

ANIMAL INDUSTRY ACT (EXCERPT)
Act 466 of 1988

***** 287.746.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 19, 2020 *****

287.746.amended Definitions; tether or confinement of farm animal or egg-laying hen; exceptions; violation of section; injunction; construction of section; good faith defense; effective date.

Sec. 46. (1) As used in this section:

- (a) "Business owner" means a person that owns or controls the operations of a business.
- (b) "Cage-free housing system" means an indoor or outdoor controlled environment for egg-laying hens to which all of the 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 production.
- (f) "Enclosure" means a cage, crate, or other structure used to confine a covered animal.
- (g) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber. Farm does not include a live animal market.
- (h) "Farm owner or operator" means a person that owns or controls the operation of a farm.
- (i) "Fully extending its limbs" means fully extending all limbs without touching the side of an enclosure.
- (j) "Gestating sow" means a sow of the porcine species kept for the primary purpose of breeding and confirmed to be pregnant.
- (k) "Multitiered aviary" means a housing system in which hens have unfettered access to multiple elevated platforms that provide the hens with usable floor space both on top of and underneath the platforms.
- (l) "Partially slatted system" means a housing system in which hens have unfettered access to elevated flat platforms under which manure drops through the flooring to a pit or litter removal belt.
- (m) "Person" means an individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (n) "Shell egg" means a whole egg of an egg-laying hen in its shell form that is intended for use as human food.
- (o) "Single-level all-litter floor system" means a housing system bedded with litter in which hens have limited or no access to elevated flat platforms.
- (p) "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.
- (q) "Usable floor space" means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to hens in an enclosure by the number of hens in that enclosure. Usable floor space includes ground space or elevated level flat platforms upon which hens are able to roost, but does not include perches or ramps.

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

- (a) Tether or confine a covered animal on a farm for all or the majority of any day, in a manner that

prevents the covered animal from doing either of the following:

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

(ii) Turning around freely.

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

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

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

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

(a) Scientific or agricultural research.

(b) Examination, testing, individual treatment, or operation for veterinary purposes, by an individual licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

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

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

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

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

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

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

(6) The department or the attorney general may bring a civil action to restrain, by temporary or permanent injunction, any act or practice in violation of this section. The action may be brought in the circuit court for the county where the defendant resides or conducts business. The court may issue a temporary or permanent injunction and issue other equitable orders or judgments. A defense described and made available relating to customary animal husbandry or farming practices involving livestock, under sections 50(12)(f) and 50b(14) of the Michigan penal code, 1931 PA 328, MCL 750.50 and 750.50b, or similar provisions, is not a defense to an action brought for the violation of this section involving a covered animal. In addition, the criminal penalties provided in section 44 are not applicable to a violation of this section.

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

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

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

History: Add. 2009, Act 117, Eff. Mar. 31, 2010;—Am. 2019, Act 132, Eff. Feb. 19, 2020.

Compiler's note: Former MCL 287.746, which pertained to repeal of Act 181 of 1919, MCL 287.1 to 287.26a, was repealed by Act 323 of 2000, Imd. Eff. Oct. 31, 2000.