in the  
16 United States.
- 17 e. It is the intent of the legislature to protect consumers from the  
18 deleterious, health, safety, and welfare effects of the sale and  
19 consumption of eggs derived from egg-laying hens that are exposed to  
20 significant stress and may result in increased exposure to disease  
21 pathogens including salmonella.
- 22 § 2. The agriculture and markets law is amended by adding a new  
23 section 160-f to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 § 160-f. Cage-free egg production. 1. Notwithstanding any other  
2 provision of law:

3 a. A farm owner or operator shall not confine or cause to be confined  
4 an egg-laying hen in an enclosure other than a cage-free housing system.

5 b. No person shall sell or contract to sell a shell egg or liquid egg  
6 for human consumption if the seller knows or should have known that the  
7 shell egg or liquid egg is the product of an egg-laying hen that was  
8 confined in a manner that is inconsistent with the requirements of this  
9 section, regardless of whether the shell egg or liquid egg was produced  
10 in or out of the state.

11 2. This section shall not apply to any of the following:

12 a. Medical research;

13 b. Examination, testing, individual treatment, or operation for veter-  
14 inary purposes by a licensed veterinarian;

15 c. Transportation of an egg-laying hen;

16 d. State or county fair exhibitions and similar exhibitions;

17 e. 4-H programs administered by the National Institute of Food and  
18 Agriculture of the United States department of agriculture and similar  
19 youth programs;

20 f. Slaughter of an egg-laying hen in accordance with applicable laws  
21 and regulations; or

22 g. Temporary periods for animal husbandry purposes of no more than six  
23 hours in any twenty-four-hour period, and no more than twenty-four hours  
24 in any thirty-day period.

25 3. For purposes of this section:

26 a. "Cage-free housing system" means an indoor or outdoor controlled  
27 environment for an egg-laying hen within which:

28 (i) An egg-laying hen is free to roam unrestricted except by exterior  
29 walls;

30 (ii) An egg-laying hen is provided with, at a minimum, the amount of  
31 usable floor space per hen required by the two thousand seventeen  
32 edition of the united egg producers' animal husbandry guidelines for  
33 United States egg-laying flocks: guidelines for cage-free production, or  
34 a subsequent version of such guidelines recognized by the department in  
35 a rule or regulation which provides equal or more usable floor space per  
36 egg-laying hen.

37 (iii) An egg-laying hen is provided enrichments that allow a hen to  
38 exhibit natural behaviors, including, at a minimum, a scratch area, a  
39 perch, a nest box, and a dust bathing area;

40 (iv) A farm employee can provide care while standing somewhere within  
41 a hen's usable floor space; and

42 (v) Each egg-laying hen is provided unlimited access to the outdoors  
43 in a safe and secure environment that prevents access to predators.

44 b. "Commercial farm" means the land, building, and support facilities  
45 that are used for the commercial production of eggs intended for human  
46 consumption.

47 c. "Egg-laying hen" means a female domesticated chicken, turkey, duck,  
48 goose, or guinea fowl kept for the purpose of egg production.

49 d. "Farm owner or operator" means any person who owns or controls the  
50 operation of a commercial farm.

51 e. "Liquid egg" means an egg of an egg-laying hen broken from the  
52 shells that is intended for human consumption, with the yolks and whites  
53 in their natural proportions, or with the yolks and whites separated,  
54 mixed, or mixed and strained. Liquid eggs do not include combination  
55 food products, including pancake mixes, cake mixes, cookies, pizzas,  
56 cookie dough, ice cream, or similar processed or prepared food products

1 that are comprised of more than liquid eggs, sugar, salt, water, season-  
2 ing, coloring, flavoring, preservatives, stabilizers, and similar food  
3 additives.

4 f. "Shell-egg" means a whole egg of an egg-laying hen in its shell  
5 form that is intended for human consumption.

6 g. "Usable floor space" means the total square footage of floor space  
7 provided to each egg-laying hen, calculated by dividing the total square  
8 footage of floor space in an enclosure by the number of hens in that  
9 enclosure and shall include ground space and elevated level or nearly  
10 level platforms to accommodate egg flow upon which a hen can roost but  
11 shall not include any perch or ramp.

12 4. The department shall inspect at reasonable times commercial farms  
13 engaged in the production of eggs for the purpose of enforcing the  
14 provisions of this section.

15 5. The department shall promulgate such rules and regulations as are  
16 necessary and appropriate to carry out the provisions of this section.

17 6. A violation of this section shall be punishable by a civil penalty  
18 of up to five thousand dollars for the first violation and up to twenty-  
19 five thousand dollars for any subsequent violation. Any civil penal-  
20 ties collected pursuant to this section shall be paid to the animal  
21 population control fund established by section ninety-seven-xx of the  
22 state finance law.

23 7. The commissioner may institute such action at law or in equity as  
24 may appear necessary to enforce compliance with any provisions of this  
25 section or of the rules and regulations promulgated thereunder, and, in  
26 addition to any other remedy under article three of this chapter or  
27 otherwise, may apply for relief by injunction without being compelled to  
28 allege or prove that an adequate remedy at law does not exist. Such  
29 application may be made to the supreme court in any district or county  
30 as provided in the civil practice law and rules, or to the supreme court  
31 in the third judicial district.

32 8. Nothing in this section shall be construed to affect any  
33 protections afforded to animals under any other provisions of law or  
34 rules or regulations.

35 9. Nothing in this section shall be construed to prevent any town,  
36 city, village or county in New York state from enacting a local law or  
37 ordinance to provide for the humane treatment of and prevention of  
38 cruelty to animals, provided, however, that no such law shall conflict  
39 with the provisions of this section.

40 § 3. Article 13-A of the agriculture and markets law, is amended by  
41 adding a new article heading to read as follows:

42 SALE OF EGGS

43 § 4. This act shall take effect twenty-four months after it shall have  
44 become a law. Effective immediately, the addition, amendment and/or  
45 repeal of any rule or regulation necessary for the implementation of  
46 this act on its effective date are authorized to be made and completed  
47 on or before such effective date.