

113TH CONGRESS  
1ST SESSION

# S. 820

To provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 25, 2013

Mrs. FEINSTEIN (for herself, Ms. STABENOW, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Egg Products Inspec-  
5 tion Act Amendments of 2013”.

6 **SEC. 2. HEN HOUSING AND TREATMENT STANDARDS.**

7 (a) DEFINITIONS.—Section 4 of the Egg Products  
8 Inspection Act (21 U.S.C. 1033) is amended—

9 (1) by redesignating subsection (a) as sub-  
10 section (c);

1           (2) by redesignating subsections (b), (c), (d),  
2           (e), (f), and (g) as subsections (f), (g), (h), (i), (j),  
3           and (k), respectively;

4           (3) by redesignating subsections (h) and (i) as  
5           subsection (n) and (o), respectively;

6           (4) by redesignating subsections (j), (k), and (l)  
7           as subsections (r), (s), and (t), respectively;

8           (5) by redesignating subsections (m), (n), (o),  
9           (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), and (z)  
10          as subsections (v), (w), (x), (y), (z), (aa), (bb), (cc),  
11          (dd), (ee), (ff), (gg), (hh), and (ii), respectively;

12          (6) by inserting before subsection (c), as redesi-  
13          gnated by paragraph (1), the following new sub-  
14          sections:

15          “(a) The term ‘adequate environmental enrichments’  
16          means adequate perch space, dust bathing or scratching  
17          areas, and nest space, as defined by the Secretary of Agri-  
18          culture, based on the best available science, including the  
19          most recent studies available at the time that the Sec-  
20          retary defines the term.

21          “(b) The term ‘adequate housing-related labeling’  
22          means a conspicuous, legible marking on the front or top  
23          of a package of eggs accurately indicating the type of  
24          housing that the egg-laying hens were provided during egg  
25          production, in 1 of the following formats:

1           “(1) ‘Eggs from free-range hens’ to indicate  
2           that the egg-laying hens from which the eggs or egg  
3           products were derived were, during egg production—

4                       “(A) not housed in caging devices; and

5                       “(B) provided with outdoor access.

6           “(2) ‘Eggs from cage-free hens’ to indicate that  
7           the egg-laying hens from which the eggs or egg  
8           products were derived were, during egg production,  
9           not housed in caging devices.

10           “(3) ‘Eggs from enriched cages’ to indicate that  
11           the egg-laying hens from which the eggs or egg  
12           products were derived were, during egg production,  
13           housed in caging devices that—

14                       “(A) contain adequate environmental en-  
15                       richments; and

16                       “(B) provide the hens a minimum of 116  
17                       square inches of individual floor space per  
18                       brown hen and 101 square inches of individual  
19                       floor space per white hen.

20           “(4) ‘Eggs from caged hens’ to indicate that  
21           the egg-laying hens from which the eggs or egg  
22           products were derived were, during egg production,  
23           housed in caging devices that either—

24                       “(A) do not contain adequate environ-  
25                       mental enrichments; or

1           “(B) do not provide the hens a minimum  
2           of 116 square inches of individual floor space  
3           per brown hen and 101 square inches of indi-  
4           vidual floor space per white hen.”;

5           (7) by inserting after subsection (e), as redesign-  
6           nated by paragraph (1), the following new sub-  
7           sections:

8           “(d) The term ‘brown hen’ means a brown egg-laying  
9           hen used for commercial egg production.

10          “(e) The term ‘caging device’ means any cage, enclo-  
11          sure, or other device used for the housing of egg-laying  
12          hens for the production of eggs in commerce, but does not  
13          include an open barn or other fixed structure without in-  
14          ternal caging devices.”;

15          (8) by inserting after subsection (k), as redesign-  
16          nated by paragraph (2), the following new sub-  
17          sections:

18          “(l) The term ‘egg-laying hen’ means any female do-  
19          mesticated chicken, including white hens and brown hens,  
20          used for the commercial production of eggs for human  
21          consumption.

22          “(m) The term ‘existing caging device’ means any  
23          caging device that was continuously in use for the produc-  
24          tion of eggs in commerce up through and including De-  
25          cember 31, 2011.”;

1           (9) by inserting after subsection (o), as redesign-  
2           nated by paragraph (3), the following new sub-  
3           sections:

4           “(p) The term ‘feed-withdrawal molting’ means the  
5           practice of preventing food intake for the purpose of in-  
6           ducing egg-laying hens to molt.

