

1 AN ACT in relation to egg-laying hens.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Safe Egg Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Illinois Department of
8 Agriculture.

9 "Forced molting procedure" means the deliberate
10 withholding of nutritive food or water from a laying hen in
11 order to induce a loss and regrowth of feathers for the
12 purpose of increasing or extending egg production. The term
13 does not include withholding food or water from a laying hen
14 upon the advice of a veterinarian for the purpose of treating
15 disease or otherwise improving the health of the laying hen.

16 "Laying hen" means a female chicken kept for the purpose
17 of commercial egg production.

18 Section 10. Legislative findings; public policy.

19 (a) The General Assembly finds that:

20 (1) The forced molting procedure used by some
21 commercial egg producers is inherently inhumane. It
22 results in unnecessary cruelty to laying hens and
23 contributes to the production of unsanitary and
24 disease-containing eggs.

25 (2) Forced molting procedures are used to increase
26 and extend egg production. The most common procedure is
27 to remove all food (and in some cases all water) from the
28 hens for 10 to 14 days; this disrupts their normal
29 hormone cycles, causing them to molt or lose their
30 feathers. Although this process results in an extension

1 of a hen's ability to lay eggs, it also produces stress
2 and immune system compromise, which increases the
3 likelihood and severity of bacterial infection
4 (especially Salmonella enteritidis) and other disease in
5 both the hen and her eggs. Force-molted hens are far
6 more susceptible to infection than unmolted laying hens.
7 Forced molting in close-confinement battery cages makes
8 the spread of infection even more severe and practically
9 inevitable.

10 (3) Contaminated eggs are a leading source of
11 Salmonella enteritidis infection in people. According to
12 Consumers Union, the publisher of Consumer Reports, as
13 many as 4,000,000 human illnesses and up to 1000 deaths
14 occur each year as a result of Salmonella enteritidis.
15 The use of forced molting and close-confinement cages is
16 a major contributor to Salmonella enteritidis infection
17 in both poultry and eggs. Countries and facilities where
18 the use of forced molting and close-confinement cages has
19 been reduced have experienced dramatic reductions in
20 Salmonella levels in both laying hens and eggs.

21 (4) The USDA's Food Safety and Inspection Service
22 has encouraged egg producers to eliminate forced molting
23 practices because of the risks to public health resulting
24 from Salmonella infection. Consumers Union has expressed
25 its opposition to forced molting for public health
26 reasons, and many other countries and organizations
27 throughout the world oppose the use of forced molting
28 procedures and close-confinement cages on both public
29 health and humanitarian grounds.

30 (5) McDonald's, Burger King, and Wendy's
31 International ban the purchase of eggs from force-molted
32 hens. The National Council of Chain Restaurants and the
33 Food Marketing Institute are considering recommending
34 that their members refrain from purchasing eggs from

1 force-molted hens. Canada and countries of the European
2 Union have banned forced molting. There is now
3 widespread recognition that forced molting results in a
4 significant health risk to humans as well as grossly
5 inhumane treatment of hens.

6 (b) The General Assembly declares that it is the public
7 policy of this State to encourage the production of eggs in a
8 manner that provides appropriate and humane treatment of
9 laying hens and results in the production of sanitary and
10 disease-free eggs.

11 Section 15. Forced molting procedures prohibited.

12 (a) Beginning January 1, 2003, a person engaged in
13 commercial egg production in this State shall not subject a
14 laying hen to any forced molting procedure.

15 (b) Knowing violation of this Section is a Class A
16 misdemeanor.

17 (c) In addition to criminal penalties, a person who
18 violates this Section may be subject to administrative
19 penalties imposed by the Department, which may include a
20 civil penalty of up to \$1 for each laying hen subjected to a
21 forced molting procedure.

22 Section 20. Powers of the Department. The Department
23 has all powers necessary or appropriate for the
24 administration and enforcement of this Act, including without
25 limitation the power:

26 (1) to adopt rules (including emergency rules) for
27 the administration and enforcement of this Act,

28 (2) to investigate any alleged or suspected
29 violation of this Act,

30 (3) to enter and inspect any commercial egg
31 production facility in this State,

32 (4) to use certified volunteer humane investigators

1 similar to those used to enforce the Humane Care for
2 Animals Act,

3 (5) to impose civil penalties after giving notice
4 and an opportunity for a hearing, and

5 (6) pursuant to a valid court order, to seize,
6 remove, or destroy any equipment used in violation of
7 this Act.

8 Section 25. Complaint; investigation; action.

9 (a) Any person may complain to the Department about an
10 apparent or threatened violation of this Act or a rule
11 adopted under this Act. The Department shall investigate the
12 complaint and shall report the result of its investigation to
13 the complainant.

14 (b) If it determines that a violation of this Act or a
15 rule adopted under this Act is threatened or has occurred,
16 the Department shall take appropriate administrative or other
17 action to correct, restrain, or prevent the violation.

18 (c) The Department shall notify the appropriate State's
19 Attorney whenever it determines or suspects that a
20 significant violation of Section 15 has occurred.

21 Section 30. Enforcement; injunction; nuisance.

22 (a) The Department may bring an action in the circuit
23 court of any county in which an actual or threatened
24 violation of this Act or of a rule adopted under this Act
25 occurs, for the purpose of:

26 (1) seeking an order restraining any continuing or
27 threatened violation of this Act or of a rule adopted
28 under this Act,

29 (2) seeking an order condemning as a public
30 nuisance and directing the seizure, removal, or
31 destruction of any equipment used in violation of this
32 Act or of a rule adopted under this Act, or

1 (3) collecting any civil penalties lawfully imposed
2 under this Act.

3 (b) Any other person may bring an action in the circuit
4 court of any county in which an apparent or threatened
5 violation of this Act or a rule adopted under this Act
6 occurs, for the purpose of seeking an order restraining that
7 violation. In an action brought under this subsection, the
8 court may award reasonable attorney's fees and costs to the
9 prevailing party.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.