7           “(q) The term ‘individual floor space’ means the  
8           amount of total floor space in a caging device available  
9           to each egg-laying hen in the device, which is calculated  
10          by measuring the total floor space of the caging device  
11          and dividing by the total number of egg-laying hens in  
12          the device.”;

13          (10) by inserting after subsection (t), as redesign-  
14          ignated by paragraph (4), the following new sub-  
15          section:

16          “(u) The term ‘new caging device’ means any caging  
17          device that was not continuously in use for the production  
18          of eggs in commerce on or before December 31, 2011.”;  
19          and

20          (11) by inserting at the end the following new  
21          subsections:

22          “(jj) The term ‘water-withdrawal molting’ means the  
23          practice of preventing water intake for the purpose of in-  
24          ducing egg-laying hens to molt.

1 “(kk) The term ‘white hen’ means a white egg-laying  
2 hen used for commercial egg production.”.

3 (b) HOUSING AND TREATMENT OF EGG-LAYING  
4 HENS.—The Egg Products Inspection Act (21 U.S.C.  
5 1031 et seq.) is amended by inserting after section 7 (21  
6 U.S.C. 1036) the following new sections:

7 **“SEC. 7A. HOUSING AND TREATMENT OF EGG-LAYING**  
8 **HENS.**

9 “(a) ENVIRONMENTAL ENRICHMENTS.—

10 “(1) EXISTING CAGING DEVICES.—Beginning  
11 15 years after the date of enactment of the Egg  
12 Products Inspection Act Amendments of 2013, all  
13 existing caging devices shall provide egg-laying hens  
14 housed therein adequate environmental enrichments.

15 “(2) NEW CAGING DEVICES.—Beginning 9  
16 years after the date of enactment of the Egg Prod-  
17 ucts Inspection Act Amendments of 2013, all new  
18 caging devices shall provide egg-laying hens housed  
19 therein adequate environmental enrichments.

20 “(3) CAGING DEVICES IN CALIFORNIA.—

21 “(A) NEW CAGING DEVICES.—All caging  
22 devices in California installed after the date of  
23 enactment of the Egg Products Inspection Act  
24 Amendments of 2013 shall provide egg-laying  
25 hens housed therein adequate environmental en-

1           richments beginning 3 months after that date  
2           of enactment.

3           “(B) EXISTING CAGING DEVICES.—All cag-  
4           ing devices in California installed before the  
5           date of enactment of the Egg Products Inspec-  
6           tion Act Amendments of 2013 shall provide  
7           egg-laying hens housed therein adequate envi-  
8           ronmental enrichments beginning January 1,  
9           2024.

10          “(b) FLOOR SPACE.—

11           “(1) EXISTING CAGING DEVICES.—All existing  
12           cages devices shall provide egg-laying hens housed  
13           therein—

14           “(A) beginning 4 years after the date of  
15           enactment of the Egg Products Inspection Act  
16           Amendments of 2013 and until the date that is  
17           15 years after the date of enactment of the Egg  
18           Products Inspection Act Amendments of 2013,  
19           a minimum of 76 square inches of individual  
20           floor space per brown hen and 67 square inches  
21           of individual floor space per white hen; and

22           “(B) beginning 15 years after the date of  
23           enactment of the Egg Products Inspection Act  
24           Amendments of 2013, a minimum of 144  
25           square inches of individual floor space per

1 brown hen and 124 square inches of individual  
2 floor space per white hen.

3 “(2) NEW CAGING DEVICES.—All new caging  
4 devices shall provide egg-laying hens housed there-  
5 in—

6 “(A) beginning 3 years after the date of  
7 enactment of the Egg Products Inspection Act  
8 Amendments of 2013 and until the date that is  
9 6 years after the date of enactment of the Egg  
10 Products Inspection Act Amendments of 2013,  
11 a minimum of 90 square inches of individual  
12 floor space per brown hen and 78 square inches  
13 of individual floor space per white hen;

14 “(B) beginning 6 years after the date of  
15 enactment of the Egg Products Inspection Act  
16 Amendments of 2013 and until the date that is  
17 9 years after the date of enactment of the Egg  
18 Products Inspection Act Amendments of 2013,  
19 a minimum of 102 square inches of individual  
20 floor space per brown hen and 90 square inches  
21 of individual floor space per white hen;

22 “(C) beginning 9 years after the date of  
23 enactment of the Egg Products Inspection Act  
24 Amendments of 2013 and until the date that is  
25 12 years after the date of enactment of the Egg

1 Products Inspection Act Amendments of 2013,  
2 a minimum of 116 square inches of individual  
3 floor space per brown hen and 101 square  
4 inches of individual floor space per white hen;

5 “(D) beginning 12 years after the date of  
6 enactment of the Egg Products Inspection Act  
7 Amendments of 2013 and until the date that is  
8 15 years after the date of enactment of the Egg  
9 Products Inspection Act Amendments of 2013,  
10 a minimum of 130 square inches of individual  
11 floor space per brown hen and 113 square  
12 inches of individual floor space per white hen;  
13 and

14 “(E) beginning 15 years after the date of  
15 enactment of the Egg Products Inspection Act  
16 Amendments of 2013, a minimum of 144  
17 square inches of individual floor space per  
18 brown hen and 124 square inches of individual  
19 floor space per white hen.

20 “(3) CALIFORNIA CAGING DEVICES.—

21 “(A) EXISTING CAGING DEVICES.—All cag-  
22 ing devices in California installed before the  
23 date of enactment of the Egg Products Inspec-  
24 tion Act Amendments of 2013 shall provide  
25 egg-laying hens housed therein—

1           “(i) beginning January 1, 2015, and  
2           through December 31, 2023, a minimum  
3           of 134 square inches of individual floor  
4           space per brown hen and 116 square  
5           inches of individual floor space per white  
6           hen; and

7           “(ii) beginning January 1, 2024, a  
8           minimum of 144 square inches of indi-  
9           vidual floor space per brown hen and 124  
10          square inches of individual floor space per  
11          white hen.

12          “(B) NEW CAGING DEVICES.—All caging  
13          devices in California installed after the date of  
14          enactment of the Egg Products Inspection Act  
15          Amendments of 2013 shall provide egg-laying  
16          hens housed therein—

17                 “(i) beginning 3 months after the date  
18                 of enactment of the Egg Products Inspec-  
19                 tion Act Amendments of 2013, and  
20                 through December 31, 2023, a minimum  
21                 of 134 square inches of individual floor  
22                 space per brown hen and 116 square  
23                 inches of individual floor space per white  
24                 hen; and

1           “(ii) beginning January 1, 2024, a  
2           minimum of 144 square inches of indi-  
3           vidual floor space per brown hen and 124  
4           square inches of individual floor space per  
5           white hen.

6           “(c) AIR QUALITY.—

7           “(1) IN GENERAL.—Beginning 2 years after the  
8           date of enactment of the Egg Products Inspection  
9           Act Amendments of 2013, an egg handler shall pro-  
10          vide all egg-laying hens under his ownership or con-  
11          trol with acceptable air quality, which does not ex-  
12          ceed more than 25 parts per million of ammonia  
13          during normal operations.

14          “(2) TEMPORARY EXCESS AMMONIA LEVELS AL-  
15          LOWED.—Notwithstanding paragraph (1), an egg  
16          handler may provide egg-laying hens under the own-  
17          ership or control of such handler with air quality  
18          containing more than 25 parts per million of ammo-  
19          nia for temporary periods as necessary because of  
20          extraordinary weather circumstances or other un-  
21          usual circumstances.

22          “(d) FORCED MOLTING.—Beginning 2 years after  
23          the date of enactment of the Egg Products Inspection Act  
24          Amendments of 2013, no egg handler may subject any

1 egg-laying hen under his ownership or control to feed-  
2 withdrawal or water-withdrawal molting.

3 “(e) EUTHANASIA.—Beginning 2 years after the date  
4 of enactment of the Egg Products Inspection Act Amend-  
5 ments of 2013, an egg handler shall provide, when nec-  
6 essary, all egg-laying hens under his ownership or control  
7 with euthanasia that is humane and uses a method  
8 deemed ‘Acceptable’ by the American Veterinary Medical  
9 Association.

10 “(f) PROHIBITION ON NEW UNENRICHABLE  
11 CAGES.—No person shall build, construct, implement, or  
12 place into operation any new caging device for the produc-  
13 tion of eggs to be sold in commerce unless the device—

14 “(1) provides the egg-laying hens to be con-  
15 tained therein a minimum of 76 square inches of in-  
16 dividual floor space per brown hen or 67 square  
17 inches of individual floor space per white hen; and

18 “(2) is capable of being adapted to accommo-  
19 date adequate environmental enrichments.

20 “(g) EXEMPTIONS.—

21 “(1) RECENTLY-INSTALLED EXISTING CAGING  
22 DEVICES.—The requirements under subsections  
23 (a)(1) and (b)(1)(B) shall not apply to any existing  
24 caging device that was first placed into operation be-  
25 tween January 1, 2008, and December 31, 2011.

1 This exemption shall expire on December 31, 2029,  
2 at which time the requirements contained in sub-  
3 sections (a)(1) and (b)(1)(B) shall apply to all exist-  
4 ing caging devices.

5 “(2) HENS ALREADY IN PRODUCTION.—The re-  
6 quirements under subsections (a)(1), (a)(2),  
7 (b)(1)(B), and (b)(2) shall not apply to any caging  
8 device containing egg-laying hens who are already in  
9 egg production on the date that such requirement  
10 takes effect. This exemption shall expire on the date  
11 that such egg-laying hens are removed from egg pro-  
12 duction.

13 “(3) SMALL PRODUCERS.—This section shall  
14 not apply to an egg handler who buys, sells, handles,  
15 or processes eggs or egg products solely from 1 flock  
16 of not more than 3,000 egg-laying hens.

17 “(4) EDUCATIONAL AND RESEARCH INSTITU-  
18 TIONS.—The provisions of this section related to  
19 housing, treatment, or housing-related labeling shall  
20 not apply to egg production at an accredited edu-  
21 cational or research institution, or to the purchase,  
22 sale, handling, or processing of eggs or egg products  
23 in connection with such production.

24 “(5) INDIVIDUAL ENCLOSURES.—The environ-  
25 mental enrichment requirements under subsection

1 (a) shall not apply to any caging device that con-  
2 tains only 1 egg-laying hen.

3 “(6) OTHER LIVESTOCK OR POULTRY PRODUC-  
4 TION.—This section shall apply only to commercial  
5 egg production. This section shall not apply to the  
6 production of pork, beef, turkey, dairy, broiler chick-  
7 en, veal, or other livestock or poultry.

8 **“SEC. 7B. PHASE-IN CONVERSION REQUIREMENTS.**

9 “(a) NATIONAL CONVERSION REQUIREMENTS.—

10 “(1) FIRST CONVERSION PHASE.—Beginning 6  
11 years after the date of enactment of the Egg Prod-  
12 ucts Inspection Act Amendments of 2013, at least  
13 25 percent of the egg-laying hens in commercial egg  
14 production shall be housed either in new caging de-  
15 vices or in existing caging devices that provide the  
16 hens contained therein with a minimum of 102  
17 square inches of individual floor space per brown  
18 hen and 90 square inches of individual floor space  
19 per white hen.

20 “(2) SECOND CONVERSION PHASE.—Beginning  
21 12 years after the date of enactment of the Egg  
22 Products Inspection Act Amendments of 2013, at  
23 least 55 percent of the egg-laying hens in commer-  
24 cial egg production shall be housed either in new  
25 caging devices or in existing caging devices that pro-

1       vide the hens contained therein with a minimum of  
2       130 square inches of individual floor space per  
3       brown hen and 113 square inches of individual floor  
4       space per white hen.

5           “(3) FINAL CONVERSION PHASE.—Beginning  
6       December 31, 2029, all egg-laying hens confined in  
7       caging devices shall be provided adequate environ-  
8       mental enrichments and a minimum of 144 square  
9       inches of individual floor space per brown hen and  
10      124 square inches of individual floor space per white  
11      hen.

12      “(b) CALIFORNIA CONVERSION REQUIREMENTS.—

13           “(1) FIRST CONVERSION PHASE.—Beginning 2  
14      years and 6 months after the date of enactment of  
15      the Egg Products Inspection Act Amendments of  
16      2013, at least 25 percent of the egg-laying hens in  
17      commercial egg production in California shall be  
18      provided adequate environmental enrichments and a  
19      minimum of 134 square inches of individual floor  
20      space per brown hen and 116 square inches of indi-  
21      vidual floor space per white hen.

22           “(2) SECOND CONVERSION PHASE.—Beginning  
23      5 years after the date of enactment of the Egg  
24      Products Inspection Act Amendments of 2013, at  
25      least 50 percent of the egg-laying hens in commer-

1 cial egg production in California shall be provided  
2 adequate environmental enrichments and a minimum  
3 of 134 square inches of individual floor space per  
4 brown hen and 116 square inches of individual floor  
5 space per white hen.

6 “(3) THIRD CONVERSION PHASE.—Beginning 7  
7 years and 6 months after the date of enactment of  
8 the Egg Products Inspection Act Amendments of  
9 2013, at least 75 percent of the egg-laying hens in  
10 commercial egg production in California shall be  
11 provided adequate environmental enrichments and a  
12 minimum of 134 square inches of individual floor  
13 space per brown hen and 116 square inches of indi-  
14 vidual floor space per white hen.

15 “(4) FINAL CONVERSION PHASE.—Beginning  
16 10 years after the date of enactment of the Egg  
17 Products Inspection Act Amendments of 2013, all  
18 egg-laying hens in commercial egg production in  
19 California shall be provided adequate environmental  
20 enrichments and a minimum of 144 square inches of  
21 individual floor space per brown hen and 124 square  
22 inches of individual floor space per white hens.

23 “(c) COMPLIANCE.—

24 “(1) IN GENERAL.—At the end of 6 years after  
25 the date of enactment of the Egg Products Inspec-

1 tion Act Amendments of 2013, the Secretary shall  
2 determine, after having reviewed and analyzed the  
3 results of an independent, national survey of caging  
4 devices, whether—

5 “(A) the requirements of subsection (a)(1)

6 have been met; and

7 “(B) the requirements of subsection (b)(2)

8 have been met.

9 “(2) REQUIREMENTS MET.—If the Secretary  
10 finds that the requirements of subsection (a)(1) have  
11 not been met, then beginning January 1, 2020, the  
12 floor space requirements (irrespective of the date  
13 such requirements expire) related to new caging de-  
14 vices contained in subsection (b)(2)(B) of section 7A  
15 shall apply to existing caging devices placed into op-  
16 eration prior to January 1, 1995.

17 “(3) REQUIREMENTS NOT MET.—If the Sec-  
18 retary finds that the requirements of subsection  
19 (b)(2) have not been met, then beginning 1 year  
20 from the date of the Secretary’s finding, the floor  
21 space and enrichments requirements (irrespective of  
22 the date such requirements come into force) con-  
23 tained in subsection (a)(3)(A) and subsection  
24 (b)(3)(B)(ii) of section 7A shall apply to all caging  
25 devices in California.

1           “(4) REPORT.—At the end of 12 years after the  
2           date of enactment of the Egg Products Inspection  
3           Act Amendments of 2013, and again after December  
4           31, 2029, the Secretary shall submit to the Com-  
5           mittee on Agriculture of the House of Representa-  
6           tives and the Committee on Agriculture, Nutrition,  
7           and Forestry of the Senate a report on compliance  
8           with subsections (a) and (b).

9           “(5) RELATIONSHIP TO OTHER LAW.—Notwith-  
10          standing section 12, the remedies provided in this  
11          subsection shall be the exclusive remedies for viola-  
12          tions of this section.”.

13          (c) INSPECTIONS.—Section 5 of the Egg Products In-  
14          spection Act (21 U.S.C. 1034) is amended—

15                 (1) in subsection (d), in the first sentence, by  
16                 inserting “(other than requirements with respect to  
17                 housing, treatment, and housing-related labeling)”  
18                 after “as he deems appropriate to assure compliance  
19                 with such requirements”; and

20                 (2) in subsection (e)—

21                         (A) in paragraph (1)—

22                                 (i) in subparagraph (A), by striking  
23                                 “and”;

24                                 (ii) by redesignating subparagraph  
25                                 (B) as subparagraph (C);

1 (iii) by inserting after subparagraph

2 (A) the following new subparagraph:

3 “(B) are derived from egg-laying hens  
4 housed and treated in compliance with section  
5 7A; and”; and

6 (iv) in subparagraph (C), as redesign-  
7 nated by clause (ii), by inserting “adequate  
8 housing-related labeling and” after “con-  
9 tain”;

10 (B) in paragraph (2), by striking “In the  
11 case of a shell egg packer” and inserting “In  
12 the cases of an egg handler with a flock of more  
13 than 3,000 egg-laying hens and a shell egg  
14 packer”;

15 (C) in paragraph (3), by inserting “(other  
16 than requirements with respect to housing,  
17 treatment, and housing-related labeling)” after  
18 “to ensure compliance with the requirements of  
19 paragraph (1)”; and

20 (D) in paragraph (4), by striking “with a  
21 flock of not more than 3,000 layers.” and in-  
22 serting “who buys, sells, handles, or processes  
23 eggs or egg products solely from 1 flock of not  
24 more than 3,000 egg-laying hens.”.

1 (d) LABELING.—Section 7(a) of the Egg Products  
 2 Inspection Act of 1970 (21 U.S.C. 1036(a)) is amended  
 3 by inserting “adequate housing-related labeling,” after  
 4 “plant where the products were processed,”.

5 (e) LIMITATION ON EXEMPTIONS BY SECRETARY.—  
 6 Section 15(a) of the Egg Products Inspection Act of 1970  
 7 (21 U.S.C. 1044(a)) is amended in the matter preceding  
 8 paragraph (1) by inserting “(not including subsection (c)  
 9 of section 8)” after “exempt from specific provisions”.

10 (f) IMPORTS.—Section 17(a)(2) of the Egg Products  
 11 Inspection Act of 1970 (21 U.S.C. 1046(a)(2)) is amended  
 12 by striking “subdivision thereof and are labeled and pack-  
 13 aged” and inserting “subdivision thereof; and no eggs or  
 14 egg products capable of use as human food shall be im-  
 15 ported into the United States unless they are produced,  
 16 labeled, and packaged”.

17 **SEC. 3. ENFORCEMENT OF HEN HOUSING AND TREATMENT**  
 18 **STANDARDS.**

19 Section 8 of the Egg Products Inspection Act (21  
 20 U.S.C. 1037) is amended—

21 (1) by redesignating subsections (c), (d), (e),  
 22 and (f) as subsections (d), (e), (f), and (g), respec-  
 23 tively;

24 (2) by inserting after subsection (b) the fol-  
 25 lowing new subsection:

1       “(c)(1) No person shall buy, sell, or transport, or  
2 offer to buy or sell, or offer or receive for transportation,  
3 in any business or commerce any eggs or egg products  
4 derived from egg-laying hens housed or treated in violation  
5 of any provision of section 7A.

6       “(2) No person shall buy, sell, or transport, or offer  
7 to buy or sell, or offer or receive for transportation, in  
8 any business or commerce any eggs or egg products de-  
9 rived from egg-laying hens unless the container or pack-  
10 age, including any immediate container, of the eggs or egg  
11 products, beginning 1 year after the date of enactment  
12 of the Egg Products Inspection Act Amendments of 2013,  
13 contains adequate housing-related labeling.

14       “(3) No person shall buy, sell, or transport, or offer  
15 to buy or sell, or offer or receive for transportation, in  
16 any business or commerce, in California, any eggs or egg  
17 products derived from egg-laying hens unless the egg-lay-  
18 ing hens are provided floor space and enrichments equiva-  
19 lent to that required under subsections (a)(3) and (b)(3)  
20 of section 7A of this Act regardless of where the eggs are  
21 produced.”; and

22               (3) in subsection (e) (as redesignated by para-  
23 graph (1)) , in the matter preceding paragraph (1),  
24 by inserting “7A,” after “section”.

1 **SEC. 4. STATE AND LOCAL AUTHORITY.**

2 Section 23 of the Egg Products Inspection Act (21  
3 U.S.C. 1052) is amended—

4 (a) by redesignating subsections (c) and (d) as sub-  
5 sections (d) and (e), respectively;

6 (b) by inserting after subsection (b) the following new  
7 subsection:

8 “(c) PROHIBITION AGAINST ADDITIONAL OR DIF-  
9 FERENT REQUIREMENTS THAN FEDERAL REQUIRE-  
10 MENTS RELATED TO MINIMUM SPACE ALLOTMENTS FOR  
11 HOUSING EGG-LAYING HENS IN COMMERCIAL EGG PRO-  
12 DUCTION.—Requirements within the scope of this Act  
13 with respect to minimum floor space allotments or enrich-  
14 ments for egg-laying hens housed in commercial egg pro-  
15 duction which are in addition to or different than those  
16 made under this Act may not be imposed by any State  
17 or local jurisdiction. Otherwise the provisions of this Act  
18 shall not invalidate any law or other provisions of any  
19 State or other jurisdiction in the absence of a conflict with  
20 this Act.”; and

21 (c) by inserting after subsection (e) (as redesignated  
22 by subsection (a)) the following new subsection:

23 “(f) ROLE OF CALIFORNIA DEPARTMENT OF FOOD  
24 AND AGRICULTURE.—With respect to eggs produced,  
25 shipped, handled, transported, or received in California  
26 prior to the date that is 15 years after the date of enact-

1 ment of the Egg Products Inspection Act Amendments of  
2 2013, the Secretary shall delegate to the California De-  
3 partment of Food and Agriculture the authority to enforce  
4 sections 7A(a)(3), 7A(b)(3), 8(c)(3), and 11.”.

5 **SEC. 5. EFFECTIVE DATE.**

6 This Act shall take effect on the date of enactment  
7 of this Act.

